

A CA Employer's Guide to Required Posters, Pamphlets & Documentation for Employees

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Agenda

Posters

Pre-Hire

First Day of Employment

During Employment

Termination

Post-Employment

Posters

State & Federal Laws

There are state and federal laws that must be posted in a conspicuous place for employees.

Due to changes in laws, the posters must often be replaced annually.

Posters can be purchased separately or combined (all-in-one).

If English is the 2nd language (or not spoken by) of many of your employees it is highly recommended to obtain posters in the specific language (if available).

Federal Laws

EEO is the Law

Federal Minimum Wage

Your Rights Under USERRA

Safety and Health Protection on the Job

FMLA Rights

Whistleblowers are Protected

Employee Polygraph Protection Act

California Laws

Healthy Workplaces/Healthy Families Act

Notice to Employees (EDD: UI, DI and PFL)

California Minimum Wage

Notice to Employees-Injuries Caused by Work

Discrimination & Harassment Prohibition

Rights as a Pregnant Employee

CFRA Rights

Time Off to Vote

Emergency Contacts

Payday Notice

Pre-Hire

Offer Letters

Offer Letters

- CA requires that offer letters for non-exempt employees includes specific information related to company information, compensation, methods/frequency of pay, workers' compensation carrier information, etc.

Notice to Employees

- DLSE-NTE
- Pursuant to the new CA Paid Sick Leave Law
- Effective January 1, 2015

Background Checks & References

Background Checks

- Includes such information as criminal, credit, SSN, MVR, terrorist and sexual offender reports.
- Must obtain written authorization to conduct background checks.
- 3rd party provider often provides forms; if not, it is important to use a form that is compliant with local, state and federal laws.

Reference Checks

- Includes such information as employment, education, and professional license verification.
- Although not required, it is a good practice to obtain written authorization from the candidate.
- NOTE: A common roadblock is denial of a reference or providing very limited information such as titles and date of employment.

Minors

Work Permits

Applies to employees under the age of 18 years who are required to attend school under the provisions of the Education Code and any person under the age of 6.

School dropouts are also subject to providing a work permit.

Emancipated minors are also subject to work permits, although they can pursue it without their parent's permission.

Employer completed 'Statement of Intent to Employ Minor and Request for Work Permit'

Do not start employment until the authorized and signed permit to employ and work is received.

Recommended

Although not required by law, the following are good to include in the pre-hire process:

- Application for Employment (even when a resume is provided)
- Authorization to Conduct Reference Checks

First Day of Employment

General Reporting

Form W-4

- Federal Income Tax

Form I-9

- Eligibility to work in the US
- Must be completed within the first 72 hours of employment

DE 34

- New Hire Registry
- Must be reported within 20 days of start date

OPTIONAL

Form DE 4

State Income Tax withholding

Department of Labor

Notice of Exchange

OMB No. 1210-0149

This is pursuant to the New Health Insurance Marketplace Coverage Options.

The employer provides information about whether or not they provide health coverage, who is eligible, if it meets the minimum value standard, and other key information.

Department of Labor Standards Enforcement

Notice to Employee

DLSE-NTE

This is pursuant to the new Paid Sick Leave Law and Labor Code 2810.5

This must also be provided to your existing employees prior to June 30, 2015

Reflects:

Employee information

Employer information

Wage information

Workers compensation carrier information

Paid Sick Leave information

NOTE: This can be used to replace the offer letter.

Department of Fair & Equal Housing

Sexual Harassment

DFEH 185

This provides information about workplace sexual harassment including:

- What constitutes sexual harassment
- Employer obligations and liability
- How to file a complaint

Department of Workers' Compensation

Time of Hire Pamphlet

DWC 9783.1

It provides information about:

- Workers' compensation
- Discrimination
- Benefits
- Processes
- Consulting with attorneys

Employment Development Department

Notice to Employees (not to be mixed up with the DLSE-NTE)

Form DE 35

Provides information about Employee's Withholding Allowance Certificate when an employee:

- Claims more than 10 withholding allowances OR
- Claims to be exempt from state or federal income tax withholding and the employer expects the usually weekly wages to exceed \$200

Employment Development Department

State Disability Insurance Provisions

Form 2515

Consolidated summary of:

- Unemployment Insurance
- Disability Insurance
- Paid Family Leave Insurance

Employment Development Department

Paid Family Leave (not to be confused with FMLA, CFRA or PDL)

Form 2511

Provides information about the state sponsored insurance program with the SDI program.

Often confused with FMLA, CFRA, PDL or believed to be a protected leave of absence.

