# **EMPLOYMENT** LAWS

# FEDERAL

# CALIFORNIA

# FED

### \$7.25 PER HOUR **BEGINNING JULY 24, 2009**

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

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

restrictions. Different rules apply in agricultural employment.

Employers of "tipped employees" who meet certain conditions may claim a

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT 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.

**NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in orde for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to 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

oom occupied alone

in no event more than:

Where a couple are botl

mployed by the employer,

two thirds (2/3) of the ordinary

rental value, and in no event

SEPARABILITY

Apartment — two thirds (2/3)

of the ordinary rental value, and

Room shared

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. Special provisions apply to workers in American Samoa, the nonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico

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.

JANUARY 1, 2019

25 or Fewer

Some state laws provide greater employee protections; employers must

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

\$47.03/

JANUARY 1, 2018

week week

25 or Fewer

\$593.05/ | \$564.81/ | \$621.29/ | \$593.05/ | \$677.75/ | \$621.28/ | \$734.21/

\$51.73/ \$49.38/ \$56.43/ \$51.73/

\$40.76/ \$38.82/ \$42.70/ \$40.76/ \$46.58/ \$42.70/ \$50.46/ \$46.58/

\$877.27/ \$835.49/ \$919.04/ \$877.26/ \$1002.56/ \$919.02/ \$1086.07/ \$1002.56/

week



JANUARY 1, 2020

\$61.13/ \$56.43/

### **EMPLOYEE RIGHTS**

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.

FED

**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

WAGE AND HOUR DIVISION UNITED STATES OF AMERICA UNITED STATES DEPARTMENT OF LABOR

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

aw from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

applicants and employees from discrimination in hiring,

promotion, discharge, pay, fringe benefits, job training,

Title VII of the Civil Rights Act of 1964, as amended, protects

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.

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

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,

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

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'

of genetic information. Genetic information includes

CA

information about genetic tests of applicants, employees,

or their family members: the manifestation of diseases or

disorders in family members (family medical history); and

acquisition of genetic information and strictly limits disclosure

referral, and other aspects of employment.

### **EMPLOYEE POLYGRAPH PROTECTION ACT**

**Equal Employment Opportunity is THE LAW** 

All of these Federal laws prohibit covered entities

from retaliating against a person who files a charge of

otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS

There are strict time limits for filing charges of employment

discrimination. To preserve the ability of EEOC to act on your

you ultimately need to, you should contact EEOC promptly

The U.S. Equal Employment Opportunity Commission (EEOC)

1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY

most telephone directories in the U.S. Government or Federal

overnment section. Additional information about EEOC,

**Employers Holding Federal Contracts or** 

Subcontracts

including information about charge filing, is available at

number for individuals with hearing impairments). EEOC

field office information is available at www.eeoc.gov or in

when discrimination is suspected:

**INDIVIDUALS WITH DISABILITIES** 

protects qualified individuals from discrimination on the

benefits, job training, classification, referral, and other

basis of disability in hiring, promotion, discharge, pay, fringe

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

employment qualified individuals with disabilities at all levels

DISABLED. RECENTLY SEPARATED, OTHER PROTECTED,

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),

undue hardship. Section 503 also requires that Federal

AND ARMED FORCES SERVICE MEDAL VETERANS

of employment, including the executive level.

discrimination, participates in a discrimination proceeding, or

RETALIATION

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 THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND

**JOB APPLICANTS CAN READILY SEE IT** 

RETALIATION

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

## REV. 07/2016

have applied for membership in the uniformed service; or en an emplover may not deny you: initial employment;

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.

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. behalf and to protect your right to file a private lawsuit, should 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 <a href="OFCCP-Public@dol.gov">OFCCP regional or</a> or by calling an OFCCP regional or

military operation for which an Armed Forces service medal

**Programs or Activities Receiving Federal Financial Assistance** 

district office, listed in most telephone directories under U.S.

RACE, COLOR, NATIONAL ORIGIN, SEX Applicants to and employees of companies with a Federal In addition to the protections of Title VII of the Civil Rights Act ernment contract or subcontract are protected under of 1964, as amended, Title VI of the Civil Rights Act of 1964. Federal law from discrimination on the following bases as amended, prohibits discrimination on the basis of race. color or national origin in programs or activities receiving RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Executive Order 11246, as amended, prohibits job Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial discrimination on the basis of race, color, religion, sex o national origin, and requires affirmative action to ensure assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing equality of opportunity in all aspects of employment. services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination Section 503 of the Rehabilitation Act of 1973, as amended, on the basis of sex in educational programs or activities which

Government, Department of Labor.

receive Federal financial assistance. **INDIVIDUALS WITH DISABILITIES** Section 504 of the Rehabilitation Act of 1973, as amended, aspects of employment. Disability discrimination includes not 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 contractors take affirmative action to employ and advance in

without reasonable accommodation, can perform the essentia 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. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09

REV. 11/2009

requests for or receipt of genetic services by applicants, employees, or their family members.

