

# **California Professional, Technical, Clerical, Mechanical and Similar Occupations Labor Law Posters**



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## Discrimination and Harassment in Employment are Prohibited by Law

Laws enforced by the Department of Fair Employment and Housing (DFEH) protect you from illegal discrimination and harassment in employment based on

- Race
- Color
- Religion
- Sex (pregnancy or gender)
- Sexual orientation
- Marital status
- National origin (including language use restrictions)
- Ancestry
- Disability (mental and physical, including HIV and AIDS)
- Medical condition (cancer/genetic characteristics)
- Age (40 and above)
- Denial of family and medical care leave
- Denial of pregnancy disability leave or reasonable accommodation

The California Fair Employment and Housing Act (Part 2.8 commencing with Section 12900 of Division 3 of Title 2 of the Government Code) and the Regulations of the Fair Employment and Housing Commission (California Code of Regulations, Title 2, Division 4, Sections 7285.0 through 8504):

- **Prohibit harassment** of employees, applicants, and independent contractors by any persons and require employers to take all reasonable steps to prevent harassment. This includes a prohibition against sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions.
- **Prohibit employers from limiting or prohibiting the use of any language** in any workplace unless justified by business necessity. The employer must notify employees of the language restriction and consequences for violation.
- **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 as set forth in California Government Code Section 12950, or use a brochure from the DFEH.
- **Require employers with 50 or more employees and all public entities to provide sexual harassment prevention training** for all supervisors.
- **Require employers to reasonably accommodate an employee or job applicant's religious beliefs and practices.**

- **Require employers to reasonably accommodate employees or job applicants with a disability** in order to enable them to perform the essential functions of a job.
- **Permit job applicants and employees to file complaints** with the DFEH against an employer, employment agency, or labor union that fails to grant equal employment as required by law.
- **Prohibit discrimination** against any job applicant or employee in hiring, promotions, assignments, termination, or any term, condition, or privilege of employment.
- **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 her health care provider, related to her pregnancy, childbirth, or related medical conditions.
- **Require employers of 50 or more persons to allow eligible employees to take up to 12 weeks leave** in a 12-month period for the birth of a child; the placement of a child for adoption or foster care; for an employee's own serious health condition; or to care for a parent, spouse, or child with a serious health condition. (Employers are required to post a notice informing employees of their family and medical leave rights.)
- **Require employment agencies to serve all applicants equally**, refuse discriminatory job orders, and prohibit employers and employment agencies from making discriminatory pre-hiring inquiries or publishing help-wanted advertising that expresses a discriminatory hiring preference.
- **Require unions not to discriminate** in member admissions or dispatching to jobs.
- **Prohibit retaliation** against a person who opposes, reports, or assists another person in opposing unlawful discrimination.

The law provides for administrative fines and remedies for individuals, including the following: hiring, front pay, back pay, promotion, reinstatement, cease-and-desist order, expert witness fees, reasonable attorney's fees and costs, punitive damages, and damages for emotional distress.

**Job applicants and employees** : If you believe you have experienced discrimination, you may file a complaint with DFEH.

**Independent contractors** : If you believe you have been harassed, you may file a complaint with DFEH.

Complaints must be filed within one year of the last act of discrimination/harassment, or, for victims who are under the age of 18, not later than one year of that person's eighteenth birthday.

For more information, contact DFEH toll free at (800) 884-1684, Sacramento area & out-of-state at (916) 478-7200. TTY number at (800) 700-2320, or visit our web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

*Government Code Section 12950 and California Code of Regulations, Title 2, Section 7287 require all employers to post this document. It must be conspicuously posted in hiring offices, on employee bulletin boards, in employment agency waiting rooms, union halls, and other places employees gather.*

*In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact the DFEH at the numbers above.*

State of California  
Department of Fair Employment & Housing



**OFFICIAL NOTICE**

**INDUSTRIAL WELFARE COMMISSION  
ORDER NO. 4-2001  
REGULATING**

**WAGES, HOURS AND WORKING CONDITIONS IN THE**

**PROFESSIONAL, TECHNICAL, CLERICAL,  
MECHANICAL AND SIMILAR OCCUPATIONS**

*Effective January 1, 2001, as amended*

*Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations,  
effective January 1, 2007, pursuant to AB 1835, Chapter 230, Statutes of 2006*

