Civil Rights Department
STATE OF CALIFORNIA

CALIFORNIA LAW PROHIBITS WORKPLACE DISCRIMINATION & HARASSMENT

The California Civil Rights Department (CRD) enforces laws that protect you from illegal discrimination and harassment in employment based on your actual or perceived:

- **ANCESTRY**
- **AGE** (40 and above)
- **COLOR**
- **DISABILITY** (physical, developmental, mental health/psychiatric, HIV and AIDS)
- **GENETIC INFORMATION**
- **GENDER EXPRESSION**
- **GENDER IDENTITY**
- **MARITAL STATUS**
- **MEDICAL CONDITION** (genetic characteristics, cancer, or a record or history of cancer)
- **MILITARY OR VETERAN STATUS**
- **NATIONAL ORIGIN** (includes language restrictions and possession of a driver's license issued to undocumented immigrants)
- **RACE** (includes hair texture and hairstyles)
- **RELIGION** (includes religious dress and grooming practices)
- **REPRODUCTIVE HEALTH DECISIONMAKING**
- **SEX/GENDER** (includes pregnancy, childbirth, breastfeeding and/or related medical conditions)
- **SEXUAL ORIENTATION**

CALIFORNIA LAW PROHIBITS WORKPLACE DISCRIMINATION & HARASSMENT

Civil Rights Department
STATE OF CALIFORNIA

THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT AND ITS IMPLEMENTING REGULATIONS PROTECT CIVIL RIGHTS AT WORK.

HARASSMENT

1. The law prohibits harassment of employees, applicants, unpaid interns, volunteers, and independent contractors by any person. This includes a prohibition against harassment based on any characteristic listed above, such as sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, breastfeeding, and/or related medical conditions.
2. All employers are required to take reasonable steps to prevent all forms of harassment, as well as provide information to each of their employees on the nature, illegality, and legal remedies that apply to sexual harassment.
3. Employers with five or more employees and public employers must train their employees regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation.

DISCRIMINATION/REASONABLE ACCOMMODATIONS

1. California law prohibits employers with five or more employees and public employers from discriminating based on any protected characteristic listed above when making decisions about hiring, promotion, pay, benefits, terms of employment, layoffs, and other aspects of employment.
2. Employers cannot limit or prohibit the use of any language in any workplace unless justified by business necessity. The employer must notify employees of the language restriction and consequences for violation.
3. Employers cannot discriminate against an applicant or employee because they possess a California driver's license or ID issued to an undocumented person.
4. Employers must reasonably accommodate the religious beliefs and practices of an employee, unpaid intern, or job applicant, including the wearing or carrying of religious clothing, jewelry or artifacts, and hairstyles, facial hair, or body hair, which are part of an individual's observance of their religious beliefs.
5. Employers must reasonably accommodate an employee or job applicant with a disability to enable them to perform the essential functions of a job.

ADDITIONAL PROTECTIONS

California law offers additional protections to those who work for employers with five or more employees. Some exceptions may apply. These additional protections include:

1. Specific protections and hiring procedures for people with criminal histories who are looking for employment
2. Protections against discrimination based on an employee or job applicant's use of cannabis off the job and away from the workplace
3. Up to 12 weeks of job-protected leave to eligible employees to care for themselves, a family member (child of any age, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling) or a designated person (with blood or family-like relationship to employee); to bond with a new child; or for certain military exigencies
4. Up to five days of job-protected bereavement leave within three months of the death of a family member (child, spouse, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law)
5. Up to four months of job-protected leave to employees disabled because of pregnancy, childbirth, or a related medical condition, as well as the right to reasonable accommodations, on the advice of their health care provider, related to their pregnancy, childbirth, or a related medical condition
6. Up to five days of job-protected leave following a reproductive loss event (failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction)
7. Protections against retaliation when a person opposes, reports, or assists another person to oppose unlawful discrimination, including filing an internal complaint or a complaint with CRD

REMEDIES/FILING A COMPLAINT

1. The law provides remedies for individuals who experience prohibited discrimination, harassment, or retaliation in the workplace. These remedies can include hiring, front pay, back pay, promotion, reinstatement, cease-and-desist orders, expert witness fees, reasonable attorney's fees and costs, punitive damages, and emotional distress damages.
2. If you believe you have experienced discrimination, harassment, or retaliation, you may file a complaint with CRD. Independent contractors and volunteers: If you believe you have been harassed, you may file a complaint with CRD.
3. Complaints must be filed within three years of the last act of discrimination/harassment/retaliation. For those who are under the age of 18, complaints must be filed within three years after the last act of discrimination/harassment/retaliation or one year after their eighteenth birthday, whichever is later.

If you have been subjected to discrimination, harassment, or retaliation at work, file a complaint with the Civil Rights Department (CRD).

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320
California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

The Fair Employment and Housing Act is codified at Government Code sections 12900 -12999. The regulations implementing the Act are at Code of Regulations, title 2, division 4.1

Government Code section 12950 and California Code of Regulations, title 2, section 11023, require all employers to post this document. It must be conspicuously posted in hiring offices, on employee bulletin boards, in employment agency waiting rooms, union halls, and other places employees gather. Any employer whose workforce at any facility or establishment consists of more than 10% of non-English speaking persons must also post this notice in the appropriate language or languages.

For translations of this guidance, visit: www.calcivilrights.ca.gov/posters/required

CRD-E07P-ENG / January 2024

PLEASE POST NEXT TO YOUR IWC INDUSTRY OR OCCUPATION ORDER

Amends General Minimum Wage Order and IWC Industry and Occupation Orders

OFFICIAL NOTICE

California Minimum Wage

MW-2024

Every employer, regardless of the number of employees, shall pay to each employee wages not less than the following:

Effective January 1, 2024 Minimum Wage: $16.00 per hour *See Sec. 2 below

Effective January 1, 2023 Minimum Wage: $15.50 per hour

PREVIOUS YEARS

EFFECTIVE DATE	Employers with 25 or Fewer Employees*	Employers with 26 or More Employees *
January 1, 2022	$14.00	$15.00
January 1, 2021	$13.00	$14.00

*Employees treated as employed by a single qualified taxpayer pursuant to Revenue and Taxation Code section 23626 are treated as employees of that single taxpayer. To employers and representatives of persons working in industries and occupations in the State of California:

SUMMARY OF ACTIONS

TAKE NOTICE that on April 4, 2016, the Governor of California signed legislation passed by the California Legislature, raising the minimum wage for all industries. (SB 3, Stats of 2016, amending section 1182.12. of the California Labor Code.) and, in 2023, raised the minimum wage payable by certain Fast Food Restaurant employers (AB 1228, Stats. 2023) and Healthcare Facility employers (SB 525, Stats. 2023). Pursuant to its authority under Labor Code section 1182.13, the Department of Industrial Relations amends and republishes Sections 2, 3, and 5 of the General Minimum Wage Order, MW-2024. Section 1, Applicability, and Section 4, Separability, have not been changed. Consistent with these enactments, amendments are made to the minimum wage, and the meals and lodging credits sections of all of the IWC's industry and occupation orders.

This summary must be made available to employees in accordance with the IWC's wage orders. Copies of the full text of the amended wage orders may be obtained by downloading online at https://www.dir.ca.gov/iwc/WageOrderIndustries.htm or by contacting your local Division of Labor Standards Enforcement office.

1. APPLICABILITY

The provisions of this Order shall not apply to outside salespersons and individuals who are the parent, spouse, or children of the employer previously contained in this Order and the IWC's industry and occupation orders. Exceptions and modifications provided by statute or in Section 1, Applicability, and in other sections of the IWC's industry and occupation orders may be used where such provisions are enforceable and applicable to the employer.

2. MINIMUM WAGES

Every employer shall pay to each employee wages not less than those stated above, on each effective date, per hour for all hours worked, except the following who shall pay no less than the specified minimum wage to each employee: Fast Food Restaurant employers under Part 4.5.5, of Division 2 of the Labor Code (commencing with Labor Code section 1474), effective April 1, 2024; and Healthcare Facility employers under Labor Code section 1182.14, effective June 1, 2024. Note: A supplement to this order is forthcoming.

3. MEALS AND LODGING CREDITS - TAB LE

When credit for meals or lodging is used to meet part of the employer's minimum wage obligation, the amounts so credited pursuant to a voluntary written agreement may not be more than the following:

EFFECTIVE:	JANUARY 1, 2021		JANUARY 1, 2022		JANUARY 1, 2023	January 1, 2024
For an employer who employs: **LODGING**	**26 or More Employees**	**25 or Fewer Employees**	**26 or More Employees**	**25 or Fewer Employees**	**All Employers regardless of number of Employees**	**All Employers regardless of number of Employees**
Room occupied alone	$65.83 /week	$61.13 /week	$70.53 /week	$65.83 /week	$72.88 /week	$75.23 /week
Room shared	$54.34 /week	$50.46 /week	$58.22 /week	$54.34 /week	$60.16 /week	$62.10 /week
Apartment – two thirds (2/3) of the ordinary rental value, and in no event more than:	$790.67 /month	$734.21 /month	$847.12 /month	$790.67 /month	$875.33 /month	$903.60 /month
Where a couple are both employed by the employer, two thirds (2/3) of the ordinary rental value, and in no event more than:	$1,169.59 /month	$1,086.07 /month	$1,253.10 /month	$1,169.59 /month	$1,294.83 /month	$1,336.65 /month
Breakfast	$5.06	$4.70	$5.42	$5.06	$5.60	$5.78
Lunch	$6.97	$6.47	$7.47	$6.97	$7.72	$7.97
Dinner	$9.35	$8.68	$10.02	$9.35	$10.35	$10.68

Meals or lodging may not be credited against the minimum wage without a voluntary written agreement between the employer and the employee. When credit for meals or lodging is used to meet part of the employer's minimum wage obligation, the amounts so credited may not be more than the amounts stated in the table above.

4. SEPARABILITY

If the application of any provision of this Order, or any section, subsection, subdivision, sentence, clause, phrase, word or portion of this Order should be held invalid, unconstitutional, unauthorized, or prohibited by statute, the remaining provisions thereof shall not be affected thereby, but shall continue to be given full force and effect as if the part so held invalid or unconstitutional had not been included herein.

5. AMENDED PROVISIONS

This Order amends the minimum wage and meals and lodging credits in MW-2023, as well as in the IWC's industry and occupation orders. (See Orders 1-15, Secs. 4 and 10; and Order 16, Secs. 4 and 9.) This Order makes no other changes to the IWC's industry and occupation orders.

These Amendments to the Wage Orders shall be in effect as of January 1, 2024.

Questions about enforcement should be directed to the Labor Commissioner's Office. For the address and telephone number of the office nearest you, information can be found on the internet at www.dir.ca.gov/DLSE/dlse.html or under a search for "California Labor Commissioner's Office" on the internet or any other directory. The Labor Commissioner has offices in the following cities: Bakersfield, El Centro, Fresno, Long Beach, Los Angeles, Oakland, Redding, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Barbara, Santa Rosa, Stockton, and Van Nuys.

UPDATE: COVID-19 Prevention – Non-Emergency Regulation
What Employers Need to Know

January 9, 2024

On January 9, 2024, the California Department of Public Health updated its COVID-19 Isolation Guidance, COVID-19 Testing Guidance, and State Public Health Officer Order. These changes impact Cal/OSHA's COVID-19 Prevention Non-Emergency Standards, in particular with respect to isolation of COVID-19 cases and testing of close contacts. Cal/OSHA's regulations took effect on February 3, 2023, and will remain in effect for two years after the effective date, except for the recordkeeping subsections that will remain in effect for three years.

Note: These regulations apply to most workers in California who are not covered by the **Aerosol Transmissible Diseases standard**.

Important changes to definitions

- "Infectious period" for the purpose of cases the Cal/OSHA COVID-19 Prevention Non-Emergency Standards, is now defined as:
  - For COVID-19 cases with symptoms, it is a minimum of 24 hours from the day of symptom onset:
    - COVID-19 cases may return if 24 hours have passed with no fever, without the use of fever-reducing medications, AND
    - Their symptoms are mild and improving.
  - For COVID-19 cases with no symptoms, there is no infectious period for the purpose of isolation or exclusion. If symptoms develop, the criteria above will apply.

Note on changes to testing recommendations

- CDPH no longer recommends testing for all close contacts and instead recommends testing only for:
  - All people with new COVID-19 symptoms.
  - Close contacts who are at higher risk of severe disease or who have contact with people who are at higher risk of severe disease.
- Regardless of CDPH recommendations, employers must continue to make COVID-19 testing available at no cost and during paid time to all employees with a close contact, except for asymptomatic employees who recently recovered from COVID-19.
- In workplace outbreaks or major outbreaks the COVID-19 Prevention regulations still require testing of all close contacts in outbreaks, and everyone in the exposed group in major outbreaks. Employees who refuse to test and have symptoms must be excluded for at least 24 hours from symptom onset, and can return to work only when they have been fever-free for at least 24 hours without the use of fever-reducing medications, and symptoms are mild and improving.

(Continued on next page)

Important requirements in the COVID-19 Prevention regulations that remain the same:

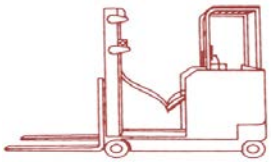
- Employers must address COVID-19 as a workplace hazard under the requirements found in **section 3203 (Injury and Illness Prevention Program, IIPP)**, and include their COVID-19 procedures to prevent this health hazard in their written IIPP or in a separate document.
- Employers must provide face coverings and ensure they are worn by employees when CDPH requires their use.
    - COVID cases who return to work must wear a face covering indoors for 10 days from the start of symptoms or if the person did not have COVID-19 symptoms, 10 days from the date of their first positive COVID-19 test.

      Note: Employees still have the right to wear face coverings at work and to request and receive respirators from the employer when working indoors and during outbreaks.
- Employers must report information about employee deaths, serious injuries, and serious occupational illnesses to Cal/OSHA, consistent with existing regulations.
- Employers must notify all employees, independent contractors, and employers with an employee who had close contact with a COVID-19 case.
- Employers must exclude COVID-19 cases during the infectious period from the workplace.
- Employers must review CDPH and Cal/OSHA guidance regarding ventilation, including **CDPH and Cal/OSHA Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments**. Employers must also develop, implement, and maintain effective methods to prevent COVID-19 transmission by improving ventilation.

This guidance is an overview, for full requirements see Title 8 sections **3205**, **3205.1**, **3205.2**, and **3205.3**

For assistance with developing a COVID-19 Prevention Program, employers may contact Cal/OSHA Consultation Services at 1 800 963 9424 or **InfoCons@dir.ca.gov**
For Consultation information or publications, access the following link or copy the site address: **www.dir.ca.gov/dosh/consultation.html**

OPERATING RULES FOR INDUSTRIAL TRUCKS



General Industry Safety Order 3664 Operating Rules (Part (a))

(a) Every employer using industrial trucks or industrial tow tractors shall post and enforce a set of operating rules including the appropriate rules listed in Section 3650 (t).

General Industry Safety Order 3650 Industrial Trucks. General (Part (t))

(t) Industrial trucks and tow tractors shall be operated in a safe manner in accordance with the following operating rules:

(1) Only drivers authorized by the employer and trained in the safe operations of industrial trucks or industrial tow tractors pursuant to Section 3668 shall be permitted to operate such vehicles.

(2) Stunt driving and horseplay are prohibited.

(3) No riders shall be permitted on vehicles unless provided with adequate riding facilities.

(4) Employees shall not ride on the forks of lift trucks.

(5) Employees shall not place any part of their bodies outside the running lines of an industrial truck or between mast uprights or other parts of the truck where shear or crushing hazards exist.

(6) Employees shall not be allowed to stand, pass, or work under the elevated portion of any industrial truck, loaded or empty, unless it is effectively blocked to prevent it from falling.

(7) Drivers shall check the vehicle at the beginning of each shift, and if it is found to be unsafe, the matter shall be reported immediately to a foreman or mechanic, and the vehicle shall not be put in service again until it has been made safe. Attention shall be given to the proper functioning of tires, horn, lights, battery, controller, brakes, steering mechanism, cooling system, and the lift system for forklifts (forks, chains, cable, and limit switches).

(8) No truck shall be operated with a leak in the fuel system.

(9) Vehicles shall not exceed the authorized or safe speed, always maintaining a safe distance from other vehicles, keeping the truck under positive control at all times and all established traffic regulations shall be observed. For trucks traveling in the same direction, a safe distance may be considered to be approximately 3 truck lengths or preferably a time lapse - 3 seconds - passing the same point.

General Industry Safety Order 3650 Industrial Trucks. General (Part (t))

(10) Trucks traveling in the same direction shall not be passed at intersections, blind spots, or dangerous locations.

(11) The driver shall slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing.

(12) Operators shall look in the direction of travel and shall not move a vehicle until certain that all persons are in the clear.

(13) Trucks shall not be driven up to anyone standing in front of a bench or other fixed object of such size that the person could be caught between the truck and object.

(14) Grades shall be ascended or descended slowly.

(A) When ascending or descending grades in excess of 10 percent, loaded trucks shall be driven with the load upgrade.

(B) On all grades the load and load engaging means shall be tilted back if applicable, and raised only as far as necessary to clear the road surface.

(C) Motorized hand and hand/rider trucks shall be operated on all grades with the load-engaging means downgrade.

(15) The forks shall always be carried as low as possible, consistent with safe operations.

(16) When leaving a vehicle unattended (the operator is over 25 feet (7.6 meters) from or out of sight of the industrial truck), the brakes are set, the mast is brought to the vertical position, and forks are left in the down position, either:

(A) The power shall be shut off and, when left on an incline, the wheels shall be blocked; or

(B) The power may remain on provided the wheels are blocked, front and rear.

(17) When the operator of an industrial truck is dismounted and within 25 feet (7.6 meters) of the truck which remains in the operator's view, the load engaging means shall be fully lowered, controls placed in neutral, and the brakes set to prevent movement.

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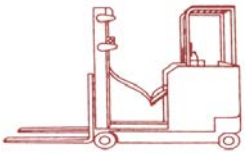
OPERATING RULES FOR INDUSTRIAL TRUCKS



General Industry Safety Order 3650 Industrial Trucks. General (Part (t))

Exception:

Forks on fork-equipped industrial trucks may be in the raised position for loading and unloading by the operator if the forks are raised no more than 42 inches above the same level on which the industrial truck is located, the power is shut off, controls placed in neutral and the brakes set. If on an incline, the wheels shall be securely blocked. Whenever the forks are raised, the operator will remain in the seat of the industrial truck except when the operator is actively loading or unloading materials.

(18) Vehicles shall not be run onto any elevator unless the driver is specifically authorized to do so. Before entering an elevator, the driver shall determine that the capacity of the elevator will not be exceeded. Once on an elevator, the industrial truck's power shall be shut off and the brakes set.

(19) Motorized hand trucks shall enter elevators or other confined areas with the load end forward.

(20) Vehicles shall not be operated on floors, sidewalk doors, or platforms that will not safely support the loaded vehicle.

(21) Prior to driving onto trucks, trailers and railroad cars, their flooring shall be checked for breaks and other structural weaknesses.

(22) Vehicles shall not be driven in and out of highway trucks and trailers at loading docks until such trucks or trailers are securely blocked or restrained and the brakes set.

(23) To prevent railroad cars from moving during loading or unloading operations, the car brakes shall be set, wheel chocks or other recognized positive stops used, and blue flags or lights displayed in accordance with Section 3333 of these Orders and Title 49, CFR, Section 218.27 which is hereby incorporated by reference.

(24) The width of one tire on the powered industrial truck shall be the minimum distance maintained from the edge by the truck while it is on any elevated dock, platform, freight car or truck.

(25) Railroad tracks shall be crossed diagonally, wherever possible. Parking closer than 8 1/2 feet from the centerline of railroad tracks is prohibited.

(26) Trucks shall not be loaded in excess of their rated capacity.

(27) A loaded vehicle shall not be moved until the load is safe and secure.

General Industry Safety Order 3650 Industrial Trucks. General (Part (t))

(28) Extreme care shall be taken when tilting loads. Tilting forward with the load engaging means elevated shall be prohibited except when picking up a load.

Elevated loads shall not be tilted forward except when the load is being deposited onto a storage rack or equivalent. When stacking or tiering, backward tilt shall be limited to that necessary to stabilize the load.

(29) The load engaging device shall be placed in such a manner that the load will be securely held or supported.

(30) Special precautions shall be taken in the securing and handling of loads by trucks equipped with attachments, and during the operation of these trucks after the loads have been removed.

(31) When powered industrial trucks are used to open and close doors, the following provisions shall be complied with:

(A) A device specifically designed for opening or closing doors shall be attached to the truck.

(B) The force applied by the device to the door shall be applied parallel to the direction of travel of the door.

(C) The entire door opening operation shall be in full view of the operator.

(D) The truck operator and other employees shall be clear of the area where the door might fall while being opened.

(32) If loads are lifted by two or more trucks working in unison, the total weight of the load shall not exceed the combined rated lifting capacity of all trucks involved.

(33) When provided by the industrial truck manufacturer, an operator restraint system such as a seat belt shall be used.

Follow operating rules so that everyone is safe.

SAFETY AND HEALTH PROTECTION ON THE JOB

State of California
Department of Industrial Relations

California law provides workplace safety and health protections for workers through regulations enforced by the Division of Occupational Safety and Health (Cal/OSHA). This poster explains some basic requirements and procedures to comply with the state's workplace safety and health standards and orders. The law requires that this poster be displayed. Failure to do so could result in a substantial penalty. Cal/OSHA standards can be found at www.dir.ca.gov/samples/search/query.htm.

WHAT AN EMPLOYER MUST DO:

All employers must provide work and workplaces that are safe and healthful. In other words, as an employer, you must follow state laws governing job safety and health. Failure to do so can result in a threat to the life or health of workers, and substantial monetary penalties.

You must display this poster in a conspicuous place where notices to employees are customarily posted so everyone on the job can be aware of basic rights and responsibilities.

You must have a written and effective Injury and Illness Prevention Program (IIPP) meeting the requirements of California Code of Regulations, title 8, section 3203 (www.dir.ca.gov/title8/3203.html) and provide access to employees and their designated representatives.

You must be aware of hazards your employees face on the job and keep records showing that each employee has been trained in the hazards unique to each job assignment.

You must correct any hazardous condition that you know may result in injury to employees. Failure to do so could result in criminal charges, monetary penalties, and even incarceration.

You must notify a local Cal/OSHA district office of any serious injury or illness, or death, occurring on the job. Be sure to do this immediately after calling for emergency help to assist the injured employee. Failure to report a serious injury or illness, or death, within 8 hours can result in a minimum civil penalty of $5,000.

WHAT AN EMPLOYER MUST NEVER DO:

Never permit an employee to do work that violates Cal/OSHA workplace safety and health regulations.

Never permit an employee to be exposed to harmful substances without providing adequate protection.

Never allow an untrained employee to perform hazardous work.

EMPLOYEES HAVE CERTAIN WORKPLACE SAFETY & HEALTH RIGHTS:

As an employee, you (or someone acting for you) have the right to file a confidential complaint and request an inspection of your workplace if you believe conditions there are unsafe or unhealthful. This is done by contacting the local Cal/OSHA district office (see below). Your name is not revealed by Cal/OSHA, unless you request otherwise.

You also have the right to bring unsafe or unhealthful conditions to the attention of the Cal/OSHA investigator inspecting your workplace.

You and your designated representative have the right to access the employer's IIPP. Any employee has the right to refuse to perform work that would violate an occupational safety or health standard or order where such violation would create a real and apparent hazard to the employee or other employees.

You may not be fired or punished in any way for filing a complaint about unsafe or unhealthful working conditions, or for otherwise exercising your rights to a safe and healthful workplace. If you feel that you have been fired or punished for exercising your rights, you may file a complaint about this type of discrimination by contacting the nearest office of the California Department of Industrial Relations, Division of Labor Standards Enforcement (Labor Commissioner's Office) or the San Francisco office of the U.S. Department of Labor, Occupational Safety and Health Administration. (Employees of state or local government agencies may only file these complaints with the California Labor Commissioner's Office.) Consult your local telephone directory for the office nearest you.

EMPLOYEES ALSO HAVE RESPONSIBILITIES:

To keep the workplace and your coworkers safe, you should tell your employer about any hazard that could result in an injury or illness to an employee. While working, you must always obey state workplace safety and health laws.

SPECIAL RULES APPLY FOR WORK AROUND HAZARDOUS SUBSTANCES:

Employers who use any substance that is listed as a hazardous substance in California Code of Regulations, title 8, section 339 (www.dir.ca.gov/title8/339.html), or is covered by the Hazard Communication standard (www.dir.ca.gov/title8/5194.html) must provide employees information on the hazardous chemicals in their work areas, access to safety data sheets, and training on how to use hazardous chemicals safely.

Employers shall make available on a timely and reasonable basis a safety data sheet on each hazardous substance in the workplace upon request of an employee, an employee's collective bargaining representative, or an employee's physician.