Division of Labor Standards Enforcement, Office of the Labor Commissioner 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 OF 2014 PAID SICK LEAVE** 

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 48 hours or 6 days. However, subject to specified conditions, if an employer has a paid sick leave, paid leave or paid time off policy (PTO) that provides no less than 24 hours or three days of paid leave or paid time off, no accrual or carry over is required if the full amount

of leave is received at the beginning of each year in accordance with the policy

An employee may use accrued 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

> domestic violence, sexual assault, or stalking. An employer may limit the use of paid sick days to 24 hours or three days in each year of Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or who retaliates or discriminates against the employee.

both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer 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

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

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. DLSE Paid Sick Leave Posting

REV. 11/2014

### The Department of Fair Employment and Housing **California Law Prohibits Workplace Discrimination & Harassment**

MARITAL STATUS

record or history of cancer)

MILITARY OR VETERAN STATUS

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALLEDRAIA FROM LINI AWEUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMOATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE The California Department of Fair Employment and Housing (DFEH) enforces laws that protect you from illegal discrimination and

harassment in employment based on your actual or perceived: NATIONAL ORIGIN ((includes language use and possession ANCESTRY of a driver's license issued to persons unable to prove their AGE (40 and above)

presence in the United States is authorized under federal RACE (including, but not limited to, hair texture and DISABILITY (physical, mental, HIV and AIDS) protective hairstyles. Protective hairstyles includes, but is

GENETIC INFORMATION not limited to, such hairstyles as braids, locks, and twists) GENDER IDENTITY, GENDER EXPRESSION RELIGION (includes religious dress and grooming practices) SEX/GENDER (includes pregnancy, childbirth, MEDICAL CONDITION (genetic characteristics, cancer or a

breastfeeding and/or related medical conditions) SEXUAL ORIENTATION

THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (GOVERNMENT CODE SECTIONS 12900 THROUGH 12996) AND ITS

MPLEMENTING REGULATIONS (CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTIONS 11000 THROUGH 11141): more persons to allow eligible employees to take up to 12

Prohibit harassment of employees, applicants, unpaid interns, volunteers, and independent contractors by any weeks leave in a 12-month period for an employee's owi persons and require employers to take all reasonable steps serious health condition or to care for a parent, spouse, or to prevent harassment. This includes a prohibition against child with a serious health condition. exual harassment, gender harassment, harassment based Require employment agencies to serve all applicants on pregnancy, childbirth, breastfeeding and/or related equally, refuse discriminatory job orders, and prohibit medical conditions, as well as harassment based on all employers and employment agencies from making other characteristics listed above. discriminatory pre-hiring inquiries or publishing helpwanted advertisements that express a discriminatory

Require that all employers provide information to each of their employees on the nature, illegality, and legal remedies that apply to sexual harassment. Employers may either develop their own publications, which must meet standards set forth in California Government Code section 12950, or use a brochure from DFEH. Require employers with 5 or more employees and all

public entities to provide training for all employees regarding the prevention of sexual harassment, including ment based on gender identity, gender expression, and sexual orientation.

Prohibit employers from limiting or prohibiting the use of any language in any workplace unless justified by usiness necessity. The employer must notify employees of the language restriction and consequences for violation. Also prohibits employers from discriminating against an applicant or employee because they possess a driver's ense issued to a person who is unable to prove that their presence in the United States is authorized under

federal law. Require employers to reasonably accommodate an employee, unpaid intern, or job applicant's religious beliefs and practices, including the wearing or carrying of religious clothing, iewelry or artifacts, and hair styles facial hair, or body hair, which are part of an individual's Require employers to reasonably accommodate employees

perform the essential functions of a job. Permit job applicants, unpaid interns, volunteers, and employees to file complaints with DFEH against an employer, employment agency, or labor union that fails to rant equal employment as required by law Prohibit discrimination against any job applicant, unpaid ntern, or employee in hiring, promotions, assignments, termination, or any term, condition, or privilege of

Require employers, employment agencies, and unions to preserve applications, personnel records, and employment referral records for a minimum of two years. Require employers to provide leaves of up to four months to employees disabled because of pregnancy, childbirth, or a related medical condition.