*This Order Must Be Posted Where Employees Can Read It Easily*

**Employers should post this notice as they would a calendar, opening it to display the title and official text, and allowing other pages to hang loose for reference and ease of reading.**

**TAKE NOTICE:** To employers and representatives of persons working in industries and occupations in the State of California: The Department of Industrial Relations amends and republishes the minimum wage and meals and lodging credits in the Industrial Welfare Commission's Orders as a result of legislation enacted (AB 1835, Ch. 230, Stats of 2006, adding sections 1182.12 and 1182.13 to the California Labor Code). The amendments and republishing make no other changes to the IWC's Orders.

**1. APPLICABILITY OF ORDER**

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

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

- (1) **Executive Exemption.** A person employed in an executive capacity means any employee:
  - (a) Whose duties and responsibilities involve the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof; and
  - (b) Who customarily and regularly directs the work of two or more other employees therein; and
  - (c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and
  - (d) Who customarily and regularly exercises discretion and independent judgment; and
  - (e) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such terms are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.102, 541.104-111, and 541.115-116. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined, and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.
  - (f) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.
- (2) **Administrative Exemption.** A person employed in an administrative capacity means any employee:
  - (a) Whose duties and responsibilities involve either:
    - (i) The performance of office or nonmanual work directly related to management policies or general business operations of his/her employer or his/her employer's customers; or
    - (ii) The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and
  - (b) Who customarily and regularly exercises discretion and independent judgment; and
  - (c) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined for purposes of this section); or
  - (d) Who performs, under only general supervision, work along specialized or technical lines requiring special training, experience, or knowledge; or
  - (e) Who executes, under only general supervision, special assignments and tasks; and
  - (f) Who is primarily engaged in duties that meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such terms are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.201-205, 541.207-208, 541.210, and 541.215. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined, and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.
  - (g) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.
- (3) **Professional Exemption.** A person employed in a professional capacity means any employee who meets all of the following requirements:
  - (a) Who is licensed or certified by the State of California and is primarily engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting; or
  - (b) Who is primarily engaged in an occupation commonly recognized as a learned or artistic profession. For the purposes of this subsection, "learned or artistic profession" means an employee who is primarily engaged in the performance of:
    - (i) Work requiring knowledge of an advanced type in a field or science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or work that is an essential part of or necessarily incident to any of the above work; or
    - (ii) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the above work; and
    - (iii) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.
  - (c) Who customarily and regularly exercises discretion and independent judgment in the performance of duties set forth in subparagraphs (a) and (b); and
  - (d) Who earns a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515 (c) as 40 hours per week.
- (4) Subparagraph (b) above is intended to be construed in accordance with the following provisions of federal law as they existed as of the date of this wage order: 29 C.F.R. Sections 541.207, 541.201(a)-(d), 541.302, 541.306, 541.307, 541.308, and 541.310.
- (5) Notwithstanding the provisions of this subparagraph, pharmacists employed to engage in the practice of pharmacy, and registered nurses employed to engage in the practice of nursing, shall not be considered exempt professional employees, nor shall they be considered exempt from coverage for the purposes of this subparagraph unless they individually meet the criteria established for exemption as executive or administrative employees.