Employees have the right to see and copy their medical records and records of exposure to potentially toxic materials or harmful physical agents.

Employers must allow access by employees or their representatives to accurate records of employee exposures to potentially toxic materials or harmful physical agents, and notify employees of any exposures in concentration or levels exceeding the exposure limits allowed by Cal/OSHA standards.

Any employee or their representative has the right to observe monitoring or measuring of employee exposure to hazards conducted to comply with Cal/OSHA regulations.

WHEN CAL/OSHA COMES TO THE WORKPLACE:

A trained Cal/OSHA safety engineer or industrial hygienist may visit the workplace to make sure your company is obeying workplace safety and health laws.

Inspections are also conducted when an employee files a valid complaint with Cal/OSHA.

Cal/OSHA also goes on-site to the workplace to investigate a serious injury or illness, or fatality.

When an inspection begins, the Cal/OSHA investigator will show official identification.

The employer, or someone the employer chooses, will be given an opportunity to accompany the investigator during the inspection. An authorized representative of the employees will be given the same opportunity. Where there is no authorized employee representative, the investigator will talk to a reasonable number of employees about safety and health conditions at the workplace.

VIOLATIONS, CITATIONS, AND PENALTIES:

If the investigation shows that the employer has violated a safety and health standard or order, Cal/OSHA may issue a citation. Each citation carries a monetary penalty and specifies a date by which the violation must be abated. A notice, which carries no monetary penalty, may be issued in lieu of a citation for certain non-serious violations.

Penalty amounts depend in part on the classification of the violation as regulatory, general, serious, repeat, or willful; and whether the employer failed to abate a previous violation involving the same hazardous condition. Base penalty amounts, penalty adjustment factors, and minimum and maximum penalty amounts are set forth in California Code of Regulations, title 8, section 336 (www.dir.ca.gov/title8/336.html). In addition, a willful violation that causes death or permanent impairment of the body of any employee can result, upon conviction, in a fine of up to $250,000 or imprisonment up to three years, or both, and if the employer is a corporation or limited liability company, the fine may be up to $1.5 million.

The law provides that employers may appeal citations within 15 working days of receipt to the Occupational Safety and Health Appeals Board.

An employer who receives a citation, Order to Take Special Action, or Special Order must post it or a copy, including the enclosed multi-language employee notification, prominently at or near the place of the violation or unsafe condition for three working days, or until the unsafe condition is corrected, whichever is longer, to warn employees of danger that may exist there. Any employee may protest the time allowed for correction of the violation to the Division of Occupational Safety and Health or the Occupational Safety and Health Appeals Board.

HELP IS AVAILABLE:

To learn more about workplace safety rules, you may contact Cal/OSHA Consultation Services for free information, required forms, and publications. You can also contact a local district office of Cal/OSHA. If you prefer, you may retain a competent private consultant, or ask your workers' compensation insurance carrier for guidance in obtaining information.

Call the FREE Worker Information Helpline – (833) 579-0927

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (CAL/OSHA)

HEADQUARTERS: 1515 Clay Street, Ste. 1901, Oakland, CA 94612 – Telephone (510) 286-7000

District Offices

American Canyon	3419 Broadway St., Ste. H8, American Canyon 94503	(707) 649-3700
Bakersfield	7718 Meany Ave., Bakersfield 93308	(661) 588-6400
Foster City	1065 East Hillsdale Bl., Ste. 110, Foster City 94404	(650) 573-3812
Fremont	39141 Civic Center Dr., Ste. 310, Fremont 94538	(510) 794-2521
Fresno	2550 Mariposa St., Rm. 4000, Fresno 93721	(559) 445-5302
Long Beach	1500 Hughes Way, Suite C-201, Long Beach 90810	(424) 450-2630
Los Angeles	320 West Fourth St., Rm. 820, Los Angeles 90013	(213) 576-7451
Modesto	4206 Technology Dr., Ste. 3, Modesto 95356	(209) 545-7310
Monrovia	800 Royal Oaks Dr., Ste. 105, Monrovia 91016	(626) 239-0369
Oakland	1515 Clay St., Ste. 1303, Box 41, Oakland 94612	(510) 622-2916
Redding	381 Hemsted Dr., Redding 96002	(530) 224-4743
Sacramento	1750 Howe Ave., Ste. 430, Sacramento 95825	(916) 263-2800
San Bernardino	464 West Fourth St., Ste. 332, San Bernardino 92401	(909) 383-4321
San Diego	7575 Metropolitan Dr., Ste. 207, San Diego 92108	(619) 767-2280
San Francisco	455 Golden Gate Ave., Rm. 9516, San Francisco 94102	(415) 557-0100
Santa Ana	2 MacArthur Place, Ste. 720, Santa Ana 92707	(714) 558-4451
Van Nuys	6150 Van Nuys Blvd., Ste. 405, Van Nuys 91401	(818) 901-5403

Regional Offices

San Francisco	455 Golden Gate Ave., Rm 9516, San Francisco 94102	(415) 557-0300
Sacramento	1750 Howe Ave., Ste. 440, Sacramento 95825	(916) 263-2803
Santa Ana	2 MacArthur Place, Ste. 720, Santa Ana 92707	(714) 558-4300
Monrovia	800 Royal Oaks Dr., Ste. 105, Monrovia 91016	(626) 471-9122

Cal/OSHA Consultation Services

Field / Area Offices

•Fresno / Central Valley	2550 Mariposa Mall, Rm. 2005 Fresno 93721	(559) 445-6800
•La Palma / Los Angeles / Orange County	1 Centerpointe Dr., Ste. 150 La Palma 90623	(714) 562-5525
•Oakland/ Bay Area	1515 Clay St., Ste 1103 Oakland 94612	(510) 622-2891
•Sacramento / Northern CA	1750 Howe Ave., Ste. 490 Sacramento 95825	(916) 263-0704
•San Bernardino	464 West Fourth St., Ste. 339 San Bernardino 92401	(909) 383-4567
•San Diego / Imperial County	7575 Metropolitan Dr., Ste. 204 San Diego 92108	(619) 767-2060
•San Fernando Valley	6150 Van Nuys Blvd., Ste. 307 Van Nuys 91401	(818) 901-5754

Consultation Region Office

•Fresno	2550 Mariposa Mall, Rm. 3014 Fresno 93721	(559) 445-6800

Enforcement of Cal/OSHA workplace safety and health standards is carried out by the Division of Occupational Safety and Health, under the California Department of Industrial Relations, which has primary responsibility for administering the Cal/OSHA program. Safety and health standards are promulgated by the Occupational Safety and Health Standards Board. Anyone desiring to register a complaint alleging inadequacy in the administration of the California Occupational Safety and Health Plan may do so by contacting the San Francisco Regional Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor Tel: (415) 625-2547. OSHA monitors the operation of state plans to assure that continued approval is merited.

November 2023

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF MEMBERS OF THE MILITARY AND VETERANS

FACT SHEET

Civil Rights Department
STATE OF CALIFORNIA

IN CALIFORNIA, MEMBERS OF THE MILITARY AND VETERANS ARE PROTECTED FROM DISCRIMINATION AND HARASSMENT IN EMPLOYMENT, HOUSING, AND BUSINESS ESTABLISHMENTS.

It is unlawful for employers, landlords, businesses of all kinds, health care providers and insurers, homeless shelters, and others to discriminate against anyone or harass them because of their military or veteran status.

Under California law, military and veteran status includes being a member or veteran of the U.S. Armed Forces, U.S. Armed Forces Reserve, U.S. National Guard, or California National Guard, or being perceived as one. The law also forbids discrimination against someone because they associate with a member of the military or a veteran, such as veteran's spouse or child.

If you have experienced discrimination or harassment because you are, are perceived to be, or associate with a member of the military or veteran, file a complaint with the Civil Rights Department (CRD), California's civil rights agency. And, don't forget that California law protects everyone (including members of the military and veterans) from discrimination and harassment based on race, national origin, disability, sex, gender identity, sexual orientation, and other protected characteristics.

EXAMPLES OF UNLAWFUL DISCRIMINATION

- An employer won't consider your application or denies you a promotion because you served in the military
- Your co-workers or superiors harass you because you are a woman who served in the military
- Your employer denies you a reasonable accommodation for your disability because you are a veteran
- A landlord won't rent to you because you are a member of the military
- Staff at a homeless shelter treats you unequally because they perceive you to be a veteran
- A used car dealership gives you less favorable loan terms because you are a same-sex spouse of someone in the military
- A restaurant denies you service because you arrive with a member of the military

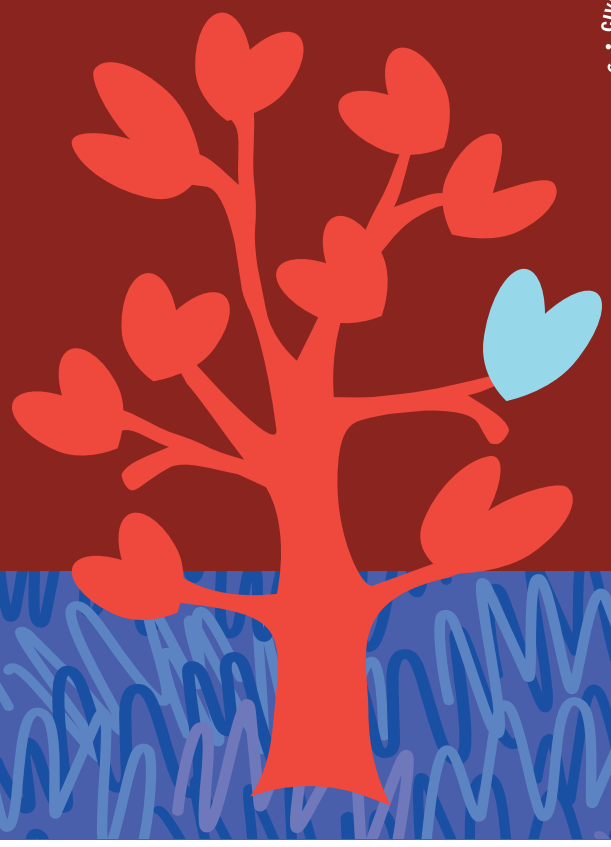
POTENTIAL REMEDIES

- Compensation for losses and emotional distress
- Training and policy changes to prevent future discrimination
- Making available previously denied housing
- Hiring, reinstatement, or promotion
- Other remedies, such as penalties, fines, reporting, or monitoring

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320

FAMILY CARE & MEDICAL LEAVE & PREGNANCY DISABILITY LEAVE



Civil Rights Department
STATE OF CALIFORNIA

Under California law, an employee may have the right to take job-protected leave to care for their own serious health condition or a family member with a serious health condition, or to bond with a new child (via birth, adoption, or foster care). California law also requires employers to provide job-protected leave and accommodations to employees who are disabled by pregnancy, childbirth, or a related medical condition.

Under the California Family Rights Act of 1993 (CFRA), many employees have the right to take job-protected leave, which is leave that will allow them to return to their job or a similar job after their leave ends. This leave may be up to 12 work weeks in a 12-month period for:

- the employee's own serious health condition;
- the serious health condition of a child, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, or someone else with a blood or family-like relationship with the employee ("designated person"); or
- the birth, adoption, or foster care placement of a child.

If an employee takes leave for their own or a family member's serious health condition, leave may be taken on an intermittent or reduced work schedule when medically necessary, among other circumstances.

Eligibility. To be eligible for CFRA leave, an employee must have more than 12 months of service with their employer, have worked at least 1,250 hours in the 12-month period before the date they want to begin their leave, and their employer must have five or more employees.

Pay and Benefits During Leave. While the law provides only unpaid leave, some employers pay their employees during CFRA leave. In addition, employees may choose (or employers may require) use of accrued paid leave while taking CFRA leave under certain circumstances. Employees on CFRA leave may also be eligible for benefits administered by the Employment Development Department.

Taking CFRA leave may impact certain employee benefits and seniority date. If employees want more information regarding eligibility for a leave and/or the impact of the leave on seniority and benefits, they should contact their employer.

Pregnancy Disability Leave. Even if an employee is not eligible for CFRA leave, if disabled by pregnancy, childbirth or a related medical condition, the employee is entitled to take a pregnancy disability leave of up to four months, depending on their period(s) of actual disability. If the employee is CFRA-eligible, they have certain rights to take *both* a pregnancy disability leave and a CFRA leave for reason of the birth of their child.

Reinstatement. Both CFRA leave and pregnancy disability leave contain a guarantee of reinstatement to the same position or, in certain instances, a comparable position at the end of the leave, subject to any defense allowed under the law.

Notice. For foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or of a family member), the employee must provide, if possible, at least 30 days' advance notice to their employer that they will be taking leave. For events that are unforeseeable, employees should notify their employers, at least verbally, as soon as they learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

Certification. Employers may require certification from an employee's health care provider before allowing leave for pregnancy disability or for the employee's own serious health condition. Employers may also require certification from the health care provider of the employee's family member, including a designated person, who has a serious health condition, before granting leave to take care of that family member.

Want to learn more?
Visit: calcivilrights.ca.gov/family-medical-pregnancy-leave/

If you have been subjected to discrimination, harassment, or retaliation at work, or have been improperly denied protected leave, file a complaint with the Civil Rights Department (CRD).

TO FILE A COMPLAINT

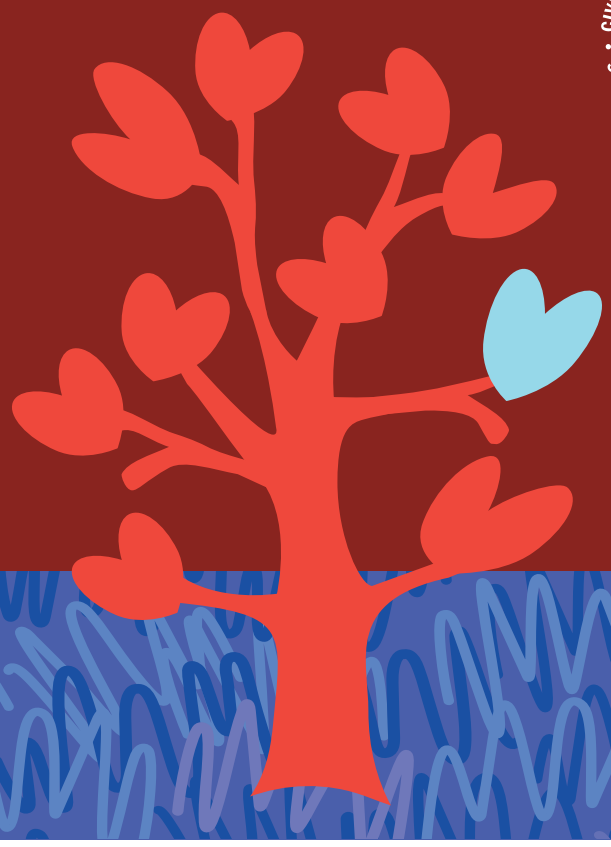
Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320
California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For additional translations of this guidance, visit: www.calcivilrights.ca.gov/posters/required

CRD-100-21ENG / January 2023

FAMILY CARE & MEDICAL LEAVE & PREGNANCY DISABILITY LEAVE



Civil Rights Department
STATE OF CALIFORNIA

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TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320
California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For additional translations of this guidance, visit: www.calcivilrights.ca.gov/posters/required

CRD-100-21ENG / January 2023

UPDATE: COVID-19 Prevention – Non-Emergency Regulation
What Employers Need to Know

January 9, 2024

On January 9, 2024, the California Department of Public Health updated its COVID-19 Isolation Guidance, COVID-19 Testing Guidance, and State Public Health Officer Order. These changes impact Cal/OSHA's COVID-19 Prevention Non-Emergency Standards, in particular with respect to isolation of COVID-19 cases and testing of close contacts. Cal/OSHA's regulations took effect on February 3, 2023, and will remain in effect for two years after the effective date, except for the recordkeeping subsections that will remain in effect for three years.

Note: These regulations apply to most workers in California who are not covered by the **Aerosol Transmissible Diseases standard**.

Important changes to definitions

- "Infectious period" for the purpose of cases the Cal/OSHA COVID-19 Prevention Non-Emergency Standards, is now defined as:
  - For COVID-19 cases with symptoms, it is a minimum of 24 hours from the day of symptom onset:
    - COVID-19 cases may return if 24 hours have passed with no fever, without the use of fever-reducing medications, AND
    - Their symptoms are mild and improving.
  - For COVID-19 cases with no symptoms, there is no infectious period for the purpose of isolation or exclusion. If symptoms develop, the criteria above will apply.

Note on changes to testing recommendations

- CDPH no longer recommends testing for all close contacts and instead recommends testing only for:
  - All people with new COVID-19 symptoms.
  - Close contacts who are at higher risk of severe disease or who have contact with people who are at higher risk of severe disease.
- Regardless of CDPH recommendations, employers must continue to make COVID-19 testing available at no cost and during paid time to all employees with a close contact, except for asymptomatic employees who recently recovered from COVID-19.
- In workplace outbreaks or major outbreaks the COVID-19 Prevention regulations still require testing of all close contacts in outbreaks, and everyone in the exposed group in major outbreaks. Employees who refuse to test and have symptoms must be excluded for at least 24 hours from symptom onset, and can return to work only when they have been fever-free for at least 24 hours without the use of fever-reducing medications, and symptoms are mild and improving.

(Continued on next page)

Important requirements in the COVID-19 Prevention regulations that remain the same:

- Employers must address COVID-19 as a workplace hazard under the requirements found in **section 3203 (Injury and Illness Prevention Program, IIPP)**, and include their COVID-19 procedures to prevent this health hazard in their written IIPP or in a separate document.
- Employers must provide face coverings and ensure they are worn by employees when CDPH requires their use.
    - COVID cases who return to work must wear a face covering indoors for 10 days from the start of symptoms or if the person did not have COVID-19 symptoms, 10 days from the date of their first positive COVID-19 test.

      Note: Employees still have the right to wear face coverings at work and to request and receive respirators from the employer when working indoors and during outbreaks.
- Employers must report information about employee deaths, serious injuries, and serious occupational illnesses to Cal/OSHA, consistent with existing regulations.
- Employers must notify all employees, independent contractors, and employers with an employee who had close contact with a COVID-19 case.
- Employers must exclude COVID-19 cases during the infectious period from the workplace.
- Employers must review CDPH and Cal/OSHA guidance regarding ventilation, including **CDPH and Cal/OSHA Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments**. Employers must also develop, implement, and maintain effective methods to prevent COVID-19 transmission by improving ventilation.

This guidance is an overview, for full requirements see Title 8 sections **3205**, **3205.1**, **3205.2**, and **3205.3**

For assistance with developing a COVID-19 Prevention Program, employers may contact Cal/OSHA Consultation Services at 1 800 963 9424 or **InfoCons@dir.ca.gov**
For Consultation information or publications, access the following link or copy the site address: **www.dir.ca.gov/dosh/consultation.html**

DISCRIMINATION IN EMPLOYMENT: USE OF CANNABIS

FAQ

The Civil Rights Department (CRD) enforces California laws that protect people from discrimination, harassment, and other civil rights violations. Beginning January 1, 2024, a California law known as the Fair Employment and Housing Act includes certain protections for California workers who use cannabis – commonly known by terms such as "weed" or "pot" – off the job and away from the workplace. Below are answers to frequently asked questions about these protections and important exceptions.

IMPORTANT

The protections described in this FAQ:

- **Do not allow someone to possess, be impaired by, or use cannabis at the workplace or while working[1]**
- **Do not impact an employer's legal right or obligation to maintain a drug-free workplace, screen for other controlled substances, or make employment decisions based on those screenings when allowed under California or federal law[2]**
- **Apply to most, but not all, California workers**

WHEN APPLYING FOR A JOB

1 | May an employer ask a job applicant if they have used cannabis before?

Generally, no. California employers cannot ask a job applicant about their past use of cannabis.[3] However, these protections do not apply if the employer has four or fewer employees, or the position involves a federal background investigation or security clearance.[4]

2 | May an employer run a background check on a job applicant?

Yes, an employer may run a background check on a job applicant. But if the employer has five or more employees, the employer must comply with a California law known as the Fair Chance Act.[5] If an employer conducts a lawful background check that reveals information related to prior cannabis use, the employer may consider that information if permitted by the Fair Chance Act or another state or federal law. For more information about the Fair Chance Act, visit https://bit.ly/crdfairchanceact.

1 Gov. Code § 12954(d)
2 Gov. Code § 12954(d), (e)
3 Gov. Code § 12954(b)
4 Gov. Code § 12954(f)
5 G ov. Code § 12952

3 | May an employer discriminate against a job applicant who uses cannabis off the job and away from the workplace?

Generally, no. California employers cannot deny someone a job or otherwise discriminate against a job applicant because the person uses cannabis off the job and away from the workplace.[6] However, these protections do not apply if the employer has four or fewer employees or the position involves a federal background investigation or security clearance.[7]

4 | May an employer discriminate against a job applicant based on a drug test showing they used cannabis?

It depends. Generally, most employers cannot deny someone a job or otherwise discriminate against them because their drug test shows the presence of non-psychoactive cannabis metabolites.[8] Non-psychoactive cannabis metabolites are substances in a person's hair, blood, urine, or other bodily fluid that indicate the person used cannabis at some point in the past. If, however, a scientifically valid drug screening test shows the presence of psychoactive THC, or other substances screened for pursuant to state or federal law, the employer may be allowed to deny someone a job on that basis. Moreover, these protections do not apply if the employer has four or fewer employees or the position involves a federal background investigation or security clearance.[9]

5 | May an employer require all job applicants to take a drug test?

Yes, employers may still require all job applicants to take a drug screening test.

DURING EMPLOYMENT

6 | May an employer discriminate against a current employee who uses cannabis off the job and away from the workplace?

Generally, no. California employers cannot fire, penalize, or otherwise discriminate against an employee based on the person's use of cannabis off the job and away from the workplace.[10] However, these protections do not apply if the employer has four or fewer employees, the position involves a federal background investigation or security clearance, or the employee is in the building or construction trades.[11]

6 Gov. Code § 12954(a)(1)
7 Gov. Code § 12954(f)
8 Gov. Code § 12954(a)(1)
9 Gov. Code § 12954(f)
10 Gov. Code § 12954(a)(1)
11 Gov. Code § 12954(f), (a)(2)

7 | May an employer discriminate against a current employee based on a drug test showing they used cannabis?

It depends. Generally, employers cannot fire, penalize, or otherwise discriminate against an employee because their drug test shows the presence of non-psychoactive cannabis metabolites.[12] (See definition in question 4). If, however, a scientifically valid drug screening test shows the presence of psychoactive THC, or other substances screened for pursuant to state or federal law, the employer may be allowed to fire or discipline someone on that basis. Moreover, these protections do not apply if the employer has four or fewer employees, the position involves a federal background investigation or security clearance, or the employee is in the building or construction trades.[13]

EXCEPTIONS/EMPLOYERS MAY MAINTAIN A DRUG-FREE WORKPLACE

8 | Do the employment protections related to cannabis use apply to employers with four or fewer employees?

No, the protections related to cannabis use described in this FAQ only apply to California employers with five or more employees.

9 | Do the employment protections apply to a position for which a federal background investigation or security clearance is needed?

No, the protections related to cannabis use described in this FAQ do not apply if the position involves a federal government background investigation or security clearance.[14]

10 | What happens if another state or federal law requires drug testing?

The protections related to cannabis described in this FAQ do not override other state or federal laws that require a job applicant or employee to be tested for controlled substances, or the manner in which they are tested.[15]

11 | Can an employer still maintain a drug-free workplace?

Yes, the protections related to cannabis use do not permit an employee to possess, be impaired by, or use cannabis on the job. Nor do they impact an employer's right or obligation to maintain a drug- and alcohol-free workplace pursuant to state and federal law.[16]

12 Gov. Code § 12954(a)(1)
13 Gov. Code § 12954(f), (a)(2)
14 Gov. Code § 12954(f)
15 Gov. Code § 12954(e)
16 Gov. Code § 12954(d)

CIVIL RIGHTS COMPLAINTS

12 | What if an employer violates the protections related to cannabis use?

If a worker thinks their employer has discriminated against them, they have three years to file a complaint with CRD. CRD will investigate their complaint or issue a right-to-sue so they can pursue their case in civil court. They cannot file an employment discrimination lawsuit in court without receiving a right-to-sue from CRD.

13 | Can an employer violate other civil rights laws when conducting drug screenings or making employment decisions based on cannabis use?

Under existing civil rights laws, employers may not discriminate based on race, color, national origin, and other protected characteristics. For example, an employer would violate the Fair Employment and Housing Act by requiring only job applicants of a certain race or ethnicity, and not others, to submit to drug screenings. Or, an employer would violate the Fair Employment and Housing Act by treating employees who are found to possess, use, or be impaired by cannabis differently based on their gender identity.

14 | What are possible outcomes after a CRD investigation into discrimination based on cannabis use?