Require an employer to provide reasonable accommodations requested by an employee, on the advice of their health care provider, related to their pregnancy, childbirth, or a related medical condition. Require employers of 20 or more persons to allow eligible ees to take up to 12 weeks leave in a 12-mont

period for the birth of a child or the placement of a child

for adoption or foster care; also require employers of 50 o

Prohibit unions from discriminating in member admissions or dispatching members to jobs 5. Prohibit retaliation against a person who opposes, reports, or assists another person to oppose unlawful **FILING A COMPLAINT** The law provides for remedies for individuals who experience prohibited discrimination or harassment in the workplace. These remedies include hiring, front pay, back pay, promotion

reasonable attorney's fees and costs, punitive damages, and emotional distress damages. Job applicants, unpaid interns, and employees: If you believe ou have experienced discrimination or harassment you may file a complaint with DEFH. Independent contractors and volunteers: If you believe you have been harassed, you may file Complaints must be filed within three years\* of the last act of discrimination/harassment. For victims who are under the age of eighteen, not later than three years after the last act

reinstatement, cease-and-desist orders, expert witness fees

of discrimination/harassment or one year after the victim's eighteenth birthday, whichever is late To schedule an appointment, contact the Communication If you have a disability that requires a reasonable mmodation, the DFEH 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 DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested. Government Code section 12950 and California Code of

Regulations, title 2, section 11013, require all employers to offices, on employee bulletin boards, in employment agency vaiting rooms, union halls, and other places employees gathe Any employer whose workforce at any facility or establishment consists of more than 10% of non-English speaking persons mus also post this notice in the appropriate language or languages. CONTACT US Toll Free: (800) 884-1684

TTY: (800) 700-2320

\* Effective 1/1/2020.

contact.center@dfeh.ca.gov

DFEH-E07P-ENG REV. 11/2019

# WHISTLEBLOWERS ARE PROTECTED

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]

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:

A violation of a state or federal statute, A violation or noncompliance with a local, state or federal rule or regulation, or With reference to employee safety or health, unsafe working conditions or work practices in the employee's

employment or place of employment.

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from

An employer may not retaliate against an employee who is a whistleblower.

An employer may not retaliate against an employee for refusing to participate in an activity that would result in

An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in

Under <u>California Labor Code Section 1102.5</u>, 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

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.

applicants to the uniformed services.

perform service in the uniformed service and:

conclusion of service: and

are a past or present member

of the uniformed service;

retention in employment;

some cases, a comparable job.

reemployment;

because of this status.

FED

**LEAVE ENTITLEMENTS** 

while with that particular employer;

or under other than honorable conditions.

You have the right to be reemployed in your civilian job if you leave that job to

you ensure that your employer receives advance written or verbal notice

you have five years or less of cumulative service in the uniformed services

f 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

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

REEMPLOYMENT RIGHTS

FED

### YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or In addition, an employer may not retaliate against anyone assisting in the involuntarily leave employment positions to undertake military enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service 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 HEALTH INSURANCE PROTECTION

If you leave your job to perform military service, you have the right to you and your dependents for up to 24 months while in the military.

elect to continue your existing employer-based health plan coverage for 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.

### you return to work or apply for reemployment in a timely manner after The U.S. Department of Labor, Veterans Employment and Training Service you have not been separated from service with a disqualifying discharge

(VETS) is authorized to investigate and resolve complaints of USERRA 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 http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm.

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: http://www.dol.gov/vets/programs/userra/poster.htm. 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 Employer Support of the Guard and Reserve • 1-800-336-4590

REV. 04/2017

**EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT** 

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth or placement);

are obligated to serve in the

any benefit of employment

uniformed service

promotion; or

To care for the employee's spouse, child, or parent who has a qualifying serious health condition; For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA

leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other

employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made

unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months;

Have at least 1,250 hours of service in the 12 months before taking leave;\* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.  $^{\star}$ Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee it he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave. Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

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.

For additional information or to file a complaint: DEPARTMENT OF LABOR UNITED STATES OF AMERICA WHILE

www.dol.gov/whd

1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

AMBULANCE:

San Francisco, CA 94142-0603

Department of Industrial

Relations - CAL/OSHA

**EMERGENCY** 

REV. 03/1990

U.S. Department of Labor • Wage and Hour Division • WH1420

Department of Industrial Relations Division of Labor Standards Enforcement Payday Notice

**REGULAR PAYDAYS** FOR EMPLOYEES OF (FIRM NAME)

SHALL BE AS FOLLOWS: OF THE CALIFORNIA LABOR CODE

THIS IS IN ACCORDANCE WITH SECTIONS 204, 204A, 204B, 205, AND 205.5 Posting is required by Title 8 Section 1512 (e), California Code of Regulations STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS CAL/OSHA PUBLICATIONS P.O. Box 420603

**REV. 06/2002** 

## Department of Industrial Relations - CAL/OSHA

Safety and Health Protection on the Job Communication standard (<u>www.dir.ca.gov/title8/5194.html</u>) must provide employees information on

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 nents of California Code of Regulations, title 8, section 3203 (<u>www.dir.ca.gov/title8/3203.htm</u>l 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

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.

done by contacting the local Cal/OSHA district office (see list of offices). 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

standard or order where such violation would create a real and apparent hazard to the employee or other You may not be fired or punished in any way for filing a complaint about unsafe or unhealthful working onditions, 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 (<u>www.dir.ca.gov/title8/339.html</u>), or is covered by the Hazard 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

