



Legal Alert: A New Document Required for California "New Hires"

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Executive Summary : Governor Jerry Brown recently signed Assembly Bill 469 which adds Section 2810.5 to the California Labor Code. This new law becomes effective January 1, 2012, compelling private employers to add a new document to their new hire package.

The New Required Document

Labor Code section 2810.5 requires an employer to provide each non-exempt employee at the time of hire with a written notice "in the language the employer normally uses to communicate employment-related information." The written notice must include:

- The rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or otherwise, including any rates for overtime, as applicable.
- Allowances, if any, claimed as part of the minimum wage, including meal or lodging allowances.
- The regular payday designated by the employer.
- The employer's name, including any "doing business as" names used by the employer.
- The physical address of the employer's main office or principal place of business, and a mailing address, if different.
- The employer's telephone number.
- The name, address, and telephone number of the employer's workers' compensation insurance carrier.
- Any other information the Labor Commissioner deems material and necessary.

If an employer makes changes to the information listed above, it must provide notice of the changes within seven days. This may be accomplished by providing a written amendment, a whole new written notice, or a revised paycheck stub containing the new information.

The Labor Commissioner will prepare a template in accordance with Section 2810.5, and will make it available for employers to use.

Employers' Bottom Line

Employers should begin preparing the written notice so that it can be included in their new hire packages by January 2012. Employers also should compare their notice with the Labor Commissioner's template (once it is published) to ensure compliance.

Please note that, although some information addressed in the written notice is already contained in the workplace posters mandated by other laws, Section 2810.5 does not change any of those posting requirements.

Lastly, Section 2810.5 does *not* apply to employees who are exempt from overtime laws or to public employees. It also does *not* apply to employees covered by a valid collective bargaining agreement if their regular rate of pay exceeds California's minimum wage by at least 30% and if their overtime compensation is paid at the proper premium wage rate.

If you have any questions regarding this new law or other labor or employment related issues, please contact the authors of this Alert, Curtis A. Graham, cgraham@fordharrison.com, or Jolina A. Abrena, jabrena@fordharrison.com, who are attorneys in our Los Angeles office, or the Ford & Harrison attorney with whom you usually work.