## MINIMUM WAGE (PAGE 2)

- (g) Subparagraph (f) above shall not apply to the following advanced-practice nurses:
- (i) Certified nurse midwives who are primarily engaged in performing duties for which certification is required pursuant to Article 2.5 (commencing with Section 2744) of Chapter 6 of Division 2 of the Business and Professions Code.
  - (ii) Certified nurse anesthetists who are primarily engaged in performing duties for which certification is required pursuant to Article 7 (commencing with Section 2825) of Chapter 6 of Division 2 of the Business and Professions Code.
  - (iii) Certified nurse practitioners who are primarily engaged in performing duties for which certification is required pursuant to Article 8 (commencing with Section 2834) of Chapter 6 of Division 2 of the Business and Professions Code.
- (h) Nothing in this subparagraph shall exempt the occupations set forth in clauses (i), (ii), and (iii) from meeting the requirements of subsection 1(A)(3)(a)-(d) above.
- (i) Except, as provided in subparagraph (i), an employee in the computer software field who is paid on an hourly basis shall be exempt, if all of the following apply:
- (i) The employee is primarily engaged in work that is intellectual or creative and that requires the exercise of discretion and independent judgment.
  - (ii) The employee is primarily engaged in duties that consist of one or more of the following:
    - The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications.
    - The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications.
    - The documentation, testing, creation, or modification of computer programs related to the design of software or hardware for computer operating systems.
  - (iii) The employee is highly skilled and is proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering. A job title shall not be determinative of the applicability of this exemption.
  - (iv) The employee's hourly rate of pay is not less than forty-one dollars (\$41.00). The Division of Labor Statistics and Research shall adjust this pay rate on October 1 of each year to be effective on January 1 of the following year by an amount equal to the percentage increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers.\*
- \*Pursuant to Labor Code section 515.5, subdivision (a)(4), the Division of Labor Statistics and Research, Department of Industrial Relations, has adjusted the minimum hourly rate of pay specified in this subdivision to be \$49.77 effective January 1, 2007. This hourly rate of pay is adjusted on October 1 of each year to be effective on January 1 of the following year, and may be obtained at [www.dir.ca.gov/WC](http://www.dir.ca.gov/WC) or by mail from the Department of Industrial Relations.
- (j) The exemption provided in subparagraph (h) does not apply to an employee if any of the following apply:
- (i) The employee is a trainee or employee in an entry level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering.
  - (ii) The employee is in a computer-related occupation but has not attained the level of skill and expertise necessary to work independently and without close supervision.
  - (iii) The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of computer hardware and related equipment.
  - (iv) The employee is an engineer, draftsman, machinist, or other professional whose work is highly dependent upon or facilitated by the use of computers and computer software programs, and who is skilled in computer-aided design software, including CAD/CAM, but who is not in a computer systems analysis or programming occupation.
  - (v) The employee is a writer engaged in writing material, including box labels, product descriptions, documentation, promotional material, setup and installation instructions, and other similar written information, either for print or on-screen media, or who writes or provides content material intended to be read by customers, subscribers, or visitors to computer-related media such as the World Wide Web or CD-ROMs.
  - (vi) The employee is engaged in any of the activities set forth in subparagraph (h) for the purpose of creating imagery for effects used in the motion picture, television, or theatrical industry.
- (k) Except as provided in Sections 1, 2, 4, 10, and 20, the provisions of this order shall not apply to any employees directly employed by the State or any political subdivision thereof, including any city, county, or special district.
- (l) The provisions of this order shall not apply to outside salespersons.
- (m) The provisions of this order shall not apply to any individual who is the parent, spouse, child, or legally adopted child of the employer.
- (n) The provisions of this order shall not apply to any individual participating in a national service program, such as AmeriCops, carried out using assistance provided under Section 12571 of Title 42 of the United States Code. (See Stats. 2000, ch. 365, amending Labor Code Section 1171.)