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 prominently at or near the place of the violation 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 – (866) 924-9757**

### HEADQUARTERS: 1515 Clay Street, Ste. 1901, Oakland, CA 94612 - Telephone (510) 286-7000 3419 Broadway St., Ste. H8, American Canyon 94503

(707) 649-3700 7718 Meany Ave., Bakersfield 93308 (661) 588-6400 1065 East Hillsdale Bl., Ste. 110, Foster City 94404 (650) 573-3812 39141 Civic Center Dr., Ste. 310, Fremont 94538 (510) 794-252 2550 Mariposa St., Rm. 4000, Fresno 93721 (559) 445-5302 3939 Atlantic Ave., Ste. 212, Long Beach 90807 (562) 506-0810 320 West Fourth St., Rm. 820, Los Angeles 90013 (213) 576-7451 4206 Technology Dr., Ste. 3, Modesto 95356 (209) 545-7310 800 Royal Oaks Dr., Ste. 105, Monrovia 91016 (626) 239-0369 1515 Clay St., Ste. 1303, Box 41, Oakland 94612 (510) 622-2916 381 Hemsted Dr., Redding 96002 (530) 224-4743 2424 Arden Way, Ste. 160, Sacramento 95825 (916) 263-2800 464 West Fourth St., Ste. 332, San Bernardino 92401 (909) 383-4321 7575 Metropolitan Dr., Ste. 207, San Diego 92108 (619) 767-2280 455 Golden Gate Ave., Rm. 9516, San Francisco 94105 (415) 557-0100 2 MacArthur Place, Ste. 720, Santa Ana 92707 (714) 558-4451 (818) 901-5403 6150 Van Nuys Blvd., Ste. 405, Van Nuys 91401 **Regional Offices** 455 Golden Gate Ave., Rm 9516, San Francisco 94102 (415) 557-0300 2424 Arden Way, Ste. 300, Sacramento 95825 (916) 263-2803 2 MacArthur Place, Ste. 720, Santa Ana 92707 (714) 558-4300 750 Royal Oaks Dr., Ste. 105, Monrovia 91016 (626) 470-9122 **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 1515 Clay St., Ste. 1103, Oakland 94612 Oakland / Bay Area (510) 622-2891 Sacramento / Northern CA 2424 Arden Way, Ste. 410, Sacramento 95825 (916) 263-0704 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 6150 Van Nuys Blvd., Ste. 307, Van Nuys 91401 (818) 901-5754 San Fernando Vallev

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 (0SHA), U.S. Department of Labor Tel: (415) 625-2547. OSHA monitors the operation of state plans to assure that continued approval is merited. REV. 08/2019



J. J. Keller & Associates, Inc. JJKeller.com/employmentlaw 800-327-6868

# 44029

# FEDERAL MINIMUM WAGE OVERTIME PAY

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

partial wage credit based on tips received by their employees. Employers must

WAGE AND HOUR DIVISION DEPARTMENT OF LABOR LINITED STATES OF AMERICA UNITED STATES DEPARTMENT OF LABOR

### mends General Minimum Wage Order and IWC Industry and Occupation Orders PLEASE POST NEXT TO YOUR IWC OR INDUSTRY OCCUPATION ORDER **OFFICIAL NOTICE**

**California Minimum Wage** 

	MW-2019	
EFFECTIVE DATE	Employers with 26 or More Employees*	Employers with 25 or Fewer Employees
January 1, 2019	\$12.00	\$11.00
January 1, 2020	\$13.00	\$12.00
	PREVIOUS YEARS	
January 1, 2017	\$10.50	\$10.00
January 1, 2018	\$11.00	\$10.50

\$11.00 \*Employees treated as employed by a single qualified taxpayer pursuant to Revenue and Taxation Code section 23626 are treated as employees of that single taxpaye

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.) 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

orders may be obtained by ordering on-line at www.dir.ca.gov/WP.asp, or by contacting your local Division of Labor Standards Enforcemen 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

voluntary written agreement may not be more than the following

Section 1, Applicability, and in other sections of the IWC's industry and occupation orders may be used where any such provisions are enforceable and applicable to the employer 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 **MEALS AND LODGING CREDITS - TABLE** 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

Order, MW-2017, Section 1, Applicability, and Section 4, Separability, have not been changed. Consistent with this enactment, amendments

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

are made to the minimum wage, and the meals and lodging credits sections of all of the IWC's industry and occupation orders.