If, after an investigation, CRD finds reasonable cause that the employer broke the law, it may require the parties to go to mediation in order to try reach a settlement and, if the complaint can't be settled, CRD may file a lawsuit on behalf of the worker. Possible remedies include:

- Forcing the employer to change its policies or practices
- Getting the worker hired or re-hired
- Requiring the employer to undergo training
- Damages (money) for emotional distress

15 | How does a worker file a complaint?

They can file a complaint in one of three ways:

- Online by creating an account and using our interactive California Civil Rights System, (CCRS)
- By mail using a printable intake form
- By calling our communication center at 800.884.1684 (Toll Free), 800.700.2320 (TTY), or California's Relay Service at 711

CRD can provide reasonable accommodations for people with disabilities during the complaint process.

For translations of this guidance, visit: calcivilrights.ca.gov/posters/employment

DISCRIMINATION IN PUBLIC SERVICES AND ACCOMMODATIONS IS PROHIBITED UNDER THE UNRUH CIVIL RIGHTS ACT

THE CIVIL RIGHTS DEPARTMENT IS THE STATE AGENCY CHARGED WITH ENFORCING CALIFORNIA'S CIVIL RIGHTS LAWS. THE MISSION OF THE CRD IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING, BUSINESSES, AND STATE-FUNDED PROGRAMS, AND FROM BIAS-MOTIVATED VIOLENCE AND HUMAN TRAFFICKING.

Civil Rights Department
STATE OF CALIFORNIA

The law requires "full and equal accommodations, advantages, facilities, privileges, or services in all business establishments." Business establishments covered by the law include, but are not limited to:

- Hotels and motels
- Nonprofit organizations
- Restaurants
- Theaters
- Barber shops and beauty salons
- Hospitals
- Housing accommodations
- Local government and public agencies
- Retail establishments

HATE VIOLENCE

Under the Ralph Civil Rights Act, it is against the law for any person to threaten or commit acts of violence against a person or property based on race, color, religion, ancestry, national origin, age, marital status, medical condition, genetic information, disability, sex/gender, gender identity, gender expression, sexual orientation, political affiliation, or position in a labor dispute.

HUMAN TRAFFICKING

Human trafficking is a violation of civil law in addition to being a criminal offense. In 2016, AB 1684 (Stone) gave CRD authority to receive, investigate, conciliate, mediate, and prosecute civil complaints alleging human trafficking under California Civil Code, § 52.5, the California Trafficking Victims Protection Act.

FILING A COMPLAINT

If you believe you are a victim of discrimination, hate violence, or human trafficking, you may file a complaint by contacting CRD as described below. For employment cases only, file within three years of the last date of harm; for all other cases, file within one year of the last date of harm. CRD processes complaints filed by persons with terminal illnesses on a priority basis.

To schedule an appointment, contact the Communication Center below.

If you have a disability that requires a reasonable accommodation, CRD can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

CONTACT US

Toll Free: (800) 884-1684
TTY: (800) 700-2320
contact.center@calcivilrights.ca.gov
calcivilrights.ca.gov/complaintprocess

CRD-A01B-ENG / November 2022

DISCRIMINATION IS AGAINST THE LAW

CIVIL RIGHTS IN CALIFORNIA

The Civil Rights Department (CRD) enforces California state laws that prohibit harassment and discrimination in employment, housing, and public accommodations and that provide for pregnancy leave and family and personal medical leave. It also accepts and investigates complaints alleging hate violence or threats of hate violence and human trafficking.

CRD ENFORCES THESE LAWS BY:

The Civil Rights Department enforces this law by:

1. Investigating harassment, discrimination, and denial of leave complaints
2. Assisting parties to voluntarily resolve complaints involving alleged violations of the laws
3. Prosecuting violations of the law
4. Educating Californians about the laws prohibiting harassment and discrimination by providing written materials and participating in seminars and conferences

DISCRIMINATION IS AGAINST THE LAW

Civil Rights Department
STATE OF CALIFORNIA

YOU ARE PROTECTED

The California Fair Employment and Housing Act (FEHA) prohibits harassment and discrimination in employment based on the following:

- Race (includes hair texture and protective hairstyle)
- Color
- Religion (includes religious dress & grooming practices)
- Sex/gender (includes pregnancy, childbirth, breastfeeding and/or related medical conditions)
- Gender identity, gender expression
- Sexual orientation
- Marital status
- Medical Condition (genetic characteristics, cancer or a record or history of cancer)
- Military or veteran status
- National origin (includes language use and possession of driver's license issued to persons unable to prove their presence in the United States is authorized under federal law)
- Ancestry
- Disability (mental and physical, including HIV/AIDS, cancer, and genetic characteristics)
- Genetic information
- Request for family care leave
- Request for leave for a serious health condition
- Request for Pregnancy Disability Leave
- Retaliation for reporting patient abuse in tax-supported institutions
- Age (over 40)
- Criminal Background (Fair Chance Act)

DISCRIMINATION IS PROHIBITED

Discrimination is prohibited in all employment practices, including, but not limited to:

1. Advertisements
2. Applications, screening, and interviews
3. Hiring, transferring, promoting, terminating, or separating employees
4. Working conditions
5. Participating in a training or apprenticeship program, employee organization, or union

Discrimination is prohibited in all aspects of the housing business, Including, but not limited to:

1. Advertisements
2. Mortgage lending and insurance
3. Application and selection processes
4. Terms, conditions, and privileges of occupancy, including freedom from harassment
5. Public and private land-use practices, including the existence of restrictive covenants

Individuals with disabilities are entitled to reasonable accommodation in rules, policies, practices, and services and are also permitted, at their own expense, to reasonably modify their dwelling to ensure full enjoyment of the premises.

As in employment discrimination law, individuals are protected from retaliation for filing complaints.

FEHA also prohibits discrimination in the rental and sale of housing based on the following:

- Race
- Color
- Religion
- Sex
- Gender
- Gender identity/ Gender expression
- Ancestry
- Sexual orientation
- Marital status
- Source of income
- Genetic information
- National origin (including language use restrictions)
- Familial status (households with children under age 18, individuals who are pregnant, or who are pending legal custody of a child under age 18)
- Disability (mental and physical, including HIV/AIDS, cancer, and genetic characteristics)
- Military or veteran status

CALIFORNIA WORKERS ARE:

- Guaranteed reasonable accommodation or leave if disabled because of pregnancy, or if your job would cause undue risk to you or your pregnancy's successful completion (if working for an employer of more than 5 employees)
- Guaranteed leave for the birth or adoption of a child; for the employee's own serious health condition; or to care for a parent, spouse, or child with a serious health condition (if working for an employer of more than 50 employees)
- Protected from harassment because of their sex, race, or any other category covered under the law
- Protected from retaliation for filing a complaint with CRD, for participating in the investigation of a complaint, or for protesting possible violations of the law
- California workers with disabilities are also entitled to reasonable accommodation when necessary in order to perform the job

Employment Development Department
State of California

NOTICE TO EMPLOYEES
UNEMPLOYMENT INSURANCE BENEFITS

This employer is registered under the California Unemployment Insurance Code and is reporting wage credits to the Employment Development Department (EDD) that are being accumulated for you to be used as a basis for Unemployment Insurance benefits.

You may be eligible to receive Unemployment Insurance benefits if you are:

- Unemployed or working less than full-time.
  and
- Out of work due to no fault of your own and physically able to work, ready to accept work, and looking for work.

Employees of Educational Institutions:

Unemployment Insurance benefits based on wages earned while employed by a public or nonprofit educational institution may not be paid during a school recess period if the employee has reasonable assurance of returning to work at the end of the recess period (California Unemployment Insurance Code section 1253.3). Benefits based on other covered employment may be payable during recess periods if the unemployed individual is in all other respects eligible, and the wages earned in other covered employment are sufficient to establish an Unemployment Insurance claim after excluding wages earned from a public or nonprofit educational institution(s).

Note: Some employees may be exempt from Unemployment and Disability Insurance coverage.

The fastest way to file for Unemployment Insurance (UI) is with UI Online at www.edd.ca.gov/UI_Online.

You may also file for Unemployment Insurance by calling toll-free from anywhere in the U.S. at:

English	1-800-300-5616	Mandarin	1-866-303-0706
Spanish	1-800-326-8937	Vietnamese	1-800-547-2058
Cantonese	1-800-547-3506	TTY	1-800-815-9387

Note: Waiting to file a claim could delay benefits.
EDD representatives are available Monday through Friday between 8 a.m. and 12 noon (Pacific Time).

Notice to Employees

Employment Development Department
State of California

This employer is registered with the Employment Development Department (EDD) as required by the California Unemployment Insurance Code and is reporting wage credits to the EDD that are being accumulated for you to be used as a basis for:

UI

Unemployment Insurance

(funded entirely by employers' taxes)

Unemployment Insurance (UI) is paid for by your employer and provides partial income replacement when you are unemployed or your hours are reduced due to no fault of your own. To claim UI benefit payments you must also meet all UI eligibility requirements, including that you must be available for work and searching for work.

How to File a New UI Claim

Use one of the following methods:

- **Online:** UI Online℠ is the fastest and most convenient way to file your UI claim. Visit UI Online (edd.ca.gov/UI_Online) to get started.
- **Phone:** Representatives are available at the following toll-free numbers, Monday through Friday between **8 a.m. to 12 noon** (Pacific Standard Time) except during state holidays.

English	**1-800-300-5616**	**Cantonese**	**1-800-547-3506**	**Vietnamese**	**1-800-547-2058**
Spanish	**1-800-326-8937**	**Mandarin**	**1-866-303-0706**	**TTY**	**1-800-815-9387**

- **Fax or Mail:** When accessing UI Online to file a new claim, some customers will be instructed to fax or mail their UI application to the EDD. If this occurs, the *Unemployment Insurance Application* (DE 1101I), will display. For faster and more secure processing, fax the completed form to the number listed on the form. If mailing your UI application, use the address on the form and allow additional time for processing.

Important: Waiting to file your UI claim may delay benefit payments.

DI

Disability Insurance

(funded entirely by employees' contributions)

Disability Insurance (DI) is funded by employees' contributions and provides partial wage replacement benefits to eligible Californians who are unable to work due to a non-work-related illness, injury, pregnancy, or disability.

Your employer must provide the *Disability Insurance Provisions* (DE 2515) brochure, to newly hired employees and to each employee who is unable to work due to a non-work-related illness, injury, pregnancy, or disability.

How to File a New DI Claim

Use one of the following methods:

- **Online:** SDI Online is the fastest and most convenient way to file your claim. Visit SDI Online (edd.ca.gov/SDI_Online) to get started.
- **Mail:** To file a claim with the EDD by mail, complete and submit a *Claim for Disability Insurance (DI) Benefits* (DE 2501) form. You can obtain a paper claim form from your employer, physician/practitioner, visiting a State Disability Insurance office, online at EDD Forms and Publications (edd.ca.gov/Forms), or by calling 1-800-480-3287.

Note: If your employer maintains an approved Voluntary Plan for DI coverage, contact your employer for assistance.

For more information about DI, visit State Disability Insurance (edd.ca.gov/disability) or call 1-800-480-3287.
State government employees should call 1-866-352-7675.
TTY (for deaf or hearing-impaired individuals only) is available at 1-800-563-2441.

PFL

Paid Family Leave

(funded entirely by employees' contributions)

Paid Family Leave (PFL) is funded by employees' contributions and provides partial wage replacement benefits to eligible Californians who need time off work to care for seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner. Benefits are available to parents who need time off work to bond with a new child entering the family by birth, adoption, or foster care placement. Benefits are also available for eligible Californians who need time off work to participate in a qualifying event resulting from a spouse, registered domestic partner, parent, or child's military deployment to a foreign country.

Your employer must provide the *Paid Family Leave* (DE 2511) brochure, to newly hired employees and to each employee who is taking time off work to care for a seriously ill family members, to bond with a new child, or to participate in a qualifying military event.

How to File a New PFL Claim

Use one of the following methods:

- **Online:** SDI Online is the fastest and most convenient way to file your claim. Visit SDI Online (edd.ca.gov/SDI_Online) to get started.
- **Mail:** To file a claim with the EDD by mail, complete and submit a *Claim for Paid Family Leave (PFL) Benefits* (DE 2501F) form. You can obtain a paper claim form from your employer, a physician/practitioner, visiting a State Disability Insurance office, online at EDD Forms and Publications (edd.ca.gov/Forms), or by calling 1-877-238-4373.

Note: If your employer maintains an approved Voluntary Plan for PFL coverage, contact your employer for assistance.

For more information about PFL, visit State Disability Insurance (edd.ca.gov/disability) or call 1-877-238-4373.
State government employees should call 1-877-945-4747.
TTY (for deaf or hearing-impaired individuals only) is available at 1-800-445-1312.

Note: Some employees may be exempt from coverage by the above insurance programs. It is illegal to make a false statement or to withhold facts to claim benefits. For additional information, visit the EDD (edd.ca.gov).

Notice to Employees

Employment Development Department
State of California

Your employer is registered with and reporting wages to the Employment Development Department (EDD) as required by law. Wages are used for the following benefit programs, which are available to you.

Disability Insurance

You may be eligible for partial wage-replacement benefits through Disability Insurance (DI) when you are unable to work due to a non-work-related illness, injury, pregnancy, or disability.

Your employer must provide the *Disability Insurance Provisions* (DE 2515) brochure to each newly hired employee to describe benefits and eligibility requirements. You must meet all eligibility requirements to receive disability benefits.

- Request claim forms from your licensed health professional, employer, or from any California State Disability Insurance (SDI) Claims Management office. You can also order claim forms online by visiting EDD Forms and Publications (forms.edd.ca.gov/forms).
- File your *Claim for Disability Insurance (DI) Benefits* (DE 2501) within 49 days of the first day of your disability to avoid losing benefits.
- If you have disability coverage under your employer's voluntary plan, get disability claim forms from your employer or the designated third-party administrator.
- Visit Disability Insurance (edd.ca.gov/Disability/Disability_Insurance.htm) to learn how to apply for benefits.

Paid Family Leave

You may be eligible for partial wage-replacement benefits through Paid Family Leave (PFL) when you stop working or reduce your work hours to:

- Care for a family member who is seriously ill.
- Bond with a new child.
- Take part in a qualifying event resulting from a family member's military deployment to a foreign country.

Your employer must provide a copy of the *California Paid Family Leave* (DE 2511) brochure to each newly hired employee to describe benefits and eligibility requirements. You must meet all eligibility requirements to receive family leave benefits.

- Request claim forms from your licensed health professional, employer, from any California SDI Claims Management office. You can also order claim forms online by visiting EDD Forms and Publications (forms.edd.ca.gov/Forms).
- File your *Claim for Paid Family Leave (PFL) Benefits* (DE 2501F) within 41 days of the first day of your family leave to avoid losing benefits.
- If you have PFL coverage under your employer's voluntary plan, get PFL forms from your employer or designated third-party administrator.

For more information about DI and PFL, visit State Disability Insurance (edd.ca.gov/Disability).
DI: Call 1-800-480-3287. TTY (for deaf or hearing-impaired individuals only) 1-800-563-2441.
PFL: Call 1-877-238-4373. TTY (for deaf or hearing-impaired individuals only) 1-800-445-1312.
State Government employees should call 1-866-352-7675 for DI and 1-877-945-4747 for PFL.

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

$7.25 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least $2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least $2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
www.dol.gov/agencies/whd

WH1088 REV 04/23

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, **to request FMLA leave you must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process**.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

SCAN ME

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT

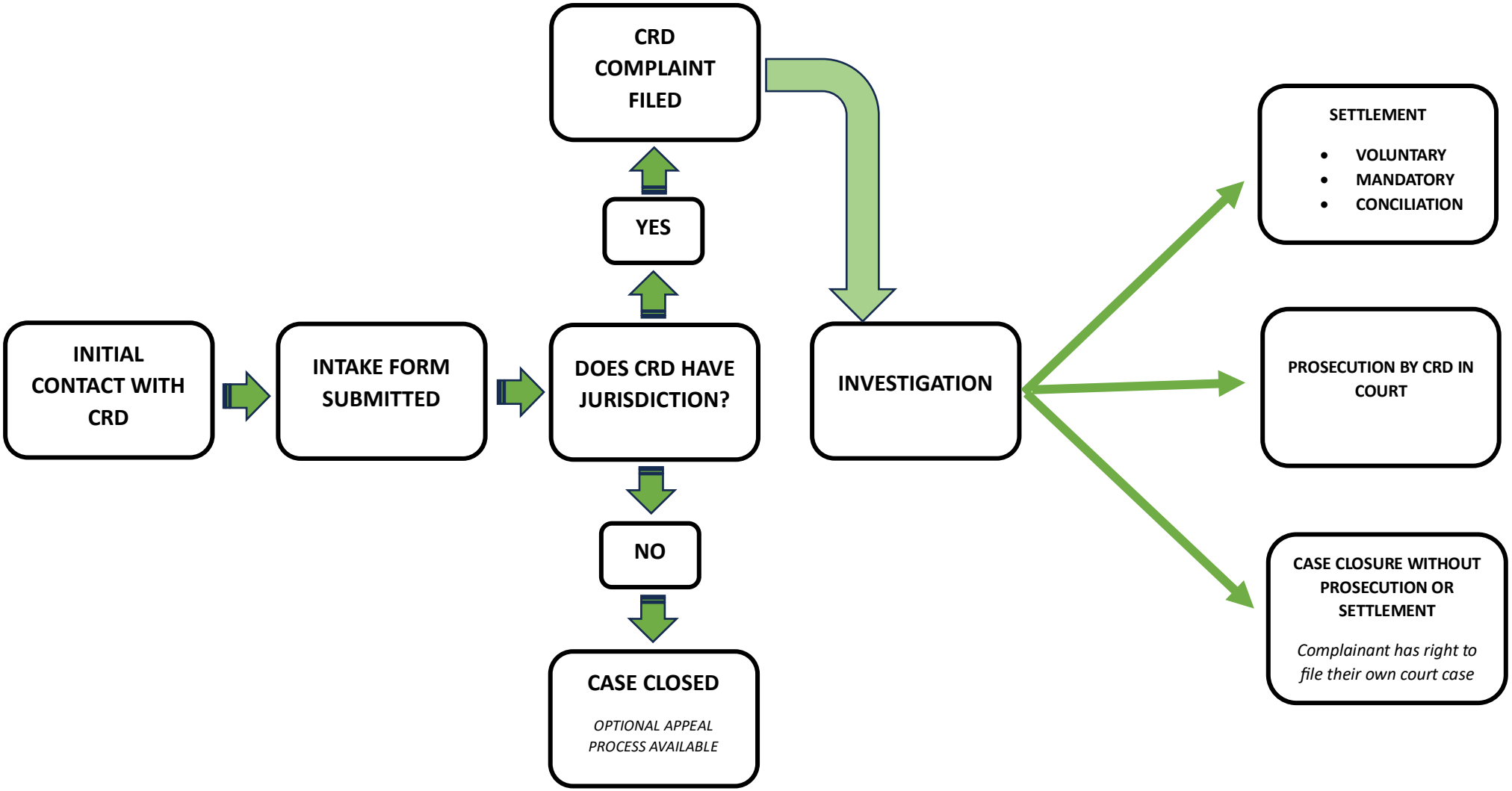
The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
www.dol.gov/agencies/whd

WH1462 REV 02/22


INITIAL CONTACT WITH CRD
INTAKE FORM SUBMITTED
DOES CRD HAVE JURISDICTION?
YES
CRD COMPLAINT FILED
NO
CASE CLOSED
OPTIONAL APPEAL PROCESS AVAILABLE
INVESTIGATION
SETTLEMENT
VOLUNTARY
MANDATORY
CONCILIATION
PROSECUTION BY CRD IN COURT
CASE CLOSURE WITHOUT PROSECUTION OR SETTLEMENT
Complainant has right to file their own court case

EMPLOYMENT DISCRIMINATION AND HARASSMENT BASED ON A PERSON'S DISABILITY OR PERCEIVED DISABILITY ARE PROHIBITED

THE CIVIL RIGHTS DEPARTMENT IS THE STATE AGENCY CHARGED WITH ENFORCING CALIFORNIA'S CIVIL RIGHTS LAWS. THE MISSION OF THE CRD IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING, BUSINESSES, AND STATE-FUNDED PROGRAMS, AND FROM BIAS-MOTIVATED VIOLENCE AND HUMAN TRAFFICKING.

Civil Rights Department
STATE OF CALIFORNIA

CALIFORNIA LAW PROHIBITS DISCRIMINATION BASED UPON AN INDIVIDUAL'S ACTUAL OR PERCEIVED DISABILITY

POTENTIAL REMEDIES

CRD serves as an objective fact-finder and attempts to help the parties voluntarily resolve disputes. If CRD finds sufficient evidence of discrimination and settlement efforts fail, CRD may file a lawsuit in civil court on behalf of the complaining party, after a mandatory mediation.

If the court finds that discrimination has occurred, it can order remedies such as:

1. Damages for emotional distress from each employer or person in violation of the law
2. Hiring or reinstatement
3. Back pay or promotion
4. Changes in the policies or practices of the employer
5. Punitive damages
6. Reasonable attorney's fees and costs

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with CRD and a Right-to-Sue Notice has been issued.

FILING A COMPLAINT

If you believe you are a victim of discrimination or harassment, you may file a complaint by contacting CRD as described below. Complaints must be filed within three years of the last act of discrimination. CRD processes complaints filed by persons with terminal illnesses on a priority basis.

To schedule an appointment, contact the Communication Center below.

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with CRD and a Right-to-Sue Notice has been issued.

If you have a disability that requires a reasonable accommodation, CRD can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

CONTACT US

calcivilrights.ca.gov/complaintprocess
Toll Free: (800) 884-1684
TTY: (800) 700-2320
contact.center@calcivilrights.ca.gov

For additional translations of this guidance:
www.calcivilrights.ca.gov/posters/employment

EMPLOYMENT DISCRIMINATION BASED ON DISABILITY

The Fair Employment and Housing Act (FEHA), enforced by the California Civil Rights Department (CRD), prohibits employment discrimination and harassment based on a person's disability or perceived disability. In addition, the FEHA prohibits retaliation for exercising a FEHA right, such as filing a complaint about discrimination. The law also requires employers to reasonably accommodate individuals with mental or physical disabilities unless the employer can show that to do so would cause an undue hardship.

The law covers mental or physical disabilities, including HIV/AIDS, regardless of whether the conditions are presently disabling. It also covers medical conditions, which are defined as either cancer or genetic characteristics.

Disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from the current illegal use of drugs.

CRD-E01B-ENG / December 2022

EMPLOYMENT DISCRIMINATION BASED ON DISABILITY

Civil Rights Department
STATE OF CALIFORNIA

FEHA VS. THE FEDERAL AMERICANS WITH DISABILITIES ACT:

The FEHA provides broader protection for persons with disabilities than federal law. California employers with five or more employees must follow the FEHA. California also has broader definitions of mental disability, physical disability, and medical condition than does federal law.

Under California law, a disability must only "limit" a major life activity. The disability does not have to involve a "substantial limitation," as under federal law, to be considered a disability. Whether a condition or disability "limits" a major life activity is determined regardless of any mitigating measure, such as medication or prosthesis, unless the mitigating measure itself limits a major life activity.

REASONABLE ACCOMMODATION

An employer is required to interact with an employee to explore all possible means of reasonably accommodating a person prior to rejecting the person for a job or making any employment-related decision. The need for accommodation may arise from a mitigating measure, such as medication taken for the primary disability.

An accommodation is reasonable if it does not impose an undue hardship on the employer's business. Reasonable accommodation can include, but is not limited to, changing job duties or work hours, providing leave, relocating the work area, and/or providing mechanical or electrical aids. An employer may obtain help from government agencies and outside experts to determine whether accommodation is possible.

INDEPENDENT MEDICAL OPINION

An employer must allow an applicant the opportunity to submit an independent medical opinion if there is a dispute as to whether the person can perform the essential functions of a position with or without reasonable accommodation. Failure to allow the submission of an independent medical opinion may be a separate violation of the law.

DISCRIMINATION

The following two reasons commonly raised by employers are not legally acceptable excuses for discriminating against persons with disabilities:

- Possibility of future harm to the person or to others
- Employing individuals with disabilities will cause an employer's insurance rates to rise

Any employment-related or personnel decision based on either of the following reasons is not discriminatory:

- The person is unable to perform the essential functions of the job and no reasonable accommodation exists that would enable the person to perform the "essential functions" of the job
- The person would create an imminent and substantial danger to self or others by performing the job and no reasonable accommodation exists that would remove or reduce the danger

EMPLOYMENT INQUIRIES

The FEHA prohibits employers from either verbally or in writing:

1. Requiring any medical or psychological examination or related inquiry of any applicant or employee prior to making an offer of employment
2. Inquiring directly or indirectly as to whether an applicant or employee has a mental or physical disability or medical condition
3. Inquiring about the nature and severity of a mental or physical disability or medical condition

However, an employer may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request either with or without a reasonable accommodation.