## 2. DEFINITIONS

- (A) An "alternative workweek schedule" means any regularly scheduled workweek requiring an employee to work more than eight (8) hours in a 24-hour period.
- (B) "Commission" means the Industrial Welfare Commission of the State of California.
- (C) "Division" means the Division of Labor Standards Enforcement of the State of California.
- (D) "Emergency" means an unpredictable or unavoidable occurrence at unscheduled intervals requiring immediate action.
- (E) "Employ" means to engage, suffer, or permit to work.
- (F) "Employee" means any person employed by an employer.
- (G) "Employees in the health care industry" means any of the following:
- (1) Employees in the health care industry providing patient care; or
  - (2) Employees in the health care industry working in a clinical or medical department, including pharmacists dispensing prescriptions in any practice setting; or
  - (3) Employees in the health care industry working primarily or regularly as a member of a patient care delivery team; or
  - (4) Licensed veterinarians, registered veterinary technicians and unregistered animal health technicians providing patient care.
- (H) "Employer" means any person as defined in Section 18 of the Labor Code who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person.
- (I) "Health care emergency" consists of an unpredictable or unavoidable occurrence at unscheduled intervals relating to health care delivery, requiring immediate action.
- (J) "Health care industry" is defined as hospitals, skilled nursing facilities, intermediate care and residential care facilities, convalescent care institutions, home health agencies, clinics operating 24 hours per day, and clinics performing surgery, urgent care, radiology, anesthesiology, pathology, neurology or dialysis.
- (K) "Hours worked" means the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so. Within the health care industry, the term "hours worked" means the time during which an employee is suffered or permitted to work for the employer, whether or not required to do so, as interpreted in accordance with the provisions of the Fair Labor Standards Act.
- (L) "Minor" means, for the purpose of this order, any person under the age of 18 years.
- (M) "Outside salesperson" means any person, 18 years of age or over, who customarily and regularly works more than half the working time away from the employer's place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities.
- (N) "Primarily" as used in Section 1, Applicability, means more than one-half the employee's work time.
- (O) "Professional, Technical, Clerical, Mechanical, and Similar Occupations" includes professional, semiprofessional, managerial, supervisory, laboratory, research, technical, clerical, office work, and mechanical occupations. Said occupations shall include, but not be limited to the following: accountants; agents; appraisers; artists; attendants; audio-visual technicians; bookkeepers; bundlers; bill collectors; canvassers; camera operators; cashiers; checkers; clerks; collectors; communications and sound technicians; compilers; copyholders; copywriters; copywriters; computer programmers and operators; demonstrators and display representatives; dispatchers; distributors; doorkeepers; drafters; elevator operators; estimators; editors; graphic arts technicians; guards; guides; hosts; inspectors; installers; instructors; interviewers; investigators; librarians; laboratory workers; machine operators; mechanics; mailers; messengers; medical and dental technicians and technologists; models; nurses; packagers; photographers; porters and cleaners; process servers; printers; proofreaders; salespersons and sales agents; secretaries; sign Erectors; sign painters; social workers; solicitors; statisticians; stenographers; teachers; telephone, radio-telephone, telegraph and call-out operators; tellers; ticket agents; tracers; typists; vehicle operators; X-ray technicians; their assistants and other related occupations listed as professional, semiprofessional, technical, clerical, mechanical, and kindred occupations.
- (P) "Shift" means designated hours of work by an employee, with a designated beginning time and quitting time.
- (Q) "Split shift" means a work schedule, which is interrupted by a designated nonworking period established by the employer, other than bona fide rest or meal periods.
- (R) "Teaching" means, for the purpose of Section 1 of this order, the profession of teaching under a certificate from the Commission for Teacher Preparation and Licensing or teaching in an accredited college or university.
- (S) "Wages" includes all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculation.
- (T) "Workday" and "day" mean any consecutive 24-hour period beginning at the same time each calendar day.
- (U) "Workweek" and "week" mean any seven (7) consecutive days, starting with the same calendar day each week. "Workweek" is a fixed and regularly recurring period of 168 hours, seven (7) consecutive 24-hour periods.

## 3. HOURS AND DAYS OF WORK

- (A) Daily Overtime - General Provisions
- (1) The following overtime provisions are applicable to employees 18 years of age or over and to employees 16 or 17 years of age who are not required by law to attend school and are not otherwise prohibited by law from engaging in the subject work. Such employees shall not be employed more than eight (8) hours in any workday or more than 40 hours in any workweek unless the employee receives one and one-half (1½) times each employee's regular rate of pay for all hours worked over 40 hours in the workweek. Eight (8) hours of labor constitutes a day's work. Employment beyond eight (8) hours in any workday or more than six (6) days in any workweek is permissible, provided the employee is compensated for such overtime at not less than:
- (a) One and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours up to and including 12 hours in any workday, and for the first eight (8) hours worked on the seventh (7th) consecutive day of work in a workweek; and
  - (b) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight (8) hours on the seventh (7th) consecutive day of work in a workweek.
- (c) The overtime rate of compensation required to be paid to a non-exempt, full-time salaried employee shall be computed by using the employee's regular hourly salary as one-fourth (1/40) of the employee's weekly salary.