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leasonably 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 (where one is available) or duties if medically needed because of your pregnancy; and rovide 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 egnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave lated 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' work area to express breast milk in private as set forth in 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. Your

health care provider determines how much time you will

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 position if you request a written guarantee. Your employer may require you to ubmit 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 requent breaks, time for prenatal or postnatal medical pointments, doctor-ordered bed rest, severe morning sickness, gestational diabetes, pregnancy-induced pertension, preeclampsia, recovery from childbirth or los 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, all of which counts against your four month ntitlement to leave.

Your leave will be paid or unpaid depending on your

evelopment Department

available sick leave during your PDL.

time off during your PDL.

uration of your leave

comply with this notice policy

mployer'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

At your discretion, you can use any vacation or other paid

Your employer may require or you may choose to use any

Your employer is required to continue your group health

coverage during your PDL at the same level and under the

ame conditions that coverage would have been provided

if you had continued in employment continuously for the

Taking PDL may impact certain of your benefits and your

niority date; please contact your employer for details. If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself). Fo events that are unforeseeable, we need you to notify us, a least verbally, as soon as you learn of the need for the leave ailure to comply with these notice rules is grounds for,

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 employe

and may result in, deferral of the requested leave until you

### WHAT DOES "TRANSGENDER" MEAN? Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth. Gender expression is defined by the law to mean a "person's genderrelated appearance and behavior whether or not stereotypically

WHAT IS A GENDER TRANSITION? "Social transition" involves a process of socially aligning one's gender with the internal sense of self (e.g., changes in name and pronoun, bathroom facility usage, participation in activities like sports 'Physical transition" refers to medical treatments an

**FAQ FOR EMPLOYERS** What is an employer allowed to ask? Employers may ask about an employee's employment history and may ask for personal references, in addition to other non-discriminatory questions. An interviewer should not

including asking about their marital status, spouse's name, or relation of household members to one another. Employers should not ask guestions about a person's body or whether they How do employers imple grooming standards?

An employer who requires a dress code must enforce it in a nondiscriminatory manner. This means that, unless an employer can demonstrate business necessity, each employee must be

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fault of your own. To claim UI benefit payments you must also meet all UI eligibility **How to File a New UI Claim Online:** UI Online<sup>SM</sup> is the fastest and most convenient way to file your UI claim. Visit www.edd.ca.gov/UI\_Online to get started.

1-800-326-8937 Mandarin 1-866-303-0706 TTY 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.

Use one of the following methods

(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

Visit www.edd.ca.gov/SDI\_Online to get started.

**Online:** SDI Online is the fastest and most convenient way to file your claim.

**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

Disability Insurance office, online at www.edd.ca.gov/Forms, or by calling

claim form from your employer, physician/practitioner, visiting a State

**Employment Development Department Notice to Employees** 

are being accumulated for you to be used as a basis for Unemployment Insurance You may be eligible to receive Unemployment Insurance benefits if Unemployed or working less than full-time.

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

This employer is registered under the California Unemployment Insurance Code and is reporting wage credits to the Employment Development Department (EDD) that

> the U.S. at: 1-800-300-5616 Mandarin 1-866-303-0706 Vietnamese 1-800-547-3506 TTY Note: Waiting to file a claim could delay benefits. EDD representatives are available Monday through Friday between 8 a.m. and

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MEALS Breakfast \$3.80 | \$3.62 | \$3.98 | \$3.80 | \$4.34 | \$3.98 | \$4.70 | \$4.34 \$5.22 \$4.97 \$5.47 \$5.22 \$5.97 \$5.47 \$6.47 \$5.97 \$7.09 | \$6.68 | \$7.35 | \$7.01 | \$8.01 | \$7.34 | \$8.68 | \$8.01 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

t be more than the amounts stated in the table above.

Ana, Santa Barbara, Santa Rosa, Stockton, and Van Nuys

CA

his Order amends the minimum wage and meals and lodging credits in MW-2017, 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 These Amendments to the Wage Orders shall be in effect as of January 1, 2019. Questions about enforcement should be directed to the Labor Commissioner's Office. For the address and telephone number of the office  $nearest you, information can be found on the internet at \\ \underline{\text{http://www.dir.ca.gov/DLSE/dlse.html}} \text{ or under a search for "California Labor"}$ Commissioner's Office" on the internet or any other directory. The Labor Commissioner has offices in the following cities: Bakersfield, El entro, Fresno, Long Beach, Los Angeles, Oakland, Redding, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, San Jose, Santa

ne application of any provision of this Order, or any section, subsection, subdivision, sentence, clause, phrase, word or portion of this

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.

der should be held invalid, unconstitutional, unauthorized, or prohibited by statute, the remaining provisions thereof shall not be affected

Department of Industrial Relations

Division of Workers' Compensation

Notice to Employees - Injuries Caused by Work

ou may be entitled to workers' compensation benefits if you are injured or become ill because of your job. Workers' compensation covers

most work-related physical or mental injuries and illnesses. An injury or illness can be caused by one event (such as hurting your back in a fall) or by repeated exposures (such as hurting your wrist from doing the same motion over and over).