Once an employment offer has been made to an applicant, but before the start of duties, an employer may require a medical or psychological examination. However, the examination or inquiry must be job related and consistent with business necessity and all entering employees in the same job classification must be subject to the same examination or inquiry.

An employer may also conduct voluntary medical examinations, including medical histories, as part of an employee health program. This information must be retained separate and apart from employment and personnel records. Employers may not penalize employees for declining to participate in voluntary medical examinations.

Equal Employment Opportunity is

THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

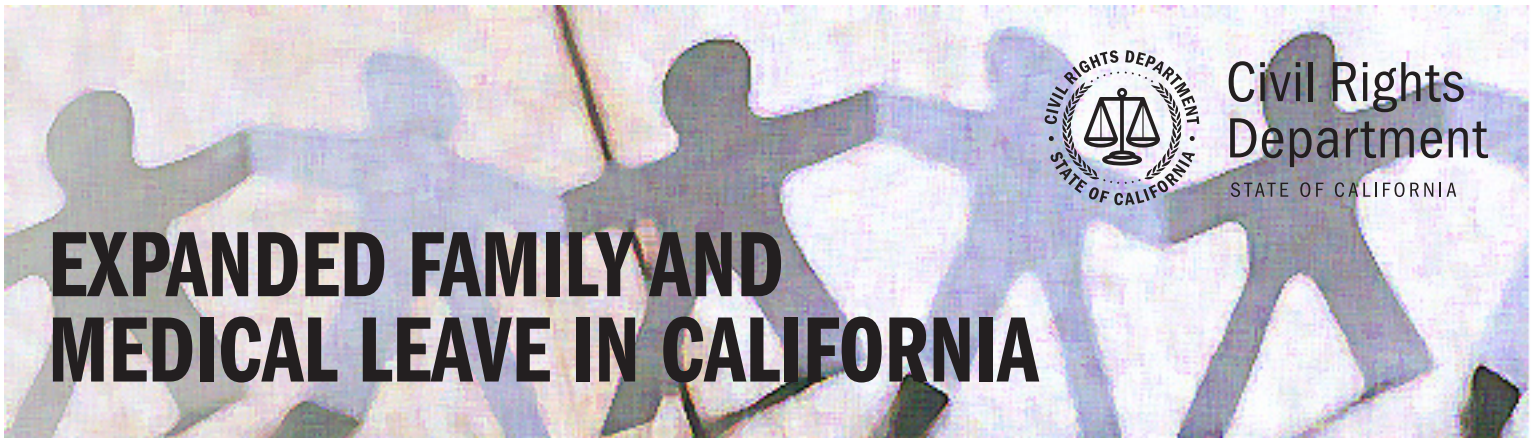
RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.



Civil Rights Department
STATE OF CALIFORNIA

EXPANDED FAMILY AND MEDICAL LEAVE IN CALIFORNIA

The California Family Rights Act (CFRA) provides most employees in California with the right to take up to 12 weeks off work to care for themselves or their family members with a serious health condition, or to bond with a new child. Employees returning to work after taking CFRA leave are entitled to their same or a comparable position, among other job protections. The Civil Rights Department (CRD), which enforces CFRA, created this factsheet to help employees and employers understand recent changes to CFRA.

CHANGES TO CFRA - EFFECTIVE JANUARY 1, 2023

Leave expanded to include "designated persons": Starting in 2023, employees can use some or all of their 12 weeks of CFRA leave to care for an additional "designated person" with a serious health condition. A designated person can be any person related by blood to the employee – such as the employee's aunt, uncle, or cousin. A designated person can also be any person who is like family to the employee, such as the employee's unmarried partner or best friend (when in a relationship equivalent to family). The employee may identify the designated person at the time they request leave from work. Employers have the right to limit employees to using CFRA leave to care for one designated person per 12-month period.

ADDITIONAL RECENT CHANGES – EFFECTIVE JANUARY 1, 2021

1. ***Employers of 5 or more employees covered by CFRA:*** Starting January 1, 2021, California expanded CFRA's scope includes private employers with 5 or more employees and employees. CFRA also applies to California state and local governments as employers.
2. ***Worksite mileage limitation eliminated:*** CFRA no longer requires employers to have at least 50 employees within 75 miles of the employee's worksite for an employee to be eligible for CFRA leave.
3. ***Circumstances for CFRA leave expanded:*** Eligible employees can take up to 12 weeks of CFRA leave to care for their own serious health condition; care for certain family members' serious health condition; or to bond with a new child (by birth, adoption, or foster placement). In addition, CFRA leave covers certain individuals and instances related to service in the U.S. Armed Forces, as specified in Section 3302.2 of the Unemployment Insurance Code.
4. ***Types of family members expanded:*** Employees may take leave to care for additional family members, including: an adult child, child of a domestic partner, grandparent, grandchild, or sibling. Thus, under the law as of 2023, eligible employees may take CFRA leave for a child, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling, or someone else related by blood or in a family-like relationship ("designated person") with a serious health condition.
5. ***Limitation on parents working for the same employer eliminated:*** If both parents of a new child work for the same employer, parents do not have to "split" the 12 weeks of leave; each parent is entitled to up to 12 weeks of leave.

EXPANDED FAMILY AND MEDICAL LEAVE IN CALIFORNIA

Civil Rights Department
STATE OF CALIFORNIA

6. ***Small employer mediation program created:*** CFRA applies the same to covered employers regardless of size. However, CRD offers mediation to smaller employers (5-19 employees) and their employees to resolve any dispute over CFRA leave, before the employee can proceed with a court case. For more information about this program, please review CRD's frequently asked questions. Employers and employees wishing to take advantage of CRD's mediation services should contact CRD at drdonlinerequests@dfeh.ca.gov.
7. ***Exceptions eliminated:*** All employees who take CFRA leave have the same reinstatement rights. An exception for an employer's highest-paid employees was eliminated in 2021.

KEY CFRA PROVISIONS THAT ARE UNCHANGED

1. ***When is an employee eligible for CFRA leave?*** An employee must have worked for the employer for more than 12 months and have worked at least 1,250 hours in the 12 months prior to their leave.
2. ***What qualifies as a "serious health condition"?*** A serious health condition is an illness, injury, impairment, or physical or mental condition involving either (A) inpatient care in a hospital, hospice, or residential health care facility; or (B) continuing treatment or supervision by a health care provider.
3. ***Does an employee get pay and benefits on CFRA leave?*** Employers may pay their employees while taking CFRA leave, but employers are not required to do so. Employees taking CFRA leave may be eligible for California's Paid Family Leave (PFL) program or State Disability Insurance (SDI), administered by the Employment Development Department (EDD). For information about using paid time off while on CFRA leave, see California Code of Regulations, Title 2, section 11092. Employers are required to continue the health benefits of an employee taking CFRA leave.
4. ***How much notice must an employee provide to their employer?*** If the employee's need for CFRA leave is foreseeable, the employee must provide reasonable advance notice and, if due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid operational disruption, subject to the approval of the health care provider of the individual requiring the treatment or supervision. If the employee's need for CFRA leave is not foreseeable, for reasons such as a lack of knowledge of approximately when leave will be required to begin, or a medical emergency, notice must be given as soon as practicable or 15 days from the employer's request.
5. ***May an employer require medical certification?*** An employer may require that an employee's request for leave for the employee's own health condition or to care for a family member who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care.
6. ***Where can employees and employers find out more about CFRA leave?*** To learn more about CFRA, including applicable definitions, see Government Code section 12945.2 and California Code of Regulations, Title 2, sections 11087 - 11097. A variety of educational materials about CFRA and other forms of job-protected leave are also available at: calcivilrights.ca.gov/family-medical-pregnancy-leave/.

TO FILE A COMPLAINT

calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320
California Relay Service (711)

For translations of this guidance, visit:
calcivilrights.ca.gov/posters/employment

U.S. Department of Labor

OSHA®
Occupational Safety and Health Administration

Job Safety and Health
IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

OSHA 3165-04R 2019

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT

(Poster may be printed on 8 ½" x 11" letter size paper)

HEALTHY WORKPLACES/HEALTHY FAMILIES ACT: CALIFORNIA PAID SICK LEAVE

(as amended effective 1/1/2024)

Entitlement:

- An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
- Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later. Accrued paid sick leave shall carry over to the following year of employment and may be capped at 80 hours or 10 days.
- An employer can also provide 5 days or 40 hours, whichever is greater, of paid sick leave "up-front" at the beginning of a 12-month period. No accrual or carry over is required.
- Other accrual plans that meet specified conditions, including PTO plans, may also satisfy the requirements.

Usage:

- An employee may use paid sick days beginning on the 90th day of employment.
- An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- An employer may limit the use of paid sick days to 40 hours or five days, whichever is greater, in each year of employment.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website http://www.dir.ca.gov/dlse/DistrictOffices.htm using the alphabetical listing of cities, locations, and communities. Staff is available in person and by telephone.

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF IMMIGRANTS

DFEH

FACT SHEET

The Department of Fair Employment and Housing (DFEH) is California's civil rights agency. DFEH enforces the state's robust laws against discrimination and harassment in employment, housing, business establishments, and state-funded programs and activities, as well as laws against bias-motivated violence and human trafficking. DFEH is committed to ensuring that all Californians, regardless of immigration status, can live free from discrimination.

EMPLOYMENT

You are protected from being fired from your job, harassed at work, treated worse than co-workers with the same job, and other forms of discrimination, because of your race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, age (40 and over), and certain other characteristics. In addition, there are certain protections related to immigration status, citizenship, and language.

EXAMPLES OF UNLAWFUL DISCRIMINATION:

- **National Origin/Ancestry.** "My employer treats employees from a particular country (or a particular ancestry) worse than employees originally from the United States, even though we do the same job and have more experience."
- **Harassment.** "My co-workers regularly say derogatory things about immigrants and people originally from the country where I was born, and my employer refuses to do anything to stop it."
- **English Only.** "My employer told me I have to speak English, even when I'm on break and even though, during work time, there is no business reason for this rule."
- **Accent.** "My employer treats me unfairly because I speak English with an accent, even though my co-workers and our customers understand me perfectly."
- **Retaliation.** "My employer threatened to call immigration authorities on me because I complained about harassment I was experiencing on the job."
- **Immigration Inquiries.** An employer may not look into an applicant's or employee's immigration status, unless the employer must do so to comply with federal immigration law.
- **Citizenship Requirements.** Citizenship requirements are unlawful if a pretext for discrimination or have the purpose or effect of discriminating against applicants or employees on the basis of national origin or ancestry, unless pursuant to a permissible defense.
- For more information about immigration, citizenship, and language issues in employment, see California Code of Regulations, Title 2, Section 11028.

If you have been the subject of unlawful employment discrimination, you may be entitled to back pay, front pay, reinstatement, and other remedies.

For more information, visit: www.dfeh.ca.gov/employment/

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF IMMIGRANTS

FACT SHEET

DFEH

BUSINESSES

You are protected from discrimination by businesses of every kind, such as retail stores, restaurants, hospitals, and health care providers.

All immigrants are protected against discrimination because of their race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, and certain other characteristics, as well as primary language, immigration status, and citizenship.

EXAMPLES OF UNLAWFUL DISCRIMINATION:

- "A hardware shop would not rent machinery to me if I could not prove I am a lawful immigrant."
- "A restaurant denied service to me and my family because we are not from the United States."
- "A hospital made me wait much longer than every other patient because they were not sure I am a citizen or lawful immigrant."

If you have been the subject of unlawful discrimination by a business, your remedies could include damages of no less than $4,000.

For more information, visit:
www.dfeh.ca.gov/unruh/

HOUSING

You are protected from being evicted, denied an apartment, charged higher rent, denied repairs, and other forms of discrimination if based on your race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, source of income, and other bases.

If your landlord/housing provider qualifies as a business, you are also protected against housing discrimination related to your citizenship, immigration status, or primary language.

EXAMPLES OF UNLAWFUL DISCRIMINATION

- "The management company that runs the apartment complex I live in threatened to tell immigration authorities that I am undocumented if I don't move out of my apartment."
- "A landlord wanted to charge me a higher rent than advertised, because I wasn't originally from the U.S."
- "A new condominium complex is selling units and refused to provide me with an application because I am not a U.S. citizen."
- "A realtor's office refused to show me properties because I was not born in the United States."

If you have been the subject of unlawful housing discrimination, you may be entitled to access the housing that was denied to you, out-of-pocket expenses, and other remedies.

For more information, visit:
www.dfeh.ca.gov/housing/

BIAS-MOTIVATED VIOLENCE

You are protected from violence or threats of violence against you, your family, and your property. Violence and threats of violence that are motivated by your race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, citizenship, primary language, immigration status, and certain other characteristics are considered "hate violence" or "bias-motivated violence."

EXAMPLES OF BIAS-MOTIVATED VIOLENCE

- "A stranger spit on me and yelled at me to go back to where I came from."
- "My co-worker keyed my car because I don't speak English very well."
- "My neighbor tried to punch me while screaming racial slurs."

If you have been the victim of bias-motivated violence, you have the option to go to the police. You also have the option to file a civil complaint with the DFEH, and your remedies could include a restraining order and money to compensate you for the harms you suffered.

For more information, visit:
www.dfeh.ca.gov/hateviolence/

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF IMMIGRANTS

FACT SHEET

PROGRAMS AND SERVICES ADMINISTERED OR FUNDED BY CALIFORNIA

Any program or service that is run by California or receives government funding must obey certain civil rights laws. While some of these programs and services may not be available to all immigrants, none may discriminate against applicants and beneficiaries on the basis of race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, or certain other characteristics.

EXAMPLES OF UNLAWFUL DISCRIMINATION

- "Even though I'm eligible for a program for young mothers and families in need, the organization that runs the program turned me away because of my ethnicity. The program is funded by state money."
- "The public school where my children go to school would not let my children play extracurricular sports because of our ancestry."
- "A hospital that takes Medi-Cal treated me unfairly because I am originally from another country."

Any state-funded program or activity that unlawfully discriminates could lose some or all of its state funding, and the victim of the discrimination may be entitled to other remedies.

For more information, visit:
www.dfeh.ca.gov/statefundedprograms/

HUMAN TRAFFICKING

California law protects everyone, regardless of immigration status, from human trafficking, which is the exploitation of human beings through force, fraud, or coercion for the purposes of commercial sex or forced labor. It is an unlawful employment practice for an employer or other covered entity to use force, fraud, or coercion to compel the employment of, or subject to adverse treatment, applicants or employees on the basis of national origin.

In addition, if you are the victim of human trafficking or many other crimes, you may qualify for a U or T visa if you cooperate with law enforcement to prosecute those crimes.

For more information, visit:
www.dfeh.ca.gov/humantrafficking/

If you think you have been a victim of discrimination, please contact DFEH.

TO FILE A COMPLAINT

Department of Fair Employment and Housing
dfeh.ca.gov
Toll Free: 800.884.1684
TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation, DFEH can assist you with your complaint. Contact us through any method above or, for individuals who are deaf or hard of hearing or have speech disabilities, through the California Relay Service (711).

DFEH-A05P-ENG / October 2020

OFFICIAL NOTICE

INDUSTRIAL WELFARE COMMISSION ORDER
NO. 4-2001
REGULATING
WAGES, HOURS AND WORKING CONDITIONS IN THE

PROFESSIONAL, TECHNICAL, CLERICAL, MECHANICAL AND SIMILAR OCCUPATIONS

Effective January 1, 2001 as amended

Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations, effective January 1, 2024, pursuant to SB 13, Chapter 4, Statutes of 2016 and section 1182.13 of the Labor Code

This Order Must Be Posted Where Employees Can Read It Easily

Visit www.dir.ca.gov

Please Post With This Side Showing

OFFICIAL NOTICE

Effective January 1, 2001 as amended

Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations, effective January 1, 2024, pursuant to SB 3, Chapter 4, Statutes of 2016 and section 1182.13 of the Labor Code

INDUSTRIAL WELFARE COMMISSION
ORDER NO. 4-2001
REGULATING
WAGES, HOURS AND WORKING CONDITIONS IN THE
PROFESSIONAL, TECHNICAL, CLERICAL, MECHANICAL AND SIMILAR OCCUPATIONS

TAKE NOTICE: To employers and representatives of persons working in industries and occupations in the State of California: The Department of Industrial Relations amends and republishes the minimum wage and meals and lodging credits in the Industrial Welfare Commission's Orders as a result of legislation enacted (SB 3, Ch. 4, Stats of 2016, amending section 1182.12 of the California Labor Code), and pursuant to section 1182.13 of the California Labor Code. The amendments and republishing make no other changes to the IWC's Orders.

1. APPLICABILITY OF ORDER

This order shall apply to all persons employed in professional, technical, clerical, mechanical, and similar occupations whether paid on a time, piece rate, commission, or other basis, except that:

(A) Provisions of Sections 3 through 12 shall not apply to persons employed in administrative, executive, or professional capacities. The following requirements shall apply in determining whether an employee's duties meet the test to qualify for an exemption from those sections:

(1) Executive Exemption. A person employed in an executive capacity means any employee:

(a) Whose duties and responsibilities involve the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretion and independent judgment; and

(e) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non- exempt work shall be construed in the same manner as such items are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.102, 541.104-111, and 541.115-116. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

(f) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.

(2) Administrative Exemption. A person employed in an administrative capacity means any employee:

(a) Whose duties and responsibilities involve either:

(i) The performance of office or non-manual work directly related to management policies or general business operations of his/her employer or his/her employer's customers; or

(ii) The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined for purposes of this section); or

(d) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge; or

(e) Who executes under only general supervision special assignments and tasks; and

(f) Who is primarily engaged in duties that meet the test of the exemption. The activities constituting exempt work and non- exempt work shall be construed in the same manner as such terms are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.201-205, 541.207-208, 541.210, and 541.215. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course

of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

(g) Such employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full- time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.

(3) Professional Exemption. A person employed in a professional capacity means any employee who meets all of the following requirements:

(a) Who is licensed or certified by the State of California and is primarily engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting; or

(b) Who is primarily engaged in an occupation commonly recognized as a learned or artistic profession. For the purposes of this subsection, "learned or artistic profession" means an employee who is primarily engaged in the performance of:

(i) Work requiring knowledge of an advanced type in a field or science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or work that is an essential part of or necessarily incident to any of the above work; or

(ii) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the above work; and

(iii) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

(c) Who customarily and regularly exercises discretion and independent judgment in the performance of duties set forth in subparagraphs (a) and (b).

(d) Who earns a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515 (c) as 40 hours per week.

(e) Subparagraph (b) above is intended to be construed in accordance with the following provisions of federal law as they existed as of the date of this wage order: 29 C.F.R. Sections 541.207, 541.301(a)-(d), 541.302, 541.306, 541.307, 541.308, and 541.310.

(f) Notwithstanding the provisions of this subparagraph, pharmacists employed to engage in the practice of pharmacy, and registered nurses employed to engage in the practice of nursing, shall not be considered exempt professional employees, nor shall they be considered exempt from coverage for the purposes of this subparagraph unless they individually meet the criteria established for exemption as executive or administrative employees.

(g) Subparagraph (f) above shall not apply to the following advanced practice nurses:

(i) Certified nurse midwives who are primarily engaged in performing duties for which certification is required pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code.

(ii) Certified nurse anesthetists who are primarily engaged in performing duties for which certification is required pursuant to Article 7 (commencing with Section 2825) of Chapter 6 of Division 2 of the Business and Professions Code.

(iii) Certified nurse practitioners who are primarily engaged in performing duties for which certification is required pursuant to Article 8 (commencing with Section 2834) of Chapter 6 of Division 2 of the Business and Professions Code.

(iv) Nothing in this subparagraph shall exempt the occupations set forth in clauses (i), (ii), and (iii) from meeting the requirements of subsection 1(A)(3)(a)–(d) above.

(h) Except, as provided in subparagraph (i), an employee in the computer software field who is paid on an hourly basis shall be exempt, if *all* of the following apply:

(i) The employee is primarily engaged in work that is intellectual or creative and that requires the exercise of discretion and independent judgment.

(ii) The employee is primarily engaged in duties that consist of one or more of the following:

—The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications.

—The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications.

—The documentation, testing, creation, or modification of computer programs related to the design of software or hardware for computer operating systems.

(iii) The employee is highly skilled and is proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering. A job title shall not be determinative of the applicability of this exemption.

(iv) The employee's hourly rate of pay is not less than forty-one dollars ($41.00). The Office of Policy, Research and Legislation shall adjust this pay rate on October 1 of each year to be effective on January 1 of the following year by an amount equal to the percentage increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers.[1]

[1] Pursuant to Labor Code section 515.5, subdivision (a)(4), the Office of the Director-Research, Department of Industrial Relations, has adjusted the minimum hourly rate of pay specified in this subdivision to be $49.77, effective January 1, 2007. This hourly rate of pay is adjusted on October 1 of each year to be effective on January 1, of the following year, and may be obtained at https://www.dir.ca.gov/oprl/ComputerSoftware.htm or by mail from the Department of Industrial Relations.

(i) The exemption provided in subparagraph (h) does not apply to an employee if *any* of the following apply:

(i) The employee is a trainee or employee in an entry-level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering.

(ii) The employee is in a computer-related occupation but has not attained the level of skill and expertise necessary to work independently and without close supervision.

(iii) The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of computer hardware and related equipment.

(iv) The employee is an engineer, drafter, machinist, or other professional whose work is highly dependent upon or facilitated by the use of computers and computer software programs and who is skilled in computer-aided design software, including CAD/CAM, but who is not in a computer systems analysis or programming occupation.

(v) The employee is a writer engaged in writing material, including box labels, product descriptions, documentation, promotional material, setup and installation instructions, and other similar written information, either for print or for on screen media or who writes or provides content material intended to be read by customers, subscribers, or visitors to computer-related media such as the World Wide Web or CD-ROMs.

(vi) The employee is engaged in any of the activities set forth in subparagraph (h) for the purpose of creating imagery for effects used in the motion picture, television, or theatrical industry.

(B) Except as provided in Sections 1, 2, 4, 10, and 20, the provisions of this order shall not apply to any employees directly employed by the State or any political subdivision thereof, including any city, county, or special district.

(C) The provisions of this order shall not apply to outside salespersons.

(D) The provisions of this order shall not apply to any individual who is the parent, spouse, child, or legally adopted child of the employer.

(E) The provisions of this order shall not apply to any individual participating in a national service program, such as AmeriCorps, carried out using assistance provided under Section 12571 of Title 42 of the United States Code. (See Stats. 2000, Ch. 365, amending Labor Code Section 1171.)

2. DEFINITIONS

(A) An "alternative workweek schedule" means any regularly scheduled workweek requiring an employee to work more than eight (8) hours in a 24-hour period.

(B) "Commission" means the Industrial Welfare Commission of the State of California.

(C) "Division" means the Division of Labor Standards Enforcement of the State of California.

(D) "Emergency" means an unpredictable or unavoidable occurrence at unscheduled intervals requiring immediate action.

(E) "Employ" means to engage, suffer, or permit to work.

(F) "Employee" means any person employed by an employer.

(G) "Employees in the health care industry" means any of the following:

(1) Employees in the health care industry providing patient care; or

(2) Employees in the health care industry working in a clinical or medical department, including pharmacists dispensing prescriptions in any practice setting; or

(3) Employees in the health care industry working primarily or regularly as a member of a patient care delivery team; or

(4) Licensed veterinarians, registered veterinary technicians and unregistered animal health technicians providing patient care.

(H) "Employer" means any person as defined in Section 18 of the Labor Code, who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person.

(I) "Health care emergency" consists of an unpredictable or unavoidable occurrence at unscheduled intervals relating to health care delivery, requiring immediate action.

(J) "Health care industry" is defined as hospitals, skilled nursing facilities, intermediate care and residential care facilities, convalescent care institutions, home health agencies, clinics operating 24 hours per day, and clinics performing surgery, urgent care, radiology, anesthesiology, pathology, neurology or dialysis.

(K) "Hours worked" means the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so. Within the health care industry, the term "hours worked" means the time during which an employee is suffered or permitted to work for the employer, whether or not required to do so, as interpreted in accordance with the provisions of the Fair Labor Standards Act.

(L) "Minor" means, for the purpose of this order, any person under the age of 18 years.

(M) "Outside salesperson" means any person, 18 years of age or over, who customarily and regularly works more than half the working time away from the employer's place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities.

(N) "Primarily" as used in Section 1, Applicability, means more than one-half the employee's work time.

(O) "Professional, Technical, Clerical, Mechanical, and Similar Occupations" includes professional, semiprofessional, managerial, supervisorial, laboratory, research, technical, clerical, office work, and mechanical occupations. Said occupations shall include, but not be limited to, the following: accountants; agents; appraisers; artists; attendants; audio-visual technicians; bookkeepers; bundlers; billposters; canvassers; carriers; cashiers; checkers; clerks; collectors; communications and sound technicians; compilers; copy holders; copy readers; copy writers; computer programmers and operators; demonstrators and display representatives; dispatchers; distributors; door-keepers; drafters; elevator operators; estimators; editors; graphic arts technicians; guards; guides; hosts; inspectors; installers; instructors; interviewers; investigators; librarians; laboratory workers; machine operators; mechanics; mailers; messengers; medical and dental technicians and technologists; models; nurses; packagers; photographers; porters and cleaners; process servers; printers; proof readers; salespersons and sales agents;

secretaries; sign erectors; sign painters; social workers; solicitors; statisticians; stenographers; teachers; telephone, radio-telephone, telegraph and call-out operators; tellers; ticket agents; tracers; typists; vehicle operators; x-ray technicians; their assistants and other related occupations listed as professional, semiprofessional, technical, clerical, mechanical, and kindred occupations.