## MINIMUM WAGE (PAGE 3)

### (B) Alternative Workweek Schedules

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

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

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

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

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

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

(7) Arrangements adopted in a secret ballot election held pursuant to this order prior to 1998, or under the rules in effect prior to 1998, and before the performance of the work, shall remain valid after July 1, 2000, provided that the results of the election were reported by the employer to the Division of Labor Statistics and Research by January 1, 2001, in accordance with the requirements of subsection (C) below (Election Procedures). If an employee was voluntarily working an alternative workweek schedule of not more than ten (10) hours a day as of July 1, 1999, that alternative workweek schedule was based on an individual agreement made after January 1, 1998, between the employee and employer, and the employee submitted, and the employer approved, a written request on or before May 30, 2000, to continue the agreement, the employee may continue to work that alternative workweek schedule without payment of an overtime rate of compensation for the hours provided in the agreement. The employee may revoke his/her voluntary authorization to continue such a schedule with 30 days written notice to the employer. New arrangements can only be entered into pursuant to the provisions of this section. Notwithstanding the foregoing, if a health care industry employer implemented a reduced rate for 12-hour shift employees in the last quarter of 1999 and desires to reimplement a flexible work arrangement that includes 12-hour shifts at straight time for the same work unit, the employer must pay a base rate to each affected employee in the work unit that is no less than that employee's base rate in 1999 immediately prior to the date of the rate reduction.

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

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

(b) An employee who works in excess of 40 hours in a workweek shall be compensated at one and one-half (1½) times the employee's regular rate of pay for all hours over 40 hours in the workweek;

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

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

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

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

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

- (a) A "health care emergency," as defined above, exists in the order; and
- (b) All reasonable steps have been taken to provide required staffing; and

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

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

(11) Notwithstanding subsection (8)(g) above, an employee may be required to work up to 13 hours in any 24-hour period if the employee scheduled to relieve the subject employee does not report for duty as scheduled and does not inform the employer more than two (2) hours in advance of that scheduled shift that he/she will not be appearing for duty as scheduled.

### (C) Election Procedures

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

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

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

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

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

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

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

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

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

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



## MINIMUM WAGE (PAGE 4)

(E) One and one-half (1½) times a minor's regular rate of pay shall be paid for all work over 40 hours in any workweek, except minors 16 or 17 years old who are not required by law to attend school and may therefore be employed for the same hours as an adult are subject to subsection (A) or (B) and (C) above. (VIOLATIONS OF CHILD LABOR LAWS are subject to civil penalties of from \$500 to \$10,000 as well as to criminal penalties. Refer to California Labor Code Sections 1285 to 1312 and 1390 to 1399 for additional restrictions on the employment of minors and for descriptions of criminal and civil penalties for violation of the child labor laws. Employers should ask school districts about any required work permits.)

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

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

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

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

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

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

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

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

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

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

### 4. MINIMUM WAGES

(A) Every employer shall pay to each employee wages not less than seven dollars and fifty cents (\$7.50) per hour for all hours worked, effective January 1, 2007, and not less than eight dollars (\$8.00) per hour for all hours worked, effective January 1, 2008, except:

LEARNERS. Employees, during their first 160 hours of employment in occupations in which they have no previous similar or related experience, may be paid not less than 85 percent of the minimum wage rounded to the nearest nickel.

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

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

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

### 5. REPORTING TIME PAY

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

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

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

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

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

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

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

### 6. LICENSES FOR DISABLED WORKERS

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

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

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

### 7. RECORDS

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

(1) Full name, home address, occupation and Social Security number.

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

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

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

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

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

(B) Every employer shall semimonthly or at the time of each payment of wages furnish each employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee's Social Security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item.