Medical Care: Doctor visits, hospital services, physical therapy, lab tests, x-rays, medicines, medical equipment and travel costs

that are reasonably necessary to treat your injury. You should never see a bill. There are limits on chiropractic, physical therapy and

Temporary Disability (TD) Benefits: Payments if you lose wages while recovering. For most injuries, TD benefits may not be paid

Supplemental Job Displacement Benefit: A nontransferable voucher, if you are injured on or after 1/1/2004, your injury causes

Naming Your Own Physician Before Injury or Illness (Predesignation). You may be able to choose the doctor who will treat you for

a job injury or illness. If eligible, you must tell your employer, in writing, the name and address of your personal physician or medical group

before you are injured. You must obtain their agreement to treat you for your work injury. For instructions, see the written information about

. Get Medical Care. If you need emergency care, call 911 for help immediately from the hospital, ambulance, fire department or

Report Your Injury. Report the injury immediately to your supervisor or to an employer representative. Don't delay. There are

See Your Primary Treating Physician (PTP). This is the doctor with overall responsibility for treating your injury or illness.

time limits. If you wait too long, you may lose your right to benefits. Your employer is required to provide you with a claim form within one working day after learning about your injury. Within one working day after you file a claim form, your employer or claims

If you predesignated your personal physician or a medical group, you may see your personal physician or the medical group after

If your employer is using a medical provider network (MPN) or a health care organization (HCO), in most cases you will be treated

within the MPN or HCO unless you predesignated a personal physician or medical group. An MPN is a group of physicians and

health care providers who provide treatment to workers injured on the job. You should receive information from your employer if

If your employer is not using an MPN or HCO, in most cases the claims administrator can choose the doctor who first treats you

Medical Provider Networks. Your employer may be using an MPN, which is a group of health care providers designated to provide

treatment to workers injured on the job. If you have predesignated a personal physician or medical group prior to your work injury, then you may go there to receive treatment from your predesignated doctor. If you are treating with a non-MPN doctor for an

**nination.** It is illegal for your employer to punish or fire you for having a work injury or illness, for filing a claim, or testifying in

Questions? Learn more about workers' compensation by reading the information that your employer is required to give you at time of hire. If

(Enter "self-insured" if appropriate

REV. 01/01/2016

you have questions, see your employer or the claims administrator (who handles workers' compensation claims for your employer

You can also get free information from a State Division of Workers' Compensation Information (DWC) & Assistance Officer. The nearest

or by calling toll-free **(800) 736-7401**. Learn more information about workers' compensation online: www.dwc.ca.gov and access a useful

material representation for the purpose of obtaining or denying workers' compensation benefits or payments is quilty of a felony and may be

The Department of Fair Employment and Housing

Family Care & Medical Leave & Pregnancy Disability Leave

If possible, you must provide at least 30 days' advance notice

for foreseeable events (such as the expected birth of a child or a

events that are unforeseeable, we need you to notify us, at least

comply with these notice rules is grounds for, and may result in,

deferral of the requested leave until you comply with this notice

We may require certification from your health care provider before

allowing you a leave for pregnancy disability or for your own serious

nealth condition. We also may require certification from the health

care provider of your child, parent or spouse, who has a serious

health condition, before allowing you a leave to take care of that

If you are taking a leave for the birth, adoption, or foster care

Taking a family care or pregnancy disability leave may impac

certain of your benefits and your seniority date. If you want more

of the leave on your seniority and benefits, please contact DFEH

To schedule an appointment, contact the Communication Center

the DFEH can assist you by scribing your intake by phone or,

for individuals who are Deaf or Hard of Hearing or have speech

**CONTACT US** 

Toll Free: (800) 884-1684

TTY: (800) 700-2320

contact.center@dfeh.ca.gov

www.dfeh.ca.gov

DFEH-100-21ENG

nformation regarding your eligibility for a leave and/or the impac

birth or placement for adoption or foster care.

family member. When medically necessary, leave may be taken on

cement of a child, the basic minimum duration of the leave i

two weeks, and vou must conclude the leave within one vear of the

verbally, as soon as you learn of the need for the leave. Failure to

planned medical treatment for yourself or of a family member). For

False claims and false denials. Any person who makes or causes to be made any knowingly false or fraudulent material statement or

Your employer may not be liable for the payment of workers' compensation benefits for any injury that arises from your voluntary

participation in any off-duty, recreational, social, or athletic activity that is not part of your work-related dutie.

existing injury, you may be required to change to a doctor within the MPN. For more information, see the MPN contact information

Permanent Disability (PD) Benefits: Payments if you do not recover completely and your injury causes a permanent loss of

permanent disability, and your employer does not offer you regular, modified, or alternative work.