(P) "Shift" means designated hours of work by an employee, with a designated beginning time and quitting time.

(Q) "Split shift" means a work schedule, which is interrupted by non-paid non-working periods established by the employer, other than bona fide rest or meal periods.

(R) "Teaching" means, for the purpose of Section 1 of this order, the profession of teaching under a certificate from the Commission for Teacher Preparation and Licensing or teaching in an accredited college or university.

(S) "Wages" includes all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculation.

(T) "Workday" and "day" mean any consecutive 24-hour period beginning at the same time each calendar day.

(U) "Workweek" and "week" mean any seven (7) consecutive days, starting with the same calendar day each week. "Workweek" is a fixed and regularly recurring period of 168 hours, seven (7) consecutive 24-hour periods.

3. HOURS AND DAYS OF WORK

(A) Daily Overtime - General Provisions

(1) The following overtime provisions are applicable to employees 18 years of age or over and to employees 16 or 17 years of age who are not required by law to attend school and are not otherwise prohibited by law from engaging in the subject work. Such employees shall not be employed more than eight (8) hours in any workday or more than 40 hours in any workweek unless the employee receives one and one-half (1½) times such employee's regular rate of pay for all hours worked over 40 hours in the workweek. Eight (8) hours of labor constitutes a day's work. Employment beyond eight (8) hours in any workday or more than six (6) days in any workweek is permissible provided the employee is compensated for such overtime at not less than:

(a) One and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours up to and including 12 hours in any workday, and for the first eight (8) hours worked on the seventh (7^{th}) consecutive day of work in a workweek; and

(b) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight (8) hours on the seventh (7^{th}) consecutive day of work in a workweek.

(c) The overtime rate of compensation required to be paid to a nonexempt full-time salaried employee shall be computed by using the employee's regular hourly salary as one-fortieth (1/40) of the employee's weekly salary.

(B) Alternative Workweek Schedules

(1) No employer shall be deemed to have violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order, a regularly scheduled alternative workweek schedule of not more than ten (10) hours per day within a 40 hour workweek without the payment of an overtime rate of compensation. All work performed in any workday beyond the schedule established by the agreement up to 12 hours a day or beyond 40 hours per week shall be paid at one and one-half (1½) times the employee's regular rate of pay. All work performed in excess of 12 hours per day and any work in excess of eight (8) hours on those days worked beyond the regularly scheduled number of workdays established by the alternative workweek agreement shall be paid at double the employee's regular rate of pay. Any alternative workweek agreement adopted pursuant to this section shall provide for not less than four (4) hours of work in any shift. Nothing in this section shall prohibit an employer, at the request of the employee, to substitute one day of work for another day of the same length in the shift provided by the alternative workweek agreement on an occasional basis to meet the personal needs of the employee without the payment of overtime. No hours paid at either one and one-half (1½) or double the regular rate of pay shall be included in determining when 40 hours have been worked for the purpose of computing overtime compensation.

(2) If an employer whose employees have adopted an alternative workweek agreement permitted by this order requires an employee to work fewer hours than those that are regularly scheduled by the agreement, the employer shall pay the employee overtime compensation at a rate of one and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours, and double the employee's regular rate of pay for all hours worked in excess of 12 hours for the day the employee is required to work the reduced hours.

(3) An employer shall not reduce an employee's regular rate of hourly pay as a result of the adoption, repeal or nullification of an alternative workweek schedule.

(4) An employer shall explore any available reasonable alternative means of accommodating the religious belief or observance of an affected employee that conflicts with an adopted alternative workweek schedule, in the manner provided by subdivision (j) of Section 12940 of the Government Code.

(5) An employer shall make a reasonable effort to find a work schedule not to exceed eight (8) hours in a workday, in order to accommodate any affected employee who was eligible to vote in an election authorized by this section and who is unable to work the alternative workweek schedule established as the result of that election.

(6) An employer shall be permitted, but not required, to provide a work schedule not to exceed eight (8) hours in a workday to accommodate any employee who is hired after the date of the election and who is unable to work the alternative workweek schedule established by the election.

(7) Arrangements adopted in a secret ballot election held pursuant to this order prior to 1998, or under the rules in effect prior to 1998, and before the performance of the work, shall remain valid after July 1, 2000 provided that the results of the election are reported by the employer to the Office of Policy, Research and Legislation by January 1, 2001, in accordance with the requirements of subsection (C) below (Election Procedures). If an employee was voluntarily working an alternative workweek schedule of not more than ten (10) hours a day as of July 1, 1999, that alternative workweek schedule was based on an individual agreement made after January 1, 1998 between the employee and employer, and the employee submitted, and the employer

approved, a written request on or before May 30, 2000 to continue the agreement, the employee may continue to work that alternative workweek schedule without payment of an overtime rate of compensation for the hours provided in the agreement. The employee may revoke his/her voluntary authorization to continue such a schedule with 30 days written notice to the employer. New arrangements can only be entered into pursuant to the provisions of this section. Notwithstanding the foregoing, if a health care industry employer implemented a reduced rate for 12-hour shift employees in the last quarter of 1999 and desires to re-implement a flexible work arrangement that includes 12-hour shifts at straight time for the same work unit, the employer must pay a base rate to each affected employee in the work unit that is no less than that employee's base rate in 1999 immediately prior to the date of the rate reduction.

(8) Notwithstanding the above provisions regarding alternative workweek schedules, no employer of employees in the health care industry shall be deemed to have violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order a regularly scheduled alternative workweek schedule that includes workdays exceeding ten (10) hours but not more than 12 hours within a 40 hour workweek without the payment of overtime compensation, provided that:

(a) An employee who works beyond 12 hours in a workday shall be compensated at double the employee's regular rate of pay for all hours in excess of 12;

(b) An employee who works in excess of 40 hours in a workweek shall be compensated at one and one-half ($1^1/2$) times the employee's regular rate of pay for all hours over 40 hours in the workweek;

(c) Any alternative workweek agreement adopted pursuant to this section shall provide for not less than four (4) hours of work in any shift;

(d) The same overtime standards shall apply to employees who are temporarily assigned to a work unit covered by this subsection;

(e) Any employer who instituted an alternative workweek schedule pursuant to this subsection shall make a reasonable effort to find another work assignment for any employee who participated in a valid election prior to 1998 pursuant to the provisions of Wage Orders 4 and 5 and who is unable to work the alternative workweek schedule established;

(f) An employer engaged in the operation of a licensed hospital or in providing personnel for the operation of a licensed hospital who institutes, pursuant to a valid order of the Commission, a regularly scheduled alternative workweek that includes no more than three (3) 12-hour workdays, shall make a reasonable effort to find another work assignment for any employee who participated in the vote which authorized the schedule and is unable to work the 12-hour shifts. An employer shall not be required to offer a different work assignment to an employee if such a work assignment is not available or if the employee was hired after the adoption of the 12 hour, three (3) day alternative workweek schedule.

(9) No employee assigned to work a 12-hour shift established pursuant to this order shall be required to work more than 12 hours in any 24-hour period unless the chief nursing officer or authorized executive declares that:

(a) A "health care emergency", as defined above, exists in this order; and

(b) All reasonable steps have been taken to provide required staffing; and

(c) Considering overall operational status needs, continued overtime is necessary to provide required staffing.

(10) Provided further that no employee shall be required to work more than 16 hours in a 24-hour period unless by voluntary mutual agreement of the employee and the employer, and no employee shall work more than 24 consecutive hours until said employee receives not less than eight (8) consecutive hours off duty immediately following the 24 consecutive hours of work.

(11) Notwithstanding subsection (B)(9) above, an employee may be required to work up to 13 hours in any 24-hour period if the employee scheduled to relieve the subject employee does not report for duty as scheduled and does not inform the employer more than two (2) hours in advance of that scheduled shift that he/she will not be appearing for duty as scheduled.

(C) Election Procedures

Election procedures for the adoption and repeal of alternative workweek schedules require the following:

(1) Each proposal for an alternative workweek schedule shall be in the form of a written agreement proposed by the employer. The proposed agreement must designate a regularly scheduled alternative workweek in which the specified number of work days and work hours are regularly recurring. The actual days worked within that alternative workweek schedule need not be specified. The employer may propose a single work schedule that would become the standard schedule for workers in the work unit, or a menu of work schedule options, from which each employee in the unit would be entitled to choose. If the employer proposes a menu of work schedule options, the employee may, with the approval of the employer, move from one menu option to another.

(2) In order to be valid, the proposed alternative workweek schedule must be adopted in a secret ballot election, before the performance of work, by at least a two-thirds (2/3) vote of the affected employees in the work unit. The election shall be held during regular working hours at the employees' work site. For purposes of this subsection, —affected employees in the work unitǁ may include all employees in a readily identifiable work unit, such as a division, a department, a job classification, a shift, a separate physical location, or a recognized subdivision of any such work unit. A work unit may consist of an individual employee as long as the criteria for an identifiable work unit in this subsection are met.

(3) Prior to the secret ballot vote, any employer who proposed to institute an alternative workweek schedule shall have made a disclosure in writing to the affected employees, including the effects of the proposed arrangement on the employees' wages, hours, and benefits. Such a disclosure shall include meeting(s), duly noticed, held at least 14 days prior to voting, for the specific purpose of discussing the effects of the alternative workweek schedule. An employer shall provide that disclosure in a non-English language, as well as in English, if at least five (5) percent of the affected employees primarily speak that non-English language. The employer shall mail the written disclosure to employees who do not attend the meeting. Failure to comply with this paragraph shall make the election null and void.

(4) Any election to establish or repeal an alternative workweek schedule shall be held at the work site of the affected employees. The employer shall bear the costs of conducting any election held pursuant to this section. Upon a complaint by

an affected employee, and after an investigation by the labor commissioner, the labor commissioner may require the employer to select a neutral third party to conduct the election.

(5) Any type of alternative workweek schedule that is authorized by the Labor Code may be repealed by the affected employees. Upon a petition of one-third (1/3) of the affected employees, a new secret ballot election shall be held and a two-thirds (2/3) vote of the affected employees shall be required to reverse the alternative workweek schedule. The election to repeal the alternative workweek schedule shall be held not more than 30 days after the petition is submitted to the employer, except that the election shall be held not less than 12 months after the date that the same group of employees voted in an election held to adopt or repeal an alternative workweek schedule. However, where an alternative workweek schedule was adopted between October 1, 1999 and October 1, 2000, a new secret ballot election to repeal the alternative workweek schedule shall not be subject to the 12-month interval between elections. The election shall take place during regular working hours at the employees' work site. If the alternative workweek schedule is revoked, the employer shall comply within 60 days. Upon proper showing of undue hardship, the Division of Labor Standards Enforcement may grant an extension of time for compliance.

(6) Only secret ballots may be cast by affected employees in the work unit at any election held pursuant to this section. The results of any election conducted pursuant to this section shall be reported by the employer to the Office of Policy, Research and Legislation within 30 days after the results are final, and the report of election results shall be a public document. The report shall include the final tally of the vote, the size of the unit, and the nature of the business of the employer.

(7) Employees affected by a change in the work hours resulting from the adoption of an alternative workweek schedule may not be required to work those new work hours for at least 30 days after the announcement of the final results of the election.

(8) Employers shall not intimidate or coerce employees to vote either in support of or in opposition to a proposed alternative work- week. No employees shall be discharged or discriminated against for expressing opinions concerning the alternative workweek election or for opposing or supporting its adoption or repeal. However, nothing in this section shall prohibit an employer from expressing his/her position concerning that alternative workweek to the affected employees. A violation of this paragraph shall be subject to Labor Code Section 98 *et seq.*

(D) The provisions of subsections (A), (B) and (C) above shall not apply to any employee whose earnings exceed one and one-half (1½) times the minimum wage if more than half of that employee's compensation represents commissions.

(E) One and one-half (1½) times a minor's regular rate of pay shall be paid for all work over 40 hours in any workweek except minors 16 or 17 years old who are not required by law to attend school and may therefore be employed for the same hours as an adult are subject to subsection (A) or (B) and (C) above.

(**VIOLATIONS OF CHILD LABOR LAWS** are subject to civil penalties of from $500 to $10,000 as well as to criminal penalties. Refer to California Labor Code Sections 1285 to 1312 and 1390 to 1399 for additional restrictions on the employment of minors and for descriptions of criminal and civil penalties for violation of the child labor laws. Employers should ask school districts about any required work permits.)

(F) An employee may be employed on seven (7) workdays in one workweek when the total hours of employment during such workweek do not exceed 30 and the total hours of employment in any one workday thereof do not exceed six (6).

(G) If a meal period occurs on a shift beginning or ending at or between the hours of 10 p.m. and 6 a.m., facilities shall be available for securing hot food and drink or for heating food or drink, and a suitable sheltered place shall be provided in which to consume such food or drink.

(H) The provisions of Labor Code Sections 551 and 552 regarding one (1) day's rest in seven (7) shall not be construed to prevent an accumulation of days of rest when the nature of the employment reasonably requires the employee to work seven (7) or more consecutive days; provided, however, that in each calendar month, the employee shall receive the equivalent of one (1) day's rest in seven (7).

(I) Except as provided in subsections (E), (H) and (L), this section shall not apply to any employee covered by a valid collective bar- gaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage.

(J) Notwithstanding subsection (I) above, where the employer and a labor organization representing employees of the employer have entered into a valid collective bargaining agreement pertaining to the hours of work of the employees, the requirement regarding the equivalent of one (1) day's rest in seven (7) (see subsection (H) above) shall apply, unless the agreement expressly provides otherwise.

(K) The provisions of this section are not applicable to employees whose hours of service are regulated by:

(1) The United States Department of Transportation Code of Federal Regulations, Title 49, Sections 395.1 to 395.13, Hours of Service of Drivers; or

(2) Title 13 of the California Code of Regulations, subchapter 6.5, Section 1200 and following sections, regulating hours of drivers.

(L) No employee shall be terminated or otherwise disciplined for refusing to work more than 72 hours in any workweek, except in an emergency as defined in Section 2(D).

(M) If an employer approves a written request of an employee to make up work time that is or would be lost as a result of a personal obligation of the employee, the hours of that makeup work time, if performed in the same workweek in which the work time was lost, may not be counted toward computing the total number of hours worked in a day for purposes of the overtime requirements, except for hours in excess of 11 hours of work in one (1) day or 40 hours of work in one (1) workweek. If an employee knows in advance that he/she will be requesting makeup time for a personal obligation that will recur at a fixed time over a succession of weeks, the employee may request to make up work time for up to four (4) weeks in advance; provided, however, that the makeup work must be performed in the same week that the work time was lost. An employee shall provide a signed written request for each occasion that the employee makes a request to make up work time pursuant to this subsection. While an employer may inform an employee of this makeup time option, the employer is prohibited from encouraging or otherwise soliciting an employee to request the employer's approval to take personal time off and make up the work hours within the same

workweek pursuant to this subsection.

4. MINIMUM WAGES

(A) Every employer shall pay to each employee wages not less than the following:

(1) All employers, regardless of the number of employees, shall pay to each employee

(a) Sixteen dollars ($16) per hour for all hours worked, effective January 1, 2024 and,

(b) Fifteen dollars and fifty cents ($15.50) per hour for all hours worked, effective January 1, 2023.

(2) Prior to January 1, 2023, any employer who employs 26 or more employees shall pay to each employee wages not less than the following:

(a) Fifteen dollars ($15.00) per hour for all hours worked, effective January 1, 2022;

(b) Fourteen dollars ($14.00) per hour for all hours worked, effective January 1, 2021; and

(3) Prior to January 1, 2023, any employer who employs 25 or fewer employees shall pay to each employee wages not less than the following:

(a) Fourteen dollars ($14.00) per hour for all hours worked, effective January 1, 2022;

(b) Thirteen dollars ($13.00) per hour for all hours worked, effective January 1, 2021;

Employees treated as employed by a single qualified taxpayer pursuant to Revenue and Taxation Code section 23626 are treated as employees of that single taxpayer. LEARNERS. Employees during their first 160 hours of employment in occupations in which they have no previous similar or related experience, may be paid not less than 85 percent of the minimum wage rounded to the nearest nickel.

(B) Every employer shall pay to each employee, on the established payday for the period involved, not less than the applicable minimum wage for all hours worked in the payroll period, whether the remuneration is measured by time, piece, commission, or otherwise.

(C) When an employee works a split shift, one (1) hour's pay at the minimum wage shall be paid in addition to the minimum wage for that workday, except when the employee resides at the place of employment.

(D) The provisions of this section shall not apply to apprentices regularly indentured under the State Division of Apprenticeship Standards.

5. REPORTING TIME PAY

(A) Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay, which shall not be less than the minimum wage.

(B) If an employee is required to report for work a second time in any one workday and is furnished less than two (2) hours of work on the second reporting, said employee shall be paid for two (2) hours at the employee's regular rate of pay, which shall not be less than the minimum wage.

(C) The foregoing reporting time pay provisions are not applicable when:

(1) Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities; or

(2) Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system; or

(3) The interruption of work is caused by an Act of God or other cause not within the employer's control.

(D) This section shall not apply to an employee on paid standby status who is called to perform assigned work at a time other than the employee's scheduled reporting time.

6. LICENSES FOR DISABLED WORKERS

(A) A license may be issued by the Division authorizing employment of a person whose earning capacity is impaired by physical disability or mental deficiency at less than the minimum wage. Such licenses shall be granted only upon joint application of employer and employee and employee's representative if any.

(B) A special license may be issued to a nonprofit organization such as a sheltered workshop or rehabilitation facility fixing special minimum rates to enable the employment of such persons without requiring individual licenses of such employees.

(C) All such licenses and special licenses shall be renewed on a yearly basis or more frequently at the discretion of the Division. (See California Labor Code, Sections 1191 and 1191.5)

7. RECORDS

(A) Every employer shall keep accurate information with respect to each employee including the following:

(1) Full name, home address, occupation and social security number.

(2) Birth date, if under 18 years, and designation as a minor.

(3) Time records showing when the employee begins and ends each work period. Meal periods, split shift intervals and total daily hours worked shall also be recorded. Meal periods during which operations cease and authorized rest periods need not be recorded.

(4) Total wages paid each payroll period, including value of board, lodging, or other compensation actually furnished to the employee.

(5) Total hours worked in the payroll period and applicable rates of pay. This information shall be made readily available to the employee upon reasonable request.

(6) When a piece rate or incentive plan is in operation, piece rates or an explanation of the incentive plan formula shall be provided to employees. An accurate production record shall be maintained by the employer.

(B) Every employer shall semimonthly or at the time of each payment of wages furnish each employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing: (1)

all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee's social security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item.

(C) All required records shall be in the English language and in ink or other indelible form, properly dated, showing month, day and year, and shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California. An employee's records shall be available for inspection by the employee upon reasonable request.

(D) Clocks shall be provided in all major work areas or within reasonable distance thereto insofar as practicable.

8. CASH SHORTAGE AND BREAKAGE

No employer shall make any deduction from the wage or require any reimbursement from an employee for any cash shortage, breakage, or loss of equipment, unless it can be shown that the shortage, breakage, or loss is caused by a dishonest or willful act, or by the gross negligence of the employee.

9. UNIFORMS AND EQUIPMENT

(A) When uniforms are required by the employer to be worn by the employee as a condition of employment, such uniforms shall be provided and maintained by the employer. The term —uniformǁ includes wearing apparel and accessories of distinctive design or color.

NOTE: This section shall not apply to protective apparel regulated by the Occupational Safety and Health Standards Board.

(B) When tools or equipment are required by the employer or are necessary to the performance of a job, such tools and equipment shall be provided and maintained by the employer, except that an employee whose wages are at least two (2) times the minimum wage provided herein may be required to provide and maintain hand tools and equipment customarily required by the trade or craft. This subsection (B) shall not apply to apprentices regularly indentured under the State Division of Apprenticeship Standards.

NOTE: This section shall not apply to protective equipment and safety devices on tools regulated by the Occupational Safety and Health Standards Board.

(C) A reasonable deposit may be required as security for the return of the items furnished by the employer under provisions of subsections (A) and (B) of this section upon issuance of a receipt to the employee for such deposit. Such deposits shall be made pursuant to Section 400 and following of the Labor Code or an employer with the prior written authorization of the employee may deduct from the employee's last check the cost of an item furnished pursuant to (A) and (B) above in the event said item is not returned. No deduction shall be made at any time for normal wear and tear. All items furnished by the employer shall be returned by the employee upon completion of the job.

10. MEALS AND LODGING

(A) "Meal" means an adequate, well-balanced serving of a variety of wholesome, nutritious foods.

(B) "Lodging" means living accommodations available to the employee for full-time occupancy which are adequate, decent, and sanitary according to usual and customary standards. Employees shall not be required to share a bed.

(C) Meals or lodging may not be credited against the minimum wage without a voluntary written agreement between the employer and the employee. When credit for meals or lodging is used to meet part of the employer's minimum wage obligation, the amounts so credited may not be more than the following:

EFFECTIVE:	**JANUARY 1, 2021**		**JANUARY 1, 2022**		**JANUARY 1, 2023**	**JANUARY 1, 2024**
For an employer who employs:	26 or More Employees	25 or Fewer Employees	26 or More Employees	25 or Fewer Employees	All Employers regardless of number of Employees	All Employers regardless of number of Employees
LODGING						
Room occupied alone	$65.83 /week	$61.13 /week	$70.53 /week	$65.83 /week	$72.88 /week	$75.23 /week
Room shared	$54.34 /week	$50.46 /week	$58.22 /week	$54.34 /week	$60.16 /week	$62.10 /week
Apartment — two thirds (2/3) of the ordinary rental value, and in no event more than:	$790.67 /month	$734.21 /month	$847.12 /month	$790.67 /month	$875.33 /month	$903.60 /month
Where a couple are both employed by the employer, two thirds (2/3) of the ordinary rental value, and in no event more than:	$1,169.59 /month	$1,086.07 /month	$1,253.10 /month	$1,169.59 /month	$1,294.83 /month	$1,336.65 /month
MEALS						
Breakfast	$5.06	$4.70	$5.42	$5.06	$5.60	$5.78
Lunch	$6.97	$6.47	$7.47	$6.97	$7.72	$7.97
Dinner	$9.35	$8.68	$10.02	$9.35	$10.35	$10.68

(D) Meals evaluated as part of the minimum wage must be bona fide meals consistent with the employee's work shift. Deductions shall not be made for meals not received or lodging not used.

(E) If, as a condition of employment, the employee must live at the place of employment or occupy quarters owned or under

the control of the employer, then the employer may not charge rent in excess of the values listed herein.

11. MEAL PERIODS

(A) No employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than 30 minutes, except that when a work period of not more than six (6) hours will complete the day's work the meal period may be waived by mutual consent of the employer and the employee. Unless the employee is relieved of all duty during a 30 minute meal period, the meal period shall be considered an "on duty" meal period and counted as time worked. An "on duty" meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the parties an on-the- job paid meal period is agreed to. The written agreement shall state that the employee may, in writing, revoke the agreement at any time.

(B) If an employer fails to provide an employee a meal period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the meal period is not provided.

(C) In all places of employment where employees are required to eat on the premises, a suitable place for that purpose shall be designated.

(D) Notwithstanding any other provision of this order, employees in the health care industry who work shifts in excess of eight (8) total hours in a workday may voluntarily waive their right to one of their two meal periods. In order to be valid, any such waiver must be documented in a written agreement that is voluntarily signed by both the employee and the employer. The employee may revoke the waiver at any time by providing the employer at least one (1) day's written notice. The employee shall be fully compensated for all working time, including any on-the-job meal period, while such a waiver is in effect.

12. REST PERIODS

(A) Every employer shall authorize and permit all employees to take rest periods, which insofar as practicable shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate often (10) minutes net rest time per four (4) hours or major fraction thereof. However, a rest period need not be authorized for employees whose total daily work time is less than three and one-half (3½) hours. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

(B) If an employer fails to provide an employee a rest period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the rest period is not provided.

13. CHANGE ROOMS AND RESTING FACILITIES

(A) Employers shall provide suitable lockers, closets, or equivalent for the safekeeping of employees' outer clothing during working hours, and when required, for their work clothing during non-working hours. When the occupation requires a change of clothing, change rooms or equivalent space shall be provided in order that employees may change their clothing in reasonable privacy and comfort. These rooms or spaces may be adjacent to but shall be separate from toilet rooms and shall be kept clean.

NOTE: This section shall not apply to change rooms and storage facilities regulated by the Occupational Safety and Health Standards Board.