Versions offered in English and Spanish

Employment Development Department

For Your Benefit: California's Programs for the Unemployed

Form 2320

Provides information about:

- Unemployment Insurance
- Disability Insurance
- Paid Family Leave
- Workforces Services

Versions offered in English, Spanish, Chinese and Vietnamese

Other Compensation

California law requires defined commission, incentive & bonus plans to be clearly defined, including such aspects as how they are earned, what can be earned, payment, etc. and provided to employees at hire, when implemented, or when revised.

Recommended

Although not required by law, the following are good to consider/include during the new hire orientation/onboarding process:

- Acknowledgment of Receipt of Employee Handbook
- Acknowledgment of At-Will Employment
- Acknowledgement of Non-Harassment Policy
- Mutual Arbitration Agreement (include printed Arbitration Rules)
- Confidentiality/Non-Disclosure Agreement
- Invention Assignment Agreement

During Employment

Non-Work Related Injuries, Illness & Disabilities

[Also provided at hire]

Provide to employees who are ill, injured, hospitalized, pregnancy leave, etc. due to non-occupational causes.

Paid Family Leave (not to be confused with FMLA, CFRA or PDL)

Form 2511

Provides information about the state sponsored insurance program with the SDI program.

Versions offered in English and Spanish

Non-Work Related Injuries, Illness & Disabilities

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State Disability Insurance Provisions

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Consolidated summary of:

- Unemployment Insurance
- Disability Insurance
- Paid Family Leave Insurance

Versions offered in English and Spanish

Workplace Injuries

When an employee is injured or becomes ill (physically or mentally) due to their job, the employer must complete the **DWC 1** (Workers' Compensation Form).

It provides general information about the employee, the injury/illness, notice to employer and workers' compensation carrier information.

The Employee completes the first section and the employer completes the second section.

A copy must be provided to the employee and insurer/claims administrator within one working day of receipt of the form from the employee.

Changes in Employment

When employees experience the following during employment, they must be provided with a **Notice to Employee As to Change in Relationship**.

- Discharge
- Layoff
- Leave of Absence
- Change in employment status

The notice must include:

- Employee's name
- Social Security Number
- Date of event/action
- Name of employer
- Signature of employer representative

Earned Income Tax Credit

Federal Earned Income Tax Credit Notice (EITC)

Applies to employers who are required to provide unemployment insurance to employees.

Must notify all employees that they may be eligible for the EITC.

Must provide notification within one week before or after, or at the same time, they provide employees with an annual wage summary (IRS Form W-2, 1099).

Posting of this information on an employee bulletin board **doesn't** satisfy the notification requirement.

Employee Benefits

Notice of rights to continuation of health insurance coverage for employees and dependents due to certain qualifying events.

COBRA (20+ employees) Must be provided to beneficiaries within 14 days of qualifying event.

Qualifying events include:

- Reduction in the number of hours of employment.

For spouses/dependent children:

- When covered employee's hours are reduced
- Covered employee becomes entitled to Medicare
- Divorce/legal separation from the covered employee
- Death of covered employee

Cal-COBRA (2-19 employees) Must be notified within 30 days of qualifying events

Personnel and Payroll Records

Laws related to an employee's rights and employer's obligations have changed in the past few years.

Employees are now entitled to view and copy almost every document in their personnel file.

Employers must provide forms for an employee (or their designated rep) to view or copy their personnel file.

Employers must comply within 30 days for personnel files and 21 days for payroll records.

Recommended forms to create:

- Request to View/Copy Personnel File
- Request for Payroll Records

Leaves of Absence

Employers have a duty to provide notices to their employees related to protected leaves of absence.

Applicable LOAs are based upon an employer's employee count.

Examples of common leaves are FMLA, CFRA, and PDL.

Recommended forms to create:

- Notice of Employee Rights Before, During and After Leave of Absence
- Notice of Leave of Absence
- Requests for Documentation

Termination

Change in Employment

When an employee's employment ends they must be provided with a **Notice of Change in the Employment Relationship**

The notice must include:

- Employee's name
- Social Security Number
- Date of event/action
- Name of employer
- Signature of employer representative

Employment Development Department

[Also provided at hire]

For Your Benefit: California's Programs for the Unemployed

Form 2320

Must be provided to employees who are laid off or terminated

Versions offered in English, Spanish, Chinese and Vietnamese

Employee Benefits

Notice of rights to continuation of health insurance coverage for employees and dependents after loss of employment.

COBRA (20+ employees)

- Must be provided to beneficiaries within 14 days of qualifying event.

Cal-COBRA (2-19 employees)

- Must be notified within 30 days of qualifying events

NOTE: Employees terminated due to gross misconduct may be ineligible for COBRA/Cal-COBRA (i.e., arson, embezzlement)

QUESTIONS



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