**Death Benefits:** Paid to your dependents if you die from a work-related injury or illness.

for more than 104 weeks within five years from the date of injury.

workers' compensation that your employer is required to give to new employees

guidelines, for your alleged injury until the claim is accepted or rejected.

you are covered by an HCO or a MPN. Contact your employer for more information.

IF YOU NEED HELP LOCATING AN MPN PHYSICIAN, CALL YOUR MPN ACCESS ASSISTANT AT:

IF YOU HAVE QUESTIONS ABOUT THE MPN OR WANT TO FILE A COMPLAINT AGAINST THE MPN, CALL THE MPN

when you are injured, unless you predesignated a personal physician or medical group.

police department. If you need first aid, contact your employer

MPN EFFECTIVE DATE

expenses up to limits set by the state.

CA

Information & Assistance Officer can be found at location:

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND

HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM

OF HATE VIOLENCE AND HUMAN TRAFFICKING.

UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND

PUBLIC ACCOMMOATIONS, AND FROM THE PERPETRATION OF ACTS

Under the California Family Rights Act of 1993 you may

adoption, or foster care placement of your child or for

your own serious health condition or that of your child,

parent or spouse. California law also prohibits employer

om denying or interfering with requests for Pregnancy

Under the California Family Rights Act of 1993 (CFRA), if you have

more than 12 months of service with us and have worked at least

vorksite or within 75 miles of your worksite, you may have a right

to a family care or medical leave (CFRA leave). This leave may be up

o 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 or spouse. If we employ less

than 50 employees at your worksite or within 75 miles of your

worksite, but at least 20 employees at your worksite or within 75

miles of your worksite, you may have a right to a family care leave

for the birth, adoption, or foster care placement of your child under

leave may be up to 12 workweeks in a 12-month period. While

the law provides only unpaid leave, employees may choose or

Even if you are not eligible for CFRA or NPLA leave, if you are

disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four

nonths, depending on your period(s) of actual disability. If you

are CFRA- or NPLA-eligible, you have certain rights to take BOTH

and for CFRA or NPLA it is to the same or a comparable position - at

the end of the leave, subject to any defense allowed under the law.

of the birth of your child. Both leaves contain a guarantee of

nancy disability leave and a CFRA or NPLA leave for reason

ent - for pregnancy disability it is to the same position

use accrued paid leave while taking NPLA leave.

he New Parent Leave Act (NPLA). Similar to CFRA leave, the NPLA

nployers may require use of accrued paid leave while taking CFRA

eave under certain circumstances and employees may choose to

have a right to a family care or medical leave for the birth,

ooklet "Workers' Compensation in California: A Guidebook for Injured Workers."

physical or mental function that a doctor can measure.

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

> to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or 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

> > employer must provide at least 15 calendar days for you o submit the certification. See your employer for 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 written medical certification of your medical need, your

employer may be justified in delaying your reasonable

mmodation, transfer, or PDL.

(NPLA). Similar to CFRA leave, the NPLA leave may be up to 12 workweeks in a 12-month period. While the law provides only

associated with the person's assigned sex at birth." Gender identity and gender expression are protected characteristics under the Fair Employment and Housing Act. That means that All employees have a right to safe and appropriate restroom and employers may not discriminate against someone because locker room facilities. This includes the right to use a restroom o they identify as transgender or gender non-conforming. This locker room that corresponds to the employee's gender identity, includes the perception that someone is transgender or gender regardless of the employee's assigned sex at birth. In addition, where possible, an employer should provide an easily accessible unisex single stall bathroom for use by any employee who desires increased privacy, regardless of the underlying reason.

ndividual may undergo to physically align their body with internal sense of self (e.g., hormone therapies or surgical procedures). A person does not need to complete any particular step in a gender transition in order to be protected by the law. An employer may not condition its treatment or accommodation or a transitioning employee upon completion of a particular step in

ask questions designed to detect a person's gender identity

DFEH-E04P-ENG **REV. 12/2019** 

(711), or you can contact us below.

(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 requirements, including that you must be available for work and searching for work.

except during state holidays. 1-800-300-5616 Cantonese 1-800-547-3506 Vietnamese 1-800-547-2058 **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

**Notice to Employees:** 

**Phone:** Representatives are available at the following toll-free numbers, Monday through Friday between 8 a.m. to 12 noon (Pacific Standard Time)

and more secure processing, fax the completed form to the number listed

**Employment Development Department** 

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 also available to parents who need time off

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

work to bond with a new child entering the family by birth, adoption, or foster care family member or to bond with a new child. How to File a New PFL Claim Use one of the following methods: Visit www.edd.ca.gov/SDI\_Online to get started. **Mail:** To file a claim with the EDD by mail, complete and submit a *Claim* 

> claim form from your employer, a physician/practitioner, visiting a State Disability Insurance office, online at www.edd.ca.gov/Forms, or by calling Note: If your employer maintains an approved Voluntary Plan for PFL coverage, contact your employer for assistance. For more information about PFL, visit www.edd.ca.gov/disability or call 1-877-238-4373.

claim benefits. For additional general information, visit the EDD website at DE 1857A Rev. 43 (5-18) (INTERNET) GA 888/CU **REV. 05/2018** 

**Unemployment Insurance Benefits** 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 The fastest way to file for Unemployment Insurance (UI) is with

12 noon (Pacific Time).