(B) Suitable resting facilities shall be provided in an area separate from the toilet rooms and shall be available to employees during work hours.

14. SEATS

(A) All working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats.

(B) When employees are not engaged in the active duties of their employment and the nature of the work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area and employees shall be permitted to use such seats when it does not interfere with the performance of their duties.

15. TEMPERATURE

(A) The temperature maintained in each work area shall provide reasonable comfort consistent with industry-wide standards for the nature of the process and the work performed.

(B) If excessive heat or humidity is created by the work process, the employer shall take all feasible means to reduce such excessive heat or humidity to a degree providing reasonable comfort. Where the nature of the employment requires a temperature of less than 60° F., a heated room shall be provided to which employees may retire for warmth, and such room shall be maintained at not less than 68°.

(C) A temperature of not less than 68° shall be maintained in the toilet rooms, resting rooms, and change rooms during hours of use.

(D) Federal and State energy guidelines shall prevail over any conflicting provision of this section.

16. ELEVATORS

Adequate elevator, escalator or similar service consistent with industry-wide standards for the nature of the process and the work performed shall be provided when employees are employed four floors or more above or below ground level.

17. EXEMPTIONS

If, in the opinion of the Division after due investigation, it is found that the enforcement of any provision contained in Section 7, Records; Section 12, Rest Periods; Section 13, Change Rooms and Resting Facilities; Section 14, Seats; Section 15,

Temperature; or Section 16, Elevators, would not materially affect the welfare or comfort of employees and would work an undue hardship on the employer, exemption may be made at the discretion of the Division. Such exemptions shall be in writing to be effective and may be revoked after reasonable notice is given in writing. Application for exemption shall be made by the employer or by the employee and/or the employee's representative to the Division in writing. A copy of the application shall be posted at the place of employment at the time the application is filed with the Division.

18. FILING REPORTS

(See California Labor Code, Section 1174(a))

19. INSPECTION

(See California Labor Code, Section 1174)

20. PENALTIES

(See California Labor Code, Section 1199)

(A) In addition to any other civil penalties provided by law, any employer or any other person acting on behalf of the employer who violates, or causes to be violated, the provisions of this order, shall be subject to the civil penalty of:

(1) Initial Violation — $50.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to the amount which is sufficient to recover unpaid wages.

(2) Subsequent Violations — $100.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to an amount which is sufficient to recover unpaid wages.

(3) The affected employee shall receive payment of all wages recovered.

(B) The labor commissioner may also issue citations pursuant to California Labor Code Section 1197.1 for non-payment of wages for overtime work in violation of this order.

21. SEPARABILITY

If the application of any provision of this order, or any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this order should be held invalid or unconstitutional or unauthorized or prohibited by statute, the remaining provisions thereof shall not be affected thereby, but shall continue to be given full force and effect as if the part so held invalid or unconstitutional had not been included herein.

22. POSTING OF ORDER

Every employer shall keep a copy of this order posted in an area frequented by employees where it may be easily read during the workday. Where the location of work or other conditions make this impractical, every employer shall keep a copy of this order and make it available to every employee upon request.

QUESTIONS ABOUT ENFORCEMENT of the Industrial Welfare Commission orders and reports of violations should be directed to the Labor Commissioner's Office. A listing of offices is on the back of this wage order. For the address and telephone number of the office nearest you, information can be found on the internet at http://www.dir.ca.gov/DLSE/dlse.html or under a search for "California Labor Commissioner's Office" on the internet or any other directory. The Labor Commissioner has offices in the following cities: Bakersfield, El Centro, Fresno, Long Beach, Los Angeles, Oakland, Redding, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Barbara, Santa Rosa, Stockton, Van Nuys.

SUMMARIES IN OTHER LANGUAGES

The Department of Industrial Relations will make summaries of wage and hour requirements in this Order available in Spanish, Chinese and certain other languages when it is feasible to do so. Mail your request for such summaries to the Department at: P.O. Box 420603, San Francisco, CA 94142-0603.

RESUMEN EN OTROS IDIOMAS

El Departamento de Relaciones Industriales confeccionará un resumen sobre los requisitos de salario y horario de esta Disposición en español, chino y algunos otros idiomas cuando sea posible hacerlo. Envíe por correo su pedido por dichos resúmenes al Departamento a: P.O. Box 420603, San Francisco, CA 94142-0603.

其它文字的摘錄

工業關係處將摘錄本規則中有關工資和工時的規定，用西班牙文、中文印出。其它文字如有需要，也將同樣辦理。如果您有需要，可以來信索閱，請寄到：

Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

For further information or to file your complaints, visit https://www.dir.ca.gov/dlse/dlse.html or contact the State of California at the following department offices:

California Labor Commissioner's Office, also known as, **Division of Labor Standards Enforcement (DLSE)**

BAKERSFIELD
Labor Commissioner's Office/DLSE
7718 Meany Ave.
Bakersfield, CA 93308
661-587-3060

EL CENTRO
Labor Commissioner's Office/DLSE
1550 W. Main St.
El Centro, CA 92243
760-353-0607

FRESNO
Labor Commissioner's Office/DLSE
770 E. Shaw Ave., Suite 222
Fresno, CA 93710
559-244-5340

LONG BEACH
Labor Commissioner's Office/DLSE
1500 Hughes Way, Suite C-202
Long Beach, CA 90810
(562) 590-5048

LOS ANGELES
Labor Commissioner's Office/DLSE
320 W. Fourth St., Suite 450
Los Angeles, CA 90013
213-620-6330

OAKLAND
Labor Commissioner's Office/DLSE
1515 Clay Street, Room 801
Oakland, CA 94612
510-622-3273

OAKLAND – HEADQUARTERS
Labor Commissioner's Office/DLSE
1515 Clay Street, Room 1302
Oakland, CA 94612
510-285-2118
DLSE2@dir.ca.gov

REDDING
Labor Commissioner's Office/DLSE
250 Hemsted Drive, 2nd Floor, Suite A
Redding, CA 96002
530-225-2655

SACRAMENTO
Labor Commissioner's Office/DLSE
2031 Howe Ave, Suite 100
Sacramento, CA 95825
916-263-1811

SALINAS
Labor Commissioner's Office/DLSE
950 E. Blanco Rd., Suite 204
Salinas, CA 93901
831-443-3041

SAN BERNARDINO
Labor Commissioner's Office/DLSE
464 West 4th Street, Room 348
San Bernardino, CA 92401
909-383-4334

SAN DIEGO
Labor Commissioner's Office/DLSE
7575 Metropolitan Dr., Room 210
San Diego, CA 92108
619-220-5451

SAN FRANCISCO
Labor Commissioner's Office/DLSE
455 Golden Gate Ave. 10th Floor
San Francisco, CA 94102
415-703-5300

SAN JOSE
Labor Commissioner's Office/DLSE
224 Airport Parkway, Suite 300
San Jose, CA 95110
408-277-1266

SANTA ANA
Labor Commissioner's Office/DLSE
2 MacArthur Place Suite 800
Santa Ana, CA 92707
714-558-4910

SANTA BARBARA
Labor Commissioner's Office/DLSE
411 E. Canon Perdido, Room 3
Santa Barbara, CA 93101
805-568-1222

SANTA ROSA
Labor Commissioner's Office/DLSE
50 "D" Street, Suite 360
Santa Rosa, CA 95404
707-576-2362

STOCKTON
Labor Commissioner's Office/DLSE
3021 Reynolds Ranch Parkway, Suite 160
Lodi, California 95240
209-948-7771

VAN NUYS
Labor Commissioner's Office/DLSE
6150 Van Nuys Boulevard, Room 206
Van Nuys, CA 91401
818-901-5315

EMPLOYERS: Do not send copies of your alternative workweek election ballots or election procedures.

Only the results of the alternative workweek election shall be mailed to:

Department of Industrial Relations
Office of Policy, Research and Legislation
P.O. Box 420603
San Francisco, CA 94142-0603
(415) 703-4780

Prevailing Wage Hotline (415) 703-4774

OFFICIAL NOTICE

INDUSTRIAL WELFARE COMMISSION
ORDER NO. 16-2001
REGULATING
WAGES, HOURS AND WORKING CONDITIONS IN THE

CERTAIN ON-SITE OCCUPATIONS IN THE CONSTRUCTION, DRILLING, LOGGING AND MINING INDUSTRIES

Effective January 1, 2002 as amended

Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations, effective January 1, 2024, pursuant to SB 3, Chapter 4, Statutes of 2016 and section 1182.13 of the Labor Code

This Order Must Be Posted Where Employees Can Read It Easily

Visit www.dir.ca.gov

Please Post With This Side Showing

OFFICIAL NOTICE

Effective January 1, 2002 as amended

Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations, effective January 1, 2024, pursuant to SB 3, Chapter 4, Statutes of 2016 And section 1182.13 of the Labor Code

INDUSTRIAL WELFARE COMMISSION
ORDER NO. 16-2001
REGULATING
WAGES, HOURS AND WORKING CONDITIONS IN THE

CERTAIN ON-SITE OCCUPATIONS IN THE CONSTRUCTION, DRILLING, LOGGING, AND MINING INDUSTRIES

TAKE NOTICE: To employers and representatives of persons working in industries and occupations in the State of California: The Department of Industrial Relations amends and republishes the minimum wage and meals and lodging credits in the Industrial Welfare Commission's Orders as a result of legislation enacted (SB 3, Ch. 4, Stats of 2016, amending section 1182.12 of the California Labor Code), and pursuant of section 1182.13 of the California Labor Code. The amendments and republishing make no other changes to the IWC's Orders.

1. APPLICABILITY OF ORDER

This order shall apply to all persons employed in the on-site occupations of construction, including but not limited to work involving alteration, demolition, building, excavating, renovation, remodeling, maintenance, improvement, and repair work, and work for which a contractor's license is required by the California Business and Professions Code, Division 3, Chapter 9, Sections 7025 *et seq.;* drilling, including but not limited to all work required to drill, establish, repair, and rework wells for the exploration or extraction of oil, gas, or water resources; logging work for which a timber operator's license is required pursuant to California Public Resources Code Sections 4571 through 4586; and mining (not covered by Labor Code Section 750 *et seq.*), including all work required to mine and/or establish pits, quarries, and surface or underground mines for the purposes of exploration or extraction of nonmetallic minerals and ores, coal, and building materials such as stone and gravel, whether paid on a time, piece rate, com- mission, or other basis, except that:

(A) The provisions of Sections 3 through 11 shall not apply to persons employed in administrative, executive, or professional capacities. No person shall be considered to be employed in an administrative, executive, or professional capacity unless the person is primarily engaged in the duties which meet the test of the exemption, and earns a monthly salary equivalent to not less than (2) two times the state minimum wage for full-time employment. The duties that meet the test of the exemption are one of the following set of conditions:

(1) The employee is engaged in work which is primarily intellectual, managerial, or creative, and which requires exercise of discretion and independent judgment; or

(2) The employee is licensed or certified by the State of California, and is engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting, or the employee is engaged in an occupation that is commonly recognized as a learned or artistic profession; provided, however, that pharmacists employed to engage in the practice of pharmacy, and registered nurses employed to engage in the practice of nursing, shall not be considered exempt professional employees, nor shall they be considered exempt from coverage for the purposes of this section unless they individually meet the criteria established for exemption as executive or administrative employees.

(3) To the extent that there is no conflict with California law (Labor Code Section 515(e) requires than an employee be "primarily" engaged in exempt work, which means more than one-half of the employee's work time. Thus the "primary duty" test set forth in federal regulations does not apply.), the duties that meet the test of the administrative and executive exemptions are defined as set forth in the following sections of the Code of Federal Regulations as they existed as of the date of this wage order: 29 C.F.R. Sections 541.1 (a)-(c), 541.102, 541.104, 541.105, 541.106, 541.108, 541.109, 541.111, 541.115, and 541.116 (defining executive duties); 29 C.F.R. Sections 541.2 (a)-(c), 541.201, 541.205, 541.208, and 541.210 (defining administrative duties).

(4) For the purposes of this section, "full-time employment" means employment in which an employee is employed for 40 hours per week.

(B) Except as provided in Sections 1, Applicability; 2, Definitions; 4, Minimum Wages; 9, Meals and Lodging; and 18, Penalties, the provisions of this order shall not apply to any employees directly employed by the State or any political subdivision thereof, including any city, county, or special district.

(C) The provisions of this order shall not apply to outside salespersons.

(D) The provisions of this order shall not apply to any individual who is the parent, spouse, child, or legally adopted child of the employer.

(E) The provisions of this order shall not apply to any individual participating in a national service program, such as Ameri-Corps, carried out using assistance provided under Section 12571 of Title 42 of the United States Code. (See Stats. 2000, ch. 365, amending Labor Code Section 1171.)

(F) This order supersedes any industry or occupational order for those employees employed in occupations covered by this order.

2. DEFINITIONS

(A) "Alternative workweek schedule" means any regularly scheduled workweek proposed by an employer who has control over the wages, hours, and working conditions of the employees, and ratified by an employee work unit in a neutral secret ballot election, that requires an employee to work more than eight (8) hours in a 24-hour period.

(B) "Commission" means the Industrial Welfare Commission of the State of California.

(C) "Construction occupations" mean all job classifications associated with construction, including but not limited to work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, and repair work, by the California Business and Professions Code, Division 3, Chapter 9, Sections 7025 *et seq.*, and any other similar or related occupations or trades.

(D) "Division" means the Division of Labor Standards Enforcement of the State of California.

(E) "Drilling occupations" mean all job classifications associated with the exploration or extraction of oil, gas, or water resources work, including but not limited to the installation, establishment, reworking, maintenance or repair of wells and pumps by boring, drilling, excavating, casting, cementing and cleaning for the extraction or conveyance of fluids such as water, steam, gases, or petroleum.

(F) "Emergency" means an unpredictable or unavoidable occurrence at unscheduled intervals requiring immediate action.

(G) "Employ" means to engage, suffer, or permit to work.

(H) "Employee" means any person employed by an employer.

(I) "Employer" means any person as defined in Section 18 of the Labor Code, who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person.

(J) "Hours worked" means the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so.

(K) "Logging occupations" mean any work for which a timber operator's license is required pursuant to California Public Re- sources Code Sections 4571-4586, including the cutting or removal or both of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work that is incidental thereto, including but not limited to construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement.

(L) "Mining occupations" mean miners and other associated and related occupations (not covered by Labor Code Sections 750 *et seq.*) required to engage in excavation or operations above or below ground including work in mines, quarries, or open pits, used for the purposes of exploration or extraction of nonmetallic minerals and ores, coal, and building materials such as stone, gravel, and rock, or other materials intended for manufacture or sale, whether paid on a time, piece rate, commission, or other basis.

(M) "Minor" means, for the purpose of this order, any person under the age of 18 years as defined by Labor Code Sections 1285-1312 and 1390-1399.

(N) "Outside salesperson" means any person, 18 years of age or over, who customarily and regularly works more than half the working time away from the employer's place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities. An 'outside salesperson" does not include an employee who makes deliveries or service calls for the purpose of installing, replacing, repairing, removing, or servicing a product.

(O) "Primarily" means more than one-half the employee's work time.

(P) "Regularly scheduled workweek" means a schedule where the length of the shift and the number of days of work are pre-designated pursuant to an alternative workweek schedule.

(Q) "Split shift" means a work schedule, which is interrupted by non-paid non-working periods established by the employer, other than bona fide rest or meal periods.

(R) "Wages" are as defined by California Labor Code Section 200.

(S) "Workday" and "day" mean any consecutive 24-hour period beginning at the same time each calendar day.

(T) "Workweek" and "week" mean any seven (7) consecutive days, starting with the same calendar day each week. "Workweek" is a fixed and regularly recurring period of 168 hours, seven (7) consecutive 24-hour periods.

(U) "Work unit" means all nonexempt employees of a single employer within a given craft who share a common work site. A work unit may consist of an individual employee as long as the criteria for an identifiable work unit in this subsection are met.

3. HOURS AND DAYS OF WORK

(A) Daily Overtime - General Provisions

(1) The following overtime provisions are applicable to employees 18 years of age or over and to employees 16 or 17 years of age who are not required by law to attend school and are not otherwise prohibited by law from engaging in the subject work. Such employees shall not be employed more than eight (8) hours in any workday or more than 40 hours in any workweek unless the employee receives one and one-half ($1^1/_2$) times such employee's regular rate of pay for all hours worked over 40 hours in the workweek. Employment beyond eight (8) hours in any workday or more than six (6) days in any workweek is permissible provided the employee is compensated for such overtime at not less than:

(a) One and one-half ($1^1/_2$) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours up to and including 12 hours in any workday, and for the first eight (8) hours worked on the seventh (7^{th}) consecutive day of work in a workweek; and

(b) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight (8) hours on the seventh (7^{th}) consecutive day of work in a workweek.

(c) The overtime rate of compensation to be paid to a nonexempt full-time salaried employee shall be computed by using one-fortieth (1/40) of the employee's weekly salary as the employee's regular hourly rate of pay.

(B) Alternative Workweek Schedules

(1) No employer, who has control over the wages, hours, and working conditions of employees, shall be deemed to have violated the provisions of Section 3, Hours and Days of Work, by instituting, pursuant to the election procedures set forth in this order,

a regularly scheduled alternative workweek pursuant to the following conditions:

(a) The alternative workweek schedule shall provide for work by the affected employees of no longer than ten (10) hours per day within a 40 hour workweek without the payment to the affected employees of an overtime rate of compensation pursuant to this section.

(b) An affected employee working longer than eight (8) hours but no more than ten (10) hours in a day pursuant to an alternative workweek schedule adopted pursuant to this section shall be paid an overtime rate of compensation of not less than one and one-half ($1^1/_2$) times the regular rate of pay of the employee for any work in excess of the regularly scheduled hours established by the alternative workweek agreement and for any work in excess of 40 hours per week.

(c) An overtime rate of compensation of not less than double the employee's regular rate of pay shall be paid for any work in excess of 12 hours per day and for any work in excess of eight (8) hours on those days worked beyond the regularly scheduled workdays established by the alternative workweek agreement.

(d) An employer shall not reduce an employee's regular rate of hourly pay as a result of the adoption, repeal or nullification of an alternative workweek schedule.

(e) An employer shall make a reasonable effort to find a work schedule not to exceed eight (8) hours in a workday to accommodate any affected employee who was eligible to vote in an election authorized by this section and who is unable to work the alternative schedule established as the result of that election. Employees affected by a change in work hours resulting from the adoption of an alternative workweek schedule shall not be required to work those new work hours for at least 30 days after the announcement of the final results of the election.

(f) An employer shall be permitted, but not required, to provide a work schedule not to exceed eight (8) hours in a workday to accommodate any employee who was hired after the date of the election and who is unable to work the alternative schedule established as the result of that election.

(g) An employer shall explore any available reasonable alternative means of accommodating the religious belief or observance of an affected employee that conflicts with an adopted alternative workweek schedule, in the manner provided by Government Code Section 12940(j).

(h) Notwithstanding paragraph (B)(1), subparagraphs (a)-(c), for employees working in offshore oil and gas production, drilling, and servicing occupations, as well as for employees working in onshore oil and gas separation occupations directly servicing offshore operations, an alternative workweek schedule may authorize work by the affected employees of no longer than 12 hours per day within a 40 hour workweek without the payment to the affected employees of an overtime rate of compensation. Employees working pursuant to an alternative workweek schedule adopted pursuant to this section shall be paid an overtime rate of compensation of no less than two (2) times their regular rate of pay in excess of the regularly scheduled hours established by the alternative workweek agreement, and for one and one-half ($1^1/_2$) times their regular rate of pay for any work in excess of 40 hours per week. The other provisions of this section, including those governing elections, shall apply to these occupations.

(i) In no case shall an alternative workweek requiring more than eight (8) hours of work in a day be utilized on a public works contract in violation of Labor Code Sections 1810-1815.

(C) Election Procedures

Election procedures for the adoption and repeal of alternative workweek schedules require the following:

(1) Each proposal for an alternative workweek schedule shall be in the form of a written agreement proposed by the employer who has control over wages, hours, and working conditions of the affected employees, and adopted in a secret ballot election, held before the performance of work, by at least a two-thirds (2/3) vote of the affected employees in the work unit. The proposed agreement must designate a regularly scheduled alternative workweek in which the specified number of work days and work hours are regularly recurring. The employer may propose a single work schedule that would become the standard schedule for workers in the unit, or a menu of work schedule options, from which each employee in the unit would be entitled to choose. If the employer proposes a menu of work schedule options, the employee may, with the approval of the employer, move from one menu option to another.

(2) The election shall be held during regular working hours at the employees' work site. Ballots shall be mailed to the last known address of all employees in the work unit who are not present at the work site on the day of the election but have been employed by the employer within the last 30 calendar days immediately preceding the day of the election.

(3) Prior to the secret ballot vote, any employer who proposes to institute an alternative workweek schedule shall make a disclosure in writing to the affected employees, including the effects of the proposed arrangement on the employees' wages, hours, and benefits. Such a disclosure shall include meeting(s), duly noticed, held at least 14 days prior to voting, for the specific purpose of discussing the effects of the alternative workweek schedule. An employer shall provide the disclosure in a non-English language, as well as in English, if at least five (5) percent of the affected employees primarily speak that non-English language. Notices shall be mailed to the last known address of all employees in the work unit in accordance with provision (2) above. Failure to comply with this paragraph shall make the election null and void.

(4) Any election to establish or repeal an alternative workweek schedule shall be held during regular working hours at the work site of the affected employees. The employer shall bear the costs of conducting any election held pursuant to this section. Upon a complaint by an affected employee, and after an investigation by the labor commissioner, the labor commissioner may require the employer to select a neutral third party to conduct the election.

(5) Any type of alternative workweek schedule that is authorized by the Labor Code may be repealed by the affected employees. Upon a petition of one-third (1/3) of the affected employees, a new secret ballot election shall be held, provided six (6) months have passed since the election authorizing the alternative workweek. A two-thirds (2/3) vote of the affected employees shall be required to reverse the alternative workweek schedule. The election to repeal the alternative workweek schedule shall be held not more than 30 days after the petition is submitted to the employer.

(6) If the number of employees who are employed for at least 30 days in the work unit that adopted an alternative workweek schedule increases by 50 percent above the number who voted to ratify the employer-proposed alternative workweek schedule, the employer must conduct a new ratification election pursuant to the rules contained in subsection (C).

(7) The results of any election conducted pursuant to this order shall be a public document and shall be reported by the employer to the Office of Policy, Research and Legislation within 30 days after the results are final. The report of the election results shall also be posted at the job site in an area frequented by employees where it may easily be read during the workday. The report shall include the final tally of the vote, the size of the unit, and the nature of the business of the employer. Employees participating in the election shall be free from intimidation and coercion. However, nothing in this section shall prohibit an employer from expressing its position concerning that alternative workweek to the affected employees. No employees shall be discharged or discriminated against for expressing opinions concerning the alternative workweek election or for opposing or supporting its adoption or repeal. The labor commissioner shall investigate any alleged violation of this section and shall upon finding a serious violation render the alternative workweek schedule null and void.

(D) Combination of Overtime Rates. Nothing in this section requires an employer to combine more than one rate of overtime compensation in order to calculate the amount to be paid to an employee for any hour of overtime work.

(E) Nondiscrimination. No employee shall be terminated, disciplined or otherwise discriminated against for refusing to work more than 72 hours in any workweek, except in an emergency as defined in Section 2 (F) above.

(F) Makeup Time. If an employer approves a written request of an employee to make up work time that is or would be lost as a result of a personal obligation of the employee, the hours of that makeup work time, if performed in the same workweek in which the work time was lost, may not be counted toward computing the total number of hours worked in a day for purposes of the overtime requirements, except for hours in excess of 11 hours of work in one (1) day or 40 hours of work in one (1) workweek. If an employee knows in advance that he/she will be requesting makeup time for a personal obligation that will recur at a fixed time over a succession of weeks, the employee may request to make up work time for up to four (4) weeks in advance; provided, however, that the makeup work must be performed in the same week that the work time was lost. An employee shall provide a signed written request for each occasion that the employee makes a request to make up work time pursuant to this subsection. While an employer may inform an employee of this makeup time option, the employer is prohibited from encouraging or otherwise soliciting an employee to request the employer's approval to take personal time off and make up the work hours within the same workweek pursuant to this subsection. (See Labor Code Section 513.)

(G) One Day's Rest in Seven. The provisions of Labor Code Sections 551 and 552 regarding one (1) day's rest in seven (7) shall not be construed to prevent an accumulation of days of rest when the nature of the employment reasonably requires the employee to work seven (7) or more consecutive days; provided, however, that in each calendar month, the employee shall receive the equivalent of one (1) day's rest in seven (7).

(H) Collective Bargaining Agreements

(1) Subsections (A), (B), (C), (D), and (E) of Section 3, Hours and Days of Work, shall not apply to any employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage. (See Labor Code Section 514).