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

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

### 8. CASH SHORTAGE AND BREAKAGE

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

### 9. UNIFORMS AND EQUIPMENT

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

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

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

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

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

### 10. MEALS AND LODGING

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

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

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

## MINIMUM WAGE (PAGE 5)

	Effective January 1, 2007	Effective January 1, 2008
<b>Lodging:</b>		
Room occupied alone .....	\$35.27 per week	\$37.63 per week
Room shared .....	\$29.11 per week	\$31.06 per week
<b>Apartment — two-thirds (2/3) of the ordinary rental value, and in no event more than ...</b>		
	\$423.51 per month	\$451.80 per month
<b>Where a couple are both employed by the employer, two-thirds (2/3) of the ordinary rental value, and in no event more than .....</b>		
	\$626.49 per month	\$668.46 per month
<b>Meals:</b>		
Breakfast .....	\$2.72	\$2.90
Lunch .....	\$3.72	\$3.97
Dinner .....	\$5.00	\$5.34

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

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

### 11. MEAL PERIODS

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

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

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

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

### 12. REST PERIODS

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

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

### 13. CHANGE ROOMS AND RESTING FACILITIES

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

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

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

### 14. SEATS

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

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

### 15. TEMPERATURE

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

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

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

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

### 16. ELEVATORS

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

### 17. EXEMPTIONS

If, in the opinion of the Division after due investigation, it is found that the enforcement of any provision contained in Section 7, Records; Section 12, Rest Periods; Section 13, Change Rooms and Resting Facilities; Section 14, Seats; Section 15, Temperature; or Section 16, Elevators, would not materially affect the welfare or comfort of employees and would work an undue hardship on the employer, exemption may be made at the discretion of the Division. Such exemptions shall be in writing to be effective and may be revoked after reasonable notice is given in writing. Application for exemption shall be made by the employer or by the employee and/or the employee's representative to the Division in writing. A copy of the application shall be posted at the place of employment at the time the application is filed with the Division.

### 18. FILING REPORTS

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

### 19. INSPECTION

(See California Labor Code, Section 1174)

### 20. PENALTIES

(See California Labor Code, Section 1199)

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

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

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

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

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

## MINIMUM WAGE (PAGE 6)

### 21. SEPARABILITY

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

### 22. POSTING OF ORDER

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

**QUESTIONS ABOUT ENFORCEMENT** of the Industrial Welfare Commission orders and reports of violations should be directed to the Division of Labor Standards Enforcement. A listing of the DLSE offices is on the back of this wage order. Look in the white pages of your telephone directory under CALIFORNIA, State of, Industrial Relations, for the address and telephone number of the office nearest you. The Division has offices in the following cities: Bakersfield, El Centro, Eureka, Fresno, Long Beach, Los Angeles, Oakland, Redding, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Barbara, Santa Rosa, Stockton, Van Nuys.

#### SUMMARIES IN OTHER LANGUAGES

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

#### RESÚMEN EN OTROS IDIOMAS

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

**其他语言的摘要**  
 工業關係委員會將根據本工資令的規定，用西班牙文、中文和其他一些文字製成摘要，如可能時將寄發。如蒙惠函索取，可在郵局掛號。請寄件：Department of Industrial Relations, P.O. Box 420603, San Francisco, CA 94142-0603

All complaints are handled confidentially. For further information or to file your complaints, contact the State of California at the following department offices:

#### Division of Labor Standards Enforcement (DLSE)

For labor law information and assistance for your area, call the prerecorded information lines in bold below. If the information you need is not provided in the prerecorded message, please call the general office number listed.

#### BAKERSFIELD

Division of Labor Standards Enforcement  
 5555 California Ave., Suite 200  
 Bakersfield, CA 93309  
 861-395-2710 • **661-859-2482**

#### EL CENTRO

Division of Labor Standards Enforcement  
 1550 W. Main St.  
 El Centro, CA 92643  
 760-353-0607 • **760-353-2544**

#### EUREKA

Division of Labor Standards Enforcement  
 619 Second Street, Room 109  
 Eureka, CA 95601  
 707-445-6613 • **707-441-4604**

#### FRESNO

Division of Labor Standards Enforcement  
 770 E. Shaw Ave., Suite 315  
 Fresno, CA 93710  
 559-244-5340 • **559-248-8398**

#### LONG BEACH

Division of Labor Standards Enforcement  
 300 Oceanside, 3rd Floor  
 Long Beach, CA 90802  
 562-590-5048 • **562-491-0160**

#### LOS ANGELES

Division of Labor Standards Enforcement  
 320 W. Fourth St., Suite 450  
 Los Angeles, CA 90013  
 213-620-6330 • **213-678-6227**