CA

# It is the public policy of the State of California to encourage employees to notify an appropriate government or law

What is a whistleblower?

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?

JJKeller.com/LLPverify This poster is in compliance with federal and state posting requirements.

Enter: 44029-012020

Time Off to Vote POLLS ARE OPEN FROM 7:00 A.M. TO 8:00 P.M.

> 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.

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,

> CALIFORNIA ELECTIONS CODE SECTION 14000 **PLEASE POST**

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 <a href="https://www.dir.ca.gov/samples/search/query.htm">www.dir.ca.gov/samples/search/query.htm</a>. WHAT AN EMPLOYER MUST DO:

**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

2550 Mariposa Mall, Rm. 3014, Fresno 93721

(559) 445-6800

### The Department of Fair Employment and Housing Your Rights and Obligations as a Pregnant Employee YOUR EMPLOYER HAS AN OBLIGATION TO:

you to supply a written medical certification from your health care provider of the medical need for your asonable 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

ADDITIONAL RIGHTS UNDER CALIFORNIA FAMILY RIGHTS ACT (CFRA) LEAVE AND NEW PARENT LEAVE Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, and if we employ 50 or more employees at your worksite or within 75 miles of your worksite, you may have a right to a family care or medical leave (CFRA léave). 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 or spouse. If we employ less than 50 employees at your worksite or within 75 miles of your worksite, but at least 20 employees at our worksite or within 75 miles of your worksite, you may have a right to a family care leave for the birth, adoption, or foster care placement of your child under the New Parent Leave Act

unpaid leave, employees may choose or employers may require

use of accrued paid léave while taking CFRA leave under certain

California and any other political or civil subdivision of the state

This notice is a summary of your rights and obligations unde

information about your rights and obligations as a pregnant employee, contact your employer, visit the Department of Fair

mployment and Housing's Web site at www.dfeh.ca.gov, or

711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov. The

ontact DFEH at (800) 884-1684 (voice or via relay operator

the Fair Employment and Housing Act (FEHA). For more

ircumstances and employees may choose to use accrued paid

\*CFRA and NPLA applies to all employees of the state of

and cities, regardless of the number of employees.

text of the FEHA and the regulations interpreting it are available n the Department of Fair Employment and Housing's Web site at <u>www.dfeh.ca.gov</u>. Toll Free: (800) 884-1684 TTY: (800) 700-2320 contact.center@dfeh.ca.gov

leave while taking NPLA leave.\*

The Department of Fair Employment and Housing Transgender Rights in the Workplace allowed to dress in accordance with their gender identity and gender expression. Transgender or gender non-confor mployees may not be held to any different standard of dress or grooming than any other employee. What are the obligations of employers when it comes to bathrooms, showers, and locker

of choice. No employee should be forced to use one either as a

matter of policy or due to harassment in a gender-appropriate

DFEH-E09P-ENG

**REV. 12/2019** 

y other provisions of state law, all single-user toilet facilities in any business establishment, place begin your leave, and if we employ 50 or more employees at your of public accommodation, or state or local government agency must be identified as all-gender toilet facilities. FILING A COMPLAINT If you believe you are a victim of discrimination you may, within three years\* of the discrimination, file a complaint of discrimination by contacting DFEH. To schedule an appointment, contact the Communication Center If you have a disability that requires a reasonable accommodation, the DFEH 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 **CONTACT US** TTY: (800) 700-2320 <u>contact.center@dfeh.ca.</u>gov

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

1-800-480-3287

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 **Online:** SDI Online is the fastest and most convenient way to file your claim.

for Paid Family Leave (PFL) Benefits. DE 2501F form. You can obtain a paper

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

UI Online at www.edd.ca.gov/UI\_Online, You may also file for Unemployment Insurance by calling toll-free from anywhere in

**REV. 07/2018** 

1-800-815-9387

being a whistleblower.

a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of

investigator inspecting your workplace. Any employee has the right to refuse to perform work that would violate an occupational safety or health

**District Offices** 

American Canyor

Bakersfield

**Foster City** 

Long Beach

Los Angeles

Modesto

Monrovia

**Oakland** 

Redding

Sacramento

San Diego

Santa Ana

Van Nuvs

San Francisco

San Francisco

Sacramento

Santa Ana

Monrovia

San Bernardino

**Consultation Region Office** 

San Bernardin

Fremont

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (CAL/OSHA)

To update your employment law posters contact