(2) Subsection (F) of Section 3, Hours and Days of Work, shall apply to any employee covered by a valid collective bargaining agreement unless the collective bargaining agreement expressly provides otherwise.

4. MINIMUM WAGES

(A) Every employer shall pay to each employee wages not less than the following:

(1) All employers, regardless of the number of employees, shall pay to each employee:

(a) Sixteen dollars ($16) per hour for all hours worked, effective January 1, 2024, and

(b) Fifteen dollars and fifty cents ($15.50) per hour for all hours worked, effective January 1, 2023

(2) Prior to January 1, 2023, any employer who employs 26 or more employees shall pay to each employee wages not less than the following:

(a) Fifteen dollars ($15.00) per hour for all hours worked, effective January 1, 2022, and

(b) Fourteen dollars ($14.00) per hour for all hours worked, effective January 1, 2021.

(3) Prior to January 1, 2023, any employer who employs 25 or fewer employees shall pay to each employee wages not less than the following:

(a) Fourteen dollars ($14.00) per hour for all hours worked, effective January 1, 2022, and

(b) Thirteen dollars ($13.00) per hour for all hours worked, effective January 1, 2021.

Employees treated as employed by a single qualified taxpayer pursuant to Revenue and Taxation Code section 23626 are treated as employees of that single taxpayer.

5. REPORTING TIME PAY

(A) All employer-mandated travel that occurs after the first location where the employee's presence is required by the employer shall be compensated at the employee's regular rate of pay or, if applicable, the premium rate that may be required by the provisions of Labor Code Section 510 and Section 3, Hours and Days of Work, above.

(B) Each workday that an employee is required to report to the work site and does report, but is not put to work or is furnished less than half of his/her usual or scheduled day's work, the employer shall pay him/her for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours at the employee's regular rate of pay, which shall not be less than the minimum wage.

(C) The foregoing reporting time pay provisions are not applicable when:

(1) Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities; or

(2) Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system; or

(3) The interruption of work is caused by an Act of God or other cause not within the employer's control.

(D) Collective Bargaining Agreements. This section shall apply to any employees covered by a valid collective bargaining

agreement unless the collective bargaining agreement expressly provides otherwise.

6. RECORDS

(A) Every employer who has control over wages, hours, or working conditions shall keep accurate information with respect to each employee, including the following:

(1) The employee's full name, home address, occupation, and social security number. The employee's date of birth, if under 18 years of age, and designation as a minor. Time records showing when the employee begins and ends each work period. Meal periods, split shift intervals, and total daily hours worked shall also be recorded. Meal periods during which operations cease and authorized rest periods need not be recorded.

(2) Total wages paid each payroll period, including value of board, lodging, or other compensation actually furnished to the employee.

(3) Total hours worked during the payroll period and applicable rates of pay. This information shall be made readily avail- able to the employee upon reasonable request. When a piece rate or incentive plan is in operation, piece rates or an explanation of the incentive plan formula shall be provided to employees. An accurate production record shall be maintained by the employer.

(B) Every employer who has control over wages, hours, or working conditions shall semimonthly or at the time of each payment of wages furnish each employee an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee's social security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item. (See Labor Code Section 226.) This information shall be furnished either separately or as a detachable part of the check, draft, or voucher paying the employee's wages.

(C) All required records shall be in the English language and in ink or other indelible form, dated properly, showing month, day and year. The employer who has control over wages, hours, or working conditions shall also keep said records on file at the place of employment or at a central location for at least three years. An employee's records shall be available for inspection by the employee upon reasonable request.

(D) Employers performing work on public works projects should refer to Labor Code Section 1776 for additional payroll reporting requirements.

7. DEDUCTIONS FROM PAY

No employer shall collect or deduct from any employee any part of the wages that are paid unless such deductions are allowed by law. (See Labor Code Sections 220-226.) No fee shall be charged by the employer or agent of the employer for cashing a payroll check.

8. UNIFORMS AND EQUIPMENT

(A) When the employer requires uniforms to be worn by the employee as a condition of employment, such uniforms shall be provided and maintained by the employer. The term 'uniform" includes wearing apparel and accessories of distinctive design or color.

(B) When the employer requires the use of tools or equipment or they are necessary for the performance of a job, such tools and equipment shall be provided and maintained by the employer, except that an employee whose wages are at least two (2) times the minimum wage may provide and maintain hand tools and equipment customarily required by the particular trade or craft in conformity with Labor Code Section 2802.

9. MEALS AND LODGING

(A) "Meal" means an adequate, well-balanced serving of a variety of wholesome, nutritious foods.

(B) "Lodging" means living accommodations available to the employee for full-time occupancy which are adequate, decent, and sanitary according to usual and customary standards. Employees shall not be required to share a bed.

(C) Meals or lodging may not be credited against the minimum wage without a voluntary written agreement between the employer and the employee. When credit for meals or lodging is used to meet part of the employer's minimum wage obligation, the amounts so credited may not be more than the following:

EFFECTIVE:	**JANUARY 1, 2021**		**JANUARY 1, 2022**		**JANUARY 1, 2023**	**JANUARY 1, 2024**
For an employer who employs:	26 or More Employees	25 or Fewer Employees	26 or More Employees	25 or Fewer Employees	All Employers regardless of number of Employees	All Employers regardless of number of Employees
LODGING						
Room occupied alone	$65.83 /week	$61.13 /week	$70.53 /week	$65.83 /week	$72.88 /week	$75.23 /week
Room shared	$54.34 /week	$50.46 /week	$58.22 /week	$54.34 /week	$60.16 /week	$62.10 /week
Apartment — two thirds (2/3) of the ordinary rental value, and in no event more than:	$790.67 /month	$734.21 /month	$847.12 /month	$790.67 /month	$875.33 /month	$903.60 /month
Where a couple are both employed by the employer, two thirds (2/3) of the ordinary rental value, and in no event more than:	$1,169.59 /month	$1,086.07 /month	$1,253.10 /month	$1,169.59 /month	$1,294.83 /month	$1,336.65 /month
MEALS						
Breakfast	$5.06	$4.70	$5.42	$5.06	$5.60	$5.78

Lunch	$6.97	$6.47	$7.47	$6.97	$7.72	$7.97
Dinner	$9.35	$8.68	$10.02	$9.35	$10.35	$10.68

(D) Meals evaluated as part of the minimum wage must be bona fide meals consistent with the employee's work shift. Deductions shall not be made for meals not received or lodging not used.

(E) If, as a condition of employment, the employee must live at the place of employment or occupy quarters owned or under the control of the employer, then the employer may not charge rent in excess of the values listed herein.

10. MEAL PERIODS

(A) No employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than 30 minutes, except that when a work period of not more than six (6) hours will complete the day's work the meal period may be waived by mutual consent of employer and employee. (See Labor Code Section 512.)

(B) An employer may not employ an employee for a work period of more than ten (10) hours per day without providing the employee with a second meal period of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of employer and employee only if the first meal period was not waived. (See Labor Code Section 512.)

(C) In all places of employment the employer shall provide an adequate supply of potable water, soap, or other suitable cleansing agent and single use towels for hand washing.

(D) Unless the employee is relieved of all duty during a 30 minute meal period, the meal period shall be considered an "on duty" meal period and counted as time worked. An "on duty" meal period shall be permitted only when the nature of the work prevents employee from being relieved of all duty and when by written agreement between the parties an on-the-job paid meal period is agreed to and complies with Labor Code Section 512.

(E) Collective Bargaining Agreements. Subsections (A), (B), and (D) of Section 10, Meal Periods, shall not apply to any employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage.

(F) If an employer fails to provide an employee a meal period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the meal period is not provided. In cases where a valid collective bargaining agreement provides final and binding mechanism for resolving disputes regarding enforcement of the meal period provisions, the collective bargaining agreement will prevail.

11. REST PERIODS

(A) Every employer shall authorize and permit all employees to take rest periods, which insofar as practicable shall be in the middle of each work period. Nothing in this provision shall prevent an employer from staggering rest periods to avoid interruption in the flow of work and to maintain continuous operations, or from scheduling rest periods to coincide with breaks in the flow of work that occur in the course of the workday. The authorized rest period time shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time for every four (4) hours worked, or major fraction thereof. Rest periods shall take place at employer designated areas, which may include or be limited to the employees' immediate work area.

(B) Rest periods need not be authorized in limited circumstances when the disruption of continuous operations would jeopardize the product or process of the work. However, the employer shall make up the missed rest period within the same workday or compensate the employee for the missed ten (10) minutes of rest time at his/her regular rate of pay within the same pay period.

(C) A rest period need not be authorized for employees whose total daily work time is less than three and one-half (31/2) hours. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

(D) If an employer fails to provide an employee a rest period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the rest period is not provided. In cases where a valid collective bargaining agreement provides final and binding mechanism for resolving disputes regarding enforcement of the rest period provisions, the collective bargaining agreement will prevail.

(E) This section shall not apply to any employee covered by a valid collective bargaining agreement if the collective bargaining agreement provides equivalent protection.

12. SEATS

Where practicable and consistent with applicable industry-wide standards, all working employees shall be provided with suitable seats when the nature of the process and the work performed reasonably permits the use of seats. This section shall not exceed regulations promulgated by the Occupational Safety and Health Standards Board.

13. TEMPERATURE

The temperature maintained in each interior work area shall provide reasonable comfort consistent with industry-wide standards for the nature of the process and the work performed. This section shall not exceed regulations promulgated by the Occupational Safety and Health Standards Board.

14. ELEVATORS

Where practicable and consistent with applicable industry-wide standards, adequate elevators, escalators, or similar service consistent with industry-wide standards for the nature of the process and the work performed, shall be provided when employees are employed 60 feet or more above or below ground level. This section shall not exceed regulations promulgated by the Occupational Safety and Health Standards Board.

15. EXEMPTIONS

If, in the opinion of the Division after due investigation, it is found that the enforcement of any provision contained in Section 6, Records; Section 11, Rest Periods; Section 12, Seats; Section 13, Temperature; or Section 14, Elevators, would not materially affect the welfare or comfort of employees and would work an undue hardship on the employer, exemption may be made at the discretion of the Division. Such exemptions shall be in writing to be effective and may be revoked after reasonable notice is given in writing. Application for exemption shall be made by the employer or by the employee and/or the employee's representative to the Division in writing. A copy of the application shall be posted at the place of employment at the time the application is filed with the Division.

16. FILING REPORTS

(See California Labor Code, Section 1174(a))

17. INSPECTION

(See California Labor Code, Section 1174)

18. PENALTIES

(A) Penalties for Violations of the Provisions of this Order. Any employer or any other person acting on behalf of the employer who violates, or causes to be violated, the provisions of this order, shall be subject to civil and criminal penalties as provided by law. In addition, violation of any provision of this order shall be subject to a civil penalty as follows:

(1) Initial Violation - $50.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to the amount which is sufficient to recover unpaid wages.

(2) Subsequent Violations - $100.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to an amount which is sufficient to recover unpaid wages.

(3) The affected employee shall receive payment of all wages recovered. The labor commissioner may also issue citations pursuant to California Labor Code Section 1197.1 for non-payment of wages for overtime work in violation of this order.

(B) Penalties for Violations of Child Labor Laws. Any employer or other person acting on behalf of the employer is subject to civil penalties of from $500 to $10,000 as well as to criminal penalties for violation of child labor laws. (See Labor Code Sections 1285 to 1312 and 1390 to 1399 for additional restrictions on the employment of minors and for descriptions of criminal and civil penalties for violation of the child labor laws.) Employers should inquire at local school districts about any required work permits required for minors attending school.

(In addition, see California Labor Code, Section 1199)

19. SEPARABILITY

If the application of any provision of this order, or any section, subsection, subdivision, sentence, clause, phase, word, or portion of this order should be held invalid or unconstitutional or unauthorized or prohibited by statute, the remaining provisions thereof shall not be affected thereby, but shall continue to be given full force and effect as if the part is held to be invalid or unconstitutional had not been included herein.

20. POSTING OF ORDER

Every employer shall keep a copy of this order posted in an area frequented by employees where it may be easily read during the workday. Where the location of work or other conditions make this impractical, every employer shall keep a copy of this order, and make it available to every employee upon request.

QUESTIONS ABOUT ENFORCEMENT of the Industrial Welfare Commission orders and reports of violations should be directed to the Labor Commissioner's Office. A listing of offices is on the back of this wage order. For the address and telephone number of the office nearest you, information can be found on the internet at http://www.dir.ca.gov/DLSE/dlse.html or under a search for "California Labor Commissioner's Office" on the internet or any other directory. The Labor Commissioner has offices in the following cities: Bakersfield, El Centro, Fresno, Long Beach, Los Angeles, Oakland, Redding, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Barbara, Santa Rosa, Stockton, Van Nuys.

SUMMARIES IN OTHER LANGUAGES

The Department of Industrial Relations will make summaries of wage and hour requirements in this Order available in Spanish, Chinese and certain other languages when it is feasible to do so. Mail your request for such summaries to the Department at: P.O. Box 420603, San Francisco, CA 94142-0603.

RESUMEN EN OTROS IDIOMAS

El Departamento de Relaciones Industriales confeccionará un resumen sobre los requisitos de salario y horario de esta Disposición en español, chino y algunos otros idiomas cuando sea posible hacerlo. Envíe por correo su pedido por dichos resúmenes al Departamento a: P.O. Box 420603, San Francisco, CA 94142-0603.

其它文字的摘錄

工業關係處將摘錄本規則中有關工資和工時的規定，用西班牙文、中文印出。其它文字如有需要，也將同樣辦理。如果您有需要，可以來信索閱，請寄到：

Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

For further information or to file your complaints, visit https://www.dir.ca.gov/dlse/dlse.html or contact the State of California at the following department offices:

California Labor Commissioner's Office, also known as, **Division of Labor Standards Enforcement (DLSE)**

BAKERSFIELD
Labor Commissioner's Office/DLSE
7718 Meany Ave.
Bakersfield, CA 93308
661-587-3060

EL CENTRO
Labor Commissioner's Office/DLSE
1550 W. Main St.
El Centro, CA 92243
760-353-0607

FRESNO
Labor Commissioner's Office/DLSE
770 E. Shaw Ave., Suite 222
Fresno, CA 93710
559-244-5340

LONG BEACH
Labor Commissioner's Office/DLSE
1500 Hughes Way, Suite C-202
Long Beach, CA 90810
562-590-5048

LOS ANGELES
Labor Commissioner's Office/DLSE
320 W. Fourth St., Suite 450
Los Angeles, CA 90013
213-620-6330

OAKLAND
Labor Commissioner's Office/DLSE
1515 Clay Street, Room 801
Oakland, CA 94612
510-622-3273

OAKLAND – HEADQUARTERS
Labor Commissioner's Office/DLSE
1515 Clay Street, Room 1302
Oakland, CA 94612
510-285-2118
DLSE2@dir.ca.gov

REDDING
Labor Commissioner's Office/DLSE
250 Hemsted Drive, 2nd Floor, Suite A
Redding, CA 96002
530-225-2655

SACRAMENTO
Labor Commissioner's Office/DLSE
2031 Howe Ave, Suite 100
Sacramento, CA 95825
916-263-1811

SALINAS
Labor Commissioner's Office/DLSE
950 E. Blanco Rd., Suite 204
Salinas, CA 93901
831-443-3041

SAN BERNARDINO
Labor Commissioner's Office/DLSE
464 West 4th Street, Room 348
San Bernardino, CA 92401
909-383-4334

SAN DIEGO
Labor Commissioner's Office/DLSE
7575 Metropolitan Dr., Room 210
San Diego, CA 92108
619-220-5451

SAN FRANCISCO
Labor Commissioner's Office/DLSE
455 Golden Gate Ave. 10th Floor
San Francisco, CA 94102
415-703-5300

SAN JOSE
Labor Commissioner's Office/DLSE
224 Airport Parkway, Suite 300
San Jose, CA 95110
408-277-1266

SANTA ANA
Labor Commissioner's Office/DLSE
2 MacArthur Place Suite 800
Santa Ana, CA 92707
714-558-4910

SANTA BARBARA
Labor Commissioner's Office/DLSE
411 E. Canon Perdido, Room 3
Santa Barbara, CA 93101
805-568-1222

SANTA ROSA
Labor Commissioner's Office/DLSE
50 "D" Street, Suite 360
Santa Rosa, CA 95404
707-576-2362

STOCKTON
Labor Commissioner's Office/DLSE
3021 Reynolds Ranch Parkway, Suite 160
Lodi, California 95240
209-948-7771

VAN NUYS
Labor Commissioner's Office/DLSE
6150 Van Nuys Boulevard, Room 206
Van Nuys, CA 91401
818-901-5315

EMPLOYERS: Do not send copies of your alternative workweek election ballots or election procedures.

Only the results of the alternative workweek election shall be mailed to:

Department of Industrial Relations
Office of Policy, Research and Legislation
P.O. Box 420603
San Francisco, CA 94142-0603
(415) 703-4780

Prevailing Wage Hotline (415) 703-4774

NOTICE TO EMPLOYEE

Labor Code section 90.2

Effective January 1, 2018, except as otherwise required by federal law, section 90.2(a)(1) of the California Labor Code requires employers to provide notice to current employees of **any inspection of I-9 Employment Eligibility Verification forms or other employment records** conducted by an immigration agency by posting a Notice, in the language the employer normally uses to communicate employment-related information to the employee, within 72 hours of receiving notice of the inspection.

Name of the Immigration Agency Conducting the Inspection (more than one box may be checked, as appropriate):

☐ ICE (Immigration and Customs Enforcement)
☐ DHS (Department of Homeland Security)
☐ USCIS (United States Citizenship and Immigration Services)
☐ Other:
_____

Date the Employer Received the Notice of Inspection: _____

Date the Inspection will be Conducted:_____

Location of the Inspection:

☐ At the employer's place of business or worksite, located at the following address:
_____

☐ At a location other than the employer's place of business or worksite

Subject of the Inspection (to the extent known, check all that apply):

☐ I-9 forms
☐ Supporting documents for I-9 forms (such as passports, driver licenses, social security cards, permanent resident cards)
☐ Payroll records and data (including employee names, social security numbers, hire dates)
☐ California Quarterly Contribution Return and Report of Wages (form DE9 or DE6)
☐ Quarterly Wage and Hour Report
☐ Any list of employees (including names, social security numbers, birth dates, hire dates, etc.)
☐ Any correspondence from the Social Security Administration regarding mismatched or no-matched social security numbers
☐ Documentation or correspondence identifying participation in E-Verify or the Social Security Number Verification Service
☐ Other information or documents listing or identifying employees or their personal information (please briefly list and describe):
_____
_____

A copy of the Notice of Inspection of I-9 Employment Eligibility Verification forms, and any accompanying documents, must be posted or given to employees with this notice.

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF LGBTQ+ PEOPLE

FACT SHEET

Civil Rights Department
STATE OF CALIFORNIA

In California, LGBTQ+ people have equal civil rights, dignity, and worth. The Civil Rights Department (CRD) is here to help.

It is unlawful for employers, landlords, businesses of all kinds, health care providers and insurers, homeless shelters, state-funded programs and services, and others to discriminate against anyone or treat them unequally because of their sexual orientation, gender identity, gender expression, or sex. Similarly, it is against the law to assault or threaten anyone (or their property) with violence because of these characteristics.

If you have experienced discrimination or violence because you are, or are perceived to be, or are a friend or family member of an LGBTQ+ person (or any other sexual orientation or gender identity), file a complaint with CRD. Likewise, if you have experienced discrimination or violence because of how you express your gender, such as the clothes you choose to wear or how you do your hair, file a complaint with CRD.

And, don't forget that California law protects everyone (including LGBTQ+ people) from discrimination and violence based on race, national origin, disability, and other protected characteristics.

EXAMPLES OF UNLAWFUL DISCRIMINATION/VIOLENCE

- **Your co-workers harass you because you're gay or bisexual**
- **Your employer prohibits you from using the restroom consistent with your gender identity**
- **A hotel or restaurant that regularly hosts weddings refuses to host your wedding to someone of the same sex**
- **A health care provider treats you unequally because you're lesbian or gender non-binary**
- **A state-funded youth program fails to stop bullying of you because of how you express your gender**
- **A landlord won't rent to you because your child appears to be LGBTQ+**
- **Staff at a homeless shelter treats you unequally because they think you are LGBTQ+**
- **Your neighbor keys your car because he doesn't approve of your "lifestyle"**

ADDITIONAL EXAMPLES OF UNLAWFUL DISCRIMINATION

- **A state-funded program for small businesses turns you away because of bias against transgender and/or lesbian women of color**
- **A bank gives you less favorable loan terms or denies you a loan because you have a same-sex partner who doesn't speak English and is an immigrant**
- **A housing provider tries to evict you because you have a Section 8 voucher and a pride flag in your window**
- **An employer won't even consider your application for a job because you're an older LGBTQ+ person**

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684
TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation, CRD can assist you by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

CRD-A04P-ENG / September 2022

State of California
Department of Industrial Relations
Division of Labor Standards Enforcement

PAYDAY NOTICE

REGULAR PAYDAYS FOR EMPLOYEES OF_____
(FIRM NAME)

_____ SHALL BE AS FOLLOWS:

THIS IS IN ACCORDANCE WITH SECTIONS 204, 204A, 204B, 205, AND 205.5 OF THE CALIFORNIA LABOR CODE

BY _____

TITLE _____

DLSE 8 (REV. 06-02) ***PLEASE POST***

PREGNANCY DISABILITY LEAVE

FACT SHEET

Civil Rights Department
STATE OF CALIFORNIA

The Fair Employment and Housing Act (FEHA), enforced by the California Civil Rights Department (CRD), contains provisions guaranteeing leave for employees disabled by pregnancy, childbirth, or a related medical condition (Pregnancy Disability Leave or PDL).

All employers must provide information about PDL to their employees and post information about pregnancy leave rights in a conspicuous place where employees tend to gather. A poster that meets this requirement is available on CRD's "Posters, Brochures and Fact Sheets" webpage (www.calcivilrights.ca.gov/Posters/). Employers who provide employee handbooks must include information about PDL in the handbook.

LEAVE REQUIREMENTS

- An employee disabled by pregnancy, childbirth, or a related medical condition is entitled to up to four months of disability leave per pregnancy. If the employer provides more than four months of leave for other types of temporary disabilities, the same leave must be made available to employees who are disabled due to pregnancy, childbirth, or a related medical condition.
- Leave can be taken before and after birth during any period of time the employee is physically unable to work because of pregnancy or a pregnancy-related condition. All leave taken in connection with a specific pregnancy counts toward computing the four-month period.
- PDL is available when an employee is actually disabled. This includes time off needed for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related medical condition.
- PDL may be modified as an employee's changing medical condition dictates.
- PDL applies to all employers with five or more full- or part-time employees. Other than having a qualifying pregnancy-related disability, there are no tenure, hours, other eligibility requirements, and full- and part-time employees are treated the same.

EMPLOYEE'S OBLIGATIONS

- If possible, an employee must provide their employer with at least 30 days' advance notice of the date for which the pregnancy disability leave is sought and the estimated duration of the leave.
- If 30 days' advance notice is not possible due to a change in circumstances or a medical emergency, notice must be given as soon as practicable.
- The employer may require written certification from the health-care provider of the employee seeking PDL stating the reasons for the leave and the probable duration of the condition. However, the health-care provider may not disclose the underlying diagnosis without the consent of the patient.

SALARY AND BENEFITS DURING PDL

- An employer may require an employee to use accrued sick leave during any unpaid portion of their pregnancy disability leave. The employee may also choose to use vacation leave or other accrued paid leave to receive compensation for which the employee is eligible, but an employer may not require an employee to use vacation leave or other accrued time off during PDL.
- Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits.
- An employee who is disabled by pregnancy may qualify for State Disability Insurance wage replacement while the employee is unable to work. In a normal pregnancy, a worker will typically be disabled 4 weeks before the expected due date and 6 weeks after for a vaginal birth or 8 weeks after for a cesarean section. For more information, visit: www.edd.ca.gov/Disability/FAQ_DI_Pregnancy.htm.

PREGNANCY DISABILITY LEAVE

FACT SHEET

Civil Rights Department
STATE OF CALIFORNIA

RETURN RIGHTS

- It is illegal for an employer to fire an employee because that employee is pregnant or taking pregnancy disability leave. Employers are required by law to reinstate an employee returning from PDL to the same position the employee had before taking leave, and an employee may request this guarantee in writing. In some situations, an employee may be reinstated to a position that is comparable (same tasks, skills, benefits, and pay) to the job they had before taking PDL.
- If the reinstatement date differs from the original agreement, or if no agreement was made, an employer must reinstate the employee within two business days of being given notice that the employee intends to return. When two business days are not feasible, reinstatement must be made as soon as possible to expedite the employee's return.
- However, pregnancy disability leave does not protect employees from employment actions not related to their pregnancy, such as layoffs.

