Sleep Deductions and Domestic Workers

1. **If I work a 24 hour shift, am I entitled to be paid for the full 24 hours?**

   Yes, if you are required to remain on the jobsite and under the control of the employer. If you are required to respond to the consumer’s needs around the clock, prohibited from leaving the premises, and cannot leave the consumer unattended or alone, then you are under the control of the employer.

2. **Has this always been the law?**

   Yes. In January 2015, the California Supreme Court in *Mendiola v. CPS Security Solutions, Inc.* clarified that this was the law. The court ruled that on-call employees required to spend time at their worksites and under the employer’s control are entitled to compensation for all hours, including sleep time.

3. **What is the Mendiola v. CPS Security Solutions, Inc. case about?**

   This is a case about security guards who were not paid for their on-call time. The guards were required to spend their on-call time at the jobsite. They were required to investigate in uniform all alarm sounds, or any noise, motion or other activity they heard during their on-call time. They had to stay vigilant and not consume alcohol. They were not allowed to have pets, children or adult visitors. Most importantly, the guards had to ask their employer for permission to leave.

4. **How does this case apply to domestic workers?**

   The definition of “hours worked” in the security guards case is the same definition that is in Wage Order 15 which applies to domestic workers. The court decided that unless the wage order specifically allows for deduction of sleep time, sleep time cannot be excluded from hours worked for 24-hour shift workers.

5. **Does Wage Order 15 allow employers to deduct time spent sleeping?**

   No. Wage Order 15 has no provision to exclude sleep time from hours worked.