FAMILY AND MEDICAL LEAVE (NON-PREGNANCY)

- In addition to PDL, the California Family Rights Act (CFRA) requires employers of five or more employees to provide 12 weeks of job-protected leave to employees to bond with a new child (by birth, adoption, or foster placement), to care for a family member with a serious health condition, or because the employee has a serious health condition. CFRA leave is not for pregnancy-related conditions, which are covered by PDL. Employees are entitled to take CFRA leave in addition to any leave entitlement related to pregnancy. CFRA leave taken to bond with a new child must be completed within one year of the birth, adoption, or foster placement. For more information about CFRA leave, visit: www.calcivilrights.ca.gov/family-medical-pregnancy-leave/.
- Paid Family Leave (PFL) provides benefits to individuals who need to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or domestic partner. Benefits are also available to parents who need time to bond with a new child entering their life either by birth, adoption, or foster care placement. For more information, visit: www.edd.ca.gov/Disability/Paid_Family_Leave.htm.

ACCOMMODATIONS WHILE WORKING

- Sometimes employees affected by pregnancy, childbirth, or related medical condition are able to keep working with a reasonable accommodation. If such an employee requests a reasonable accommodation upon the advice of the employee's health-care provider so that the employee can keep working, an employer must provide reasonable accommodation.
- For example, on the advice of a physician, an employee can request to transfer to a less strenuous or hazardous position or modified duties because of the employee's pregnancy-related condition.

If you have been subjected to discrimination, harassment, or retaliation at work, please contact CRD.

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684
TTY: 800.700.2320
California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For translations of this guidance, visit:
www.calcivilrights.ca.gov/posters/employment

LEAVE FROM WORK AFTER A REPRODUCTIVE LOSS

Civil Rights Department
STATE OF CALIFORNIA

FACT SHEET

The Fair Employment and Housing Act (FEHA), enforced by the Civil Rights Department (CRD), protects the right of most California employees to take up to five days of leave from work after a reproductive loss. This fact sheet discusses who is eligible to take reproductive loss leave, when they can take it, how much leave is available to them, and whether they can get paid while they are out. It also covers protections against retaliation related to reproductive loss leave and what an employee can do if their employer does not follow the law. For more information, see Government Code section 12945.6.

DEFINITIONS

A reproductive loss event is any of the following:

- Miscarriage
- Stillbirth
- Failed adoption – for example, if a birth mother or legal guardian breaches or dissolves an adoption agreement, or if an adoption is not finalized for another reason
- Failed surrogacy – for example, if a surrogate breaches or dissolves a surrogacy agreement, or if an embryo transfer fails
- Unsuccessful assisted reproduction – for example, a failed intrauterine insemination or embryo transfer

ELIGIBILITY

- Employees who work for public employers of any size – or private employers with five or more employees – and have worked for the employer for at least 30 days before taking leave are eligible.
- An employee can take leave following their own reproductive loss event or that of another person – such as a spouse or partner – if the employee would have been the parent of the child born or adopted.
- It is against the law for an employer to interfere with or deny an employee's right to take leave after a reproductive loss if they meet the above criteria.

TIMING AND DURATION OF LEAVE

The law requires employers to provide eligible employees with a minimum of five days of leave for a reproductive loss event. Employees can, but do not have to, take their leave days consecutively. This means they can choose to take all five days at once or break up the days over a longer period, as long as their leave is completed within three months of the reproductive loss event.

If an employer has an existing leave policy that applies to reproductive loss events, the employee must take reproductive loss leave according to that policy. An employer's policy may provide for more leave than the legally required minimum.

When a single reproductive loss event occurs over several days, the law treats it as one event.

If an employee experiences more than one reproductive loss event in a year, they are entitled to no more than 20 days of reproductive loss leave in that one-year period unless an individual employer's leave policy provides for more time.

Reproductive loss leave is separate from, and in addition to, other types of leave to which employees are entitled. Examples include, leave to care for one's own serious health condition or that of certain family members available under the California Family Rights Act (CFRA) and Family and Medical Leave Act (FMLA), or leave for disabilities related to pregnancy or childbirth available under FEHA. If an employee is on

REPRODUCTIVE LOSS LEAVE

FACT SHEET

Civil Rights Department
STATE OF CALIFORNIA

another type of leave during the reproductive loss event, they can take reproductive loss leave within three months of finishing the other form of leave.

PAY DURING REPRODUCTIVE LOSS LEAVE

Some employers have paid leave policies that cover reproductive losses. Employers that do not have an applicable paid leave policy must let employees use any available vacation time, sick days, personal days, or PTO to cover their reproductive loss leave so they can get paid. Otherwise, reproductive loss leave may be unpaid.

RIGHT TO CONFIDENTIALITY

In general, employers are required to keep confidential any information an employee provides when exercising their right to reproductive loss leave. Employers are, however, allowed to disclose this information when required by law or to internal personnel or legal counsel when necessary. The law does not require an employee to submit documentation in support of their leave request.

UNLAWFUL RETALIATION

It is against the law for an employer to retaliate against an employee who exercises their right to reproductive loss leave. This means an employer cannot fire, demote, fine, suspend, discipline, or otherwise discriminate against someone for requesting or taking reproductive loss leave.

In addition, an employer cannot retaliate against an employee for testifying about their own – or someone else's – reproductive loss leave during a legal proceeding involving this right.

FILING A COMPLAINT

If an employee thinks their employer violated their right to reproductive loss leave, or retaliated against them in relation to this type of leave, they have three years to file a complaint with CRD. CRD will issue a right-to-sue so the employee can pursue their case in civil court. They cannot file an employment discrimination lawsuit in court without receiving a right-to-sue from CRD. CRD may also investigate the complaint.

If, after an investigation, CRD finds reasonable cause that the employer broke the law, it may require the parties to go to mediation in order to try reach a settlement and, if the complaint can't be settled, CRD may file a lawsuit on behalf of the employee. Possible remedies include:

- Forcing the employer to change its policies or practices
- Getting the worker hired or re-hired
- Requiring the employer to undergo training
- Damages (money) for emotional distress

An employee can file a complaint in one of three ways:

- Online by creating an account and using our interactive California Civil Rights System (CCRS)
- By mail using a printable intake form
- By calling our communication center at 800.884.1684 (Toll Free), 800.700.2320 (TTY), or California's Relay Service at 711

CRD can provide reasonable accommodations for people with disabilities during the complaint process.

For translations of this guidance, visit: calcivilrights.ca.gov/posters/employment

EMPLOYERS MUST PROVIDE THIS INFORMATION TO NEW WORKERS WHEN HIRED AND TO OTHER WORKERS WHO ASK FOR IT

RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING, CRIMES THAT CAUSE PHYSICAL INJURY OR MENTAL INJURY, AND CRIMES INVOLVING A THREAT OF PHYSICAL INJURY; AND OF PERSONS WHOSE IMMEDIATE FAMILY MEMBER IS DECEASED AS A DIRECT RESULT OF A CRIME

Your Right to Take Time Off:

- You have the right to take time off from work to obtain relief from a court, including obtaining a restraining order, to protect you and your children's health, safety or welfare.
- If your company has 25 or more workers, you can take time off from work to get medical attention for injuries caused by crime or abuse, receive services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse, receive psychological counseling or mental health services related to an experience of crime or abuse, or participate in safety planning and take other actions to increase safety from future crime or abuse.
- You may use accrued paid sick leave or vacation, personal leave, or compensatory time off that is otherwise available for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer beforehand, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, a court order, a document from a licensed medical professional, a victim advocate, a licensed health care provider, or counselor showing that you were undergoing treatment for domestic violence related trauma, or a written statement signed by you, or an individual acting on your behalf, certifying that the absence is for an authorized purpose.

Your Right to Reasonable Accommodation:

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

Your Right to Be Free from Retaliation and Discrimination:

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, stalking, a crime that caused physical injury or mental injury, or a crime involving threat of physical injury; or are someone whose immediate family member is deceased as a direct result of a crime.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6595, or you can find a local office on our website: www.dir.ca.gov/dlse/DistrictOffices.htm. If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.

Labor Commissioner's Office Victims of Domestic Violence, Sexual Assault and Stalking Notice 3/2021

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor
1-866-487-2365

U.S. Department of Justice

Office of Special Counsel

1-800-336-4590

Publication Date — May 2022

SEXUAL HARASSMENT

FACT SHEET

Civil Rights Department
STATE OF CALIFORNIA

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. "Quid pro quo" (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.

2. "Hostile work environment" sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. A single act of harassment may be sufficiently severe to be unlawful.

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
4. Derogatory comments, epithets, slurs, or jokes
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations
6. Physical touching or assault, as well as impeding or blocking movements

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with CRD within three years of the last act of harassment or retaliation.

CRD serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If CRD finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. CRD may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with CRD and a Right-to-Sue Notice has been issued.

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

SEXUAL HARASSMENT

FACT SHEET

Civil Rights Department
STATE OF CALIFORNIA

CIVIL REMEDIES

- **Damages for emotional distress from each employer or person in violation of the law**
- **Hiring or reinstatement**
- **Back pay or promotion**
- **Changes in the policies or practices of the employer**

ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

1. Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.

2. Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."

3. Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:

- Be in writing.
- List all protected groups under the FEHA.
- Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
- Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reason able progress; appropriate options for remedial actions and resolutions; and timely closures.
- Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of CRD and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
- Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).
- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
- Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.

4. Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:

- Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
- Sending the policy via email with an acknowledgment return form.
- Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
- Discussing policies upon hire and/or during a new hire orientation session.
- Using any other method that ensures employees received and understand the policy.

5. If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.

6. In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684
TTY: 800.700.2320

CRD-185-ENG / September 2022

Smoke-Free Workplace Policy

The employee smoking policy outlines SJV Homes rules regarding smoking in the workplace.

Employees who smoke must follow this policy in order to protect non-smokers from second-hand smoking, avoid setting off alarms and smoke detectors, preserve an image of a clean workplace, and as a safety precaution, avoid fires from discarded cigarettes.

This policy applies to all tobacco products and to all employees of our company as well as to visitors, contractors, and temporary staff.

As a rule, smoking is not allowed indoors in working areas, hallways, staircases, restrooms, shops/warehouses, company vehicles, and kitchen breakrooms. Smoking is prohibited indoors at all times.

Areas where smoking is permitted

SJV Homes permit smoking during normal breaks at designated smoking areas, open-air verandas away from vehicles, any outer premises including gardens, yards and sidewalks outside of our buildings.

SJV Homes also advise our employees to extinguish their cigarettes and discard them only in appropriate containers, avoid smoking when they have scheduled meetings with clients or vendors, and avoid smoking near flammable objects and areas.

Non-smoking signs will be posted throughout the workplace. The policy will be communicated through the ADP employee portal. Any employee who has a complaint regarding this policy can contact Human Resources.

THE RIGHTS OF EMPLOYEES WHO ARE TRANSGENDER OR GENDER NONCONFORMING

Civil Rights Department
STATE OF CALIFORNIA

CALIFORNIA LAW PROTECTS TRANSGENDER AND GENDER NONCONFORMING PEOPLE FROM DISCRIMINATION, HARASSMENT, AND RETALIATION AT WORK. THESE PROTECTIONS ARE ENFORCED BY THE CIVIL RIGHTS DEPARTMENT (CRD).

THINGS YOU NEED TO KNOW

1. Does California law protect transgender and gender nonconforming employees from employment discrimination?

Yes. All employees, job applicants, unpaid interns, volunteers, and contractors are protected from discrimination at work when based on a protected characteristic, such as their gender identity, gender expression, sexual orientation, race, or national origin. This means that private employers with five or more employees may not, for example, refuse to hire or promote someone because they identify as – or are perceived to identify as – transgender or non-binary, or because they express their gender in non-stereotypical ways.

Employment discrimination can occur at any time during the hiring or employment process. In addition to refusing to hire or promote someone, unlawful discrimination includes discharging an employee, subjecting them to worse working conditions, or unfairly modifying the terms of their employment because of their gender identity or gender expression.

2. Does California law protect transgender and gender nonconforming employees from harassment at work?

Yes. All employers are prohibited from harassing any employee, intern, volunteer, or contractor because of their gender identity or gender expression. For example, an employer can be liable if co-workers create a hostile work environment – whether in person or virtual – for an employee who is undergoing a gender transition. Similarly, an employer can be liable when customers or other third parties harass an employee because of their gender identity or expression, such as intentionally referring to a gender-nonconforming employee by the wrong pronouns or name.

3. Does California law protect employees who complain about discrimination or harassment in the workplace?

Yes. Employers are prohibited from retaliating against any employee who asserts their right under the law to be free from discrimination or harassment. For example, an employer commits unlawful retaliation when it responds to an employee making a discrimination complaint – to their supervisor, human resources staff, or CRD – by cutting their shifts.

4. If bathrooms, showers, and locker rooms are sex-segregated, can employees choose the one that is most appropriate for them?

Yes. All employees have a right to safe and appropriate restroom and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. In addition, where possible, an employer should provide an easily accessible, gender-neutral (or "all-gender"), single user facility for use by any employee. The use of single stall restrooms and other facilities should always be a matter of choice. Employees should never be forced to use one, as a matter of policy or due to harassment.

5. Does an employee have the right to be addressed by the name and pronouns that correspond to their gender identity or gender expression, even if different from their legal name and gender?

Yes. Employees have the right to use and be addressed by the name and pronouns that correspond with their gender identity or gender expression. These are sometimes known as "chosen" or "preferred" names and pronouns. For example, an employee does not need to have legally changed their name or birth certificate, nor have undergone any type of gender transition (such as surgery), to use a name and/or pronouns that correspond with their gender identity or gender expression. An employer may be legally obligated to use an employee's legal name in specific employment records, but when no legal obligation compels the use of a legal name, employers and co-workers must respect an employee's chosen name and pronouns. For example, some businesses utilize software for payroll and other administrative purposes, such as creating work schedules or generating virtual profiles. While it may be appropriate for the business to use a transgender employee's legal name for payroll purposes when legally required, refusing or failing to use that person's chosen name and pronouns, if different from their legal name, on a shift schedule, nametag, instant messaging account, or work ID card could be harassing or discriminatory. CRD recommends that employers take care to ensure that each employee's chosen name and pronouns are respected to the greatest extent allowed by law.

6. Does an employee have the right to dress in a way that corresponds with their gender identity and gender expression?

Yes. An employer who imposes a dress code must enforce it in a non-discriminatory manner. This means that each employee must be allowed to dress in accordance with their gender identity and expression. While an employer may establish a dress code or grooming policy in accord with business necessity, all employees must be held to the same standard, regardless of their gender identity or expression.

7. Can an employer ask an applicant about their sex assigned at birth or gender identity in an interview?

No. Employers may ask non-discriminatory questions, such as inquiring about an applicant's employment history or asking for professional references. But an interviewer should not ask questions designed to detect a person's gender identity or gender transition history such as asking about why the person changed their name. Employers should also not ask questions about a person's body or whether they plan to have surgery.

Want to learn more?
Visit: https://bit.ly/3hTG1EO

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320
California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For translations of this guidance, visit: www.calcivilrights.ca.gov/posters/required

CRD-E04P-ENG / November 2022

TIME OFF TO VOTE

POLLS ARE OPEN FROM 7:00 A.M. TO 8:00 P.M. EACH ELECTION DAY

If you are scheduled to be at work during that time and you do not have sufficient time outside of working hours to vote at a statewide election, California law allows you to take up to two hours off to vote, without losing any pay.

You may take as much time as you need to vote, but only two hours of that time will be paid.

Your time off for voting can be only at the beginning or end of your regular work shift, whichever allows the most free time for voting and the least time off from your regular working shift, unless you make another arrangement with your employer.

If three working days before the election you think you will need time off to vote, you must notify your employer at least two working days prior to the election.

NOTICE TO EMPLOYERS REGARDING EMPLOYEE TIME OFF FOR VOTING

State law (California Elections Code section 14001) requires employers to post a notice to their employees advising them of provisions for taking paid leave for the purpose of voting in statewide elections.

A sample of this notice has been printed on the opposite side of this page for your convenience.

This notice must be posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come and go to their place of work, not less than 10 days before every statewide election.

If you have any questions about this notice or other election related information, please contact the Secretary of State's Voter Hotline at (800) 345-VOTE (8683).

Employees are eligible for paid time off for the purpose of voting only if they do not have sufficient time outside of working hours to vote. The intent of the law is to provide an opportunity to vote for workers who would not be able to do so because of their jobs.

Polls are open from 7:00 a.m. to 8:00 p.m. each Election Day.

Employees can be given as much time as they need in order to vote, but only a maximum of two hours is paid.

Employers may require employees to give advance notice that they will need additional time off for voting.

Employers may require time off to be taken only at the beginning or end of the employee's shift.

Paycheck Checkup Can Prevent a Tax-Time Surprise

It's important to check your federal income tax withholding now to avoid an unexpected tax bill or penalty with next year's return. The IRS Tax Withholding Estimator can help.

Everyone should check their withholding. It's especially important to check now if you:

- Had a large tax refund or tax bill the last time you filed
- Are a two-income family
- Have two or more jobs at the same time
- Work a seasonal job or only work part of the year
- Claim the child tax credit
- Have dependents age 17 or older
- Previously itemized your deductions
- Have high income or a complex tax return

Use the IRS Tax Withholding Estimator to do a Paycheck Checkup

- The IRS Tax Withholding Estimator helps figure out if you should submit a new Form W-4 to your employer or make estimated tax payments to the IRS before the end of the year.
- Have your most recent pay stub and federal tax return on hand.
- The estimator's results are only as accurate as the information you enter.
- Find the IRS estimator at ***IRS.gov/withholding***.

Publication 5303 (Rev. 9-2019) Catalog Number 71606C Department of the Treasury **Internal Revenue Service** www.irs.gov

The Division of Labor Standards Enforcement believes that the sample posting below meets the requirements of Labor Code Section 1102.8(a). This document must be printed to 8.5 x 14 inch paper with margins no larger than one-half inch in order to conform to the statutory requirement that the lettering be larger than size 14 point type.

WHISTLEBLOWERS ARE PROTECTED

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

Who is protected?

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. [California Labor Code Section 1106]

What is a whistleblower?

A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a local, state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.

What protections are afforded to whistleblowers?

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

Under California Labor Code Section 1102.5, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

How to report improper acts

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225**. The Attorney General will refer your call to the appropriate government authority for review and possible investigation.

INVOICE
(Please pay from this copy)

CalChamber®

FOR REMITTANCE
California Chamber of Commerce
P.O. Box 888342
Los Angeles, CA 90088-8342
customer.service @calchamber.com

FOR RETURN OF PRODUCTS
California Chamber of Commerce
920 Riverside Parkway, Suite 30
West Sacramento, CA 95605
800 331 8877 · 916 341 0875 fax
Federal Tax ID 94-0361980
www.calchamber.com

CID: 994657

Invoice 11787452

BILL TO: Teresa Hernandez
San Joaquin Valley Homes
5607 Avenida De Los Robles
Visalia, CA 93291

SHIP TO: Teresa Hernandez
San Joaquin Valley Homes
5607 Avenida De Los Robles
Visalia, CA 93291

P.O. No.: HR **Ship. Method: STANDARD** **Invoice 03/04/24** **Due and payable immediately**

PRODUCT NUMBER	EDITION	DESCRIPTION	QTY. ORDERED	SHIPPED	B/O	AVAIL. DATE	UNIT PRICE	AMOUNT
PLE	2024	CA Labor Law Poster - Laminated (English)	15	15			40.84	612.60

PAID IN FULL

NO PAYMENT DUE

Sub Total	612.60
Membership Discount	-122.52
Special Discount	0.00
Freight & Handling Amount	32.13
Sales Taxes	44.39
Total	566.60
Amount Paid	566.60
Balance Due	0.00

Remittance Copy (Please tear off and send with payment)

CID: 994657

11787452

Teresa Hernandez
San Joaquin Valley Homes
5607 Avenida De Los Robles
Visalia, CA 93291

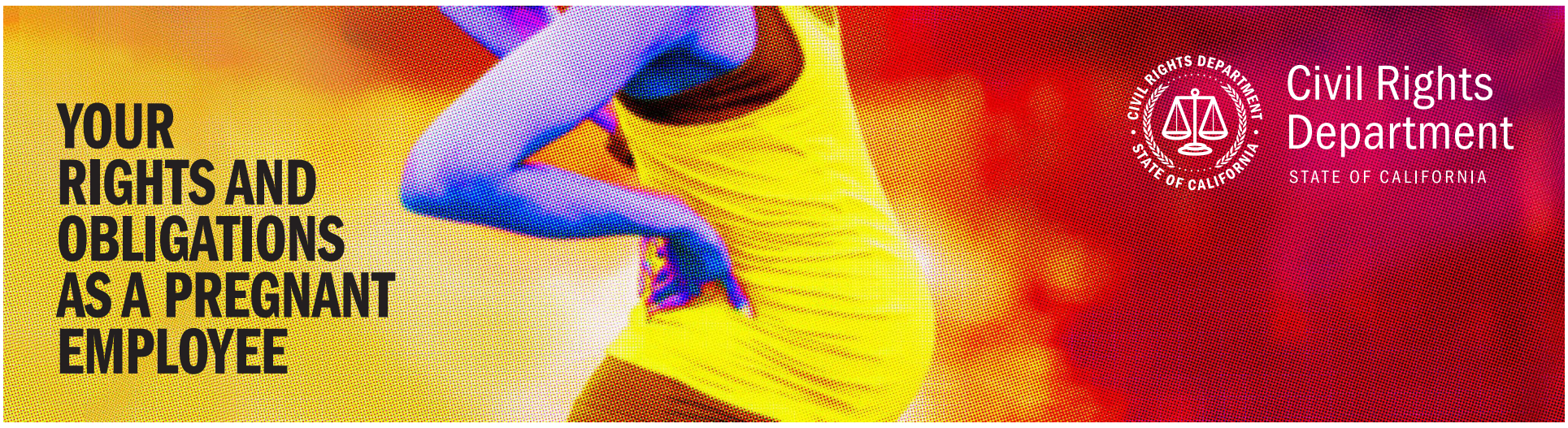
CID: 994657

Invoice 11787452

San Joaquin Valley Homes
Balance Due 0.00

PLEASE REMIT TO:
CALIFORNIA CHAMBER OF COMMERCE
P.O. BOX 888342 · LOS ANGELES, CA 90088-8342
PLEASE REFER TO CID 994657 ON YOUR CHECK

5556 200 994657 117874520000-53174



YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE

Civil Rights Department
STATE OF CALIFORNIA

IF YOU ARE PREGNANT, HAVE A PREGNANCY-RELATED MEDICAL CONDITION, OR ARE RECOVERING FROM CHILDBIRTH, PLEASE READ THIS NOTICE.

YOUR EMPLOYER* HAS AN OBLIGATION TO

- Reasonably accommodate your medical needs related to pregnancy, childbirth, or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);
- Transfer you to a less strenuous or hazardous position (if one is available) or duties if medically needed because of your pregnancy;
- Provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 1/3 weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff;
- Provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code; and
- Never discriminate, harass, or retaliate on the basis of pregnancy.

FOR PREGNANCY DISABILITY LEAVE

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy, childbirth, or related medical condition. Your health care provider determines how much time you will need.
- Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same or a comparable position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, and doctor-ordered bed rest, and covers conditions such as severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule.
- Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation or other paid time off during your PDL.
- Your employer may require or you may choose to use any available sick leave during your PDL.
- Your employer is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.

NOTICE OBLIGATIONS AS AN EMPLOYEE

- Give your employer reasonable notice. To receive reasonable accommodation, obtain a transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, or as soon as practicable if the need is an emergency or unforeseeable.
- Provide a written medical certification from your health care provider. Except in a medical emergency where there is no time to obtain it, your employer may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame your employer requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. Your employer must provide at least 15 calendar days for you to submit the certification. See if your employer has a copy of a medical certification form to give to your health care provider to complete.
- Please note that if you fail to give your employer reasonable advance notice or, if your employer requires it, written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation, transfer, or PDL.

ADDITIONAL LEAVE UNDER THE CALIFORNIA FAMILY RIGHTS ACT (CFRA)

Under the California Family Rights Act (CFRA), if you have more than 12 months of service with an employer, and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to a family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child**, or for your own serious health condition or that of your child, parent***, spouse, domestic partner, grandparent, grandchild, sibling, or someone else related by blood or in family-like relationship with the employee ("designated person"). Employers may pay their employees while taking CFRA leave, but employers are not required to do so, unless the employee is taking accrued paid time-off while on CFRA leave. Employees taking CFRA leave may be eligible for benefits administered by Employment Development Department.

TO FILE A COMPLAINT

Civil Rights Department
calcivilrights.ca.gov/complaintprocess
Toll Free: 800.884.1684 / TTY: 800.700.2320
California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For translations of this guidance, visit:
www.calcivilrights.ca.gov/posters/required

**PDL, CFRA leave, and anti-discrimination protections apply to employers of 5 or more employees; anti-harassment protections apply to employers of 1 or more.*

*** "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee or the employee's domestic partner, or a person to whom the employee stands in loco parentis.*

**** "Parent" includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.*

CRD-E09P-ENG / January 2023