#### OAKLAND

Division of Labor Standards Enforcement  
 1515 Clay Street, Room 801  
 Oakland, CA 94612  
 910-622-3273 • **510-622-2660**

#### REDDING

Division of Labor Standards Enforcement  
 2115 Civic Center Drive, Room 17  
 Redding, CA 96001  
 530-225-2655 • **530-229-0565**

#### SACRAMENTO

Division of Labor Standards Enforcement  
 2031 Hines Ave., Suite 100  
 Sacramento, CA 95825  
 916-263-1811 • **916-263-6378**

#### SALINAS

Division of Labor Standards Enforcement  
 1870 N. Main Street, Suite 150  
 Salinas, CA 93906  
 831-443-3041 • **831-443-3029**

#### SAN BERNARDINO

Division of Labor Standards Enforcement  
 464 West 4th Street, Room 348  
 San Bernardino, CA 92401  
 909-383-4334 • **909-889-8120**

#### SAN DIEGO

Division of Labor Standards Enforcement  
 7575 Metropolitan, Room 210  
 San Diego, CA 92108  
 619-220-5451 • **619-682-7221**

#### SAN FRANCISCO

Division of Labor Standards Enforcement  
 455 Golden Gate Ave., 10th Floor  
 San Francisco, CA 94102  
 415-703-5300 • **415-703-5444**

#### SAN FRANCISCO - HEADQUARTERS

Division of Labor Standards Enforcement  
 455 Golden Gate Ave., 9th Floor  
 San Francisco, CA 94102 • **415-703-4810**

#### SAN JOSE

Division of Labor Standards Enforcement  
 102 Paseo de San Antonio, Room 120  
 San Jose, CA 95113  
 408-277-1266 • **408-277-3711**

#### SANTA ANA

Division of Labor Standards Enforcement  
 28 Civic Center Plaza, Room 825  
 Santa Ana, CA 92701  
 714-558-4510 • **714-558-4574**

#### SANTA BARBARA

Division of Labor Standards Enforcement  
 411 E. Canon Perdido, Room 3  
 Santa Barbara, CA 93101  
 805-568-1222 • **805-965-7214**

#### SANTA ROSA

Division of Labor Standards Enforcement  
 50 "D" Street, Suite 360  
 Santa Rosa, CA 95404  
 707-576-2362 • **707-576-2499**

#### STOCKTON

Division of Labor Standards Enforcement  
 31 E. Channel Street, Room 317  
 Stockton, CA 95202  
 209-948-7771 • **209-941-1906**

#### VAN NUYS

Division of Labor Standards Enforcement  
 6150 Van Nuys Boulevard, Room 206  
 Van Nuys, CA 91401  
 818-901-5315 • **818-908-4558**

**EMPLOYERS:** Do not send copies of your alternative workweek election ballots or election procedures. Only the results of the alternative workweek election shall be mailed to:

Department of Industrial Relations  
 Division of Labor Statistics and Research  
 P.O. Box 420603  
 San Francisco, CA 94142-0603  
 Tel. (415) 703-4780

Prevailing Wage Hotline: (415) 703-4774.



# SAFETY AND HEALTH PROTECTION ON THE JOB



State of California  
Department of Industrial Relations

California law provides job safety and health protection for workers under the Cal/OSHA program. This poster explains the basic requirements and procedures for compliance with the state's job safety and health laws and regulations. The law requires that this poster be displayed. (Failure to do so could result in a penalty of up to \$7,000.)

## WHAT AN EMPLOYER MUST DO:

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

You must display this poster 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 for your employees to follow.

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 serious injury to employees. Failure to do so could result in criminal charges, monetary penalties, and even incarceration.

You must notify the nearest Cal/OSHA office of any serious injury or fatality 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 fatality within 8 hours can result in a minimum civil penalty of \$5,000.

## WHAT AN EMPLOYER MUST NEVER DO:

Never permit an employee to do work that violates Cal/OSHA law.

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

Never allow an untrained employee to perform hazardous work.

## EMPLOYEES HAVE CERTAIN RIGHTS IN WORKPLACE SAFETY & HEALTH:

As an employee, you (or someone acting for you) have the right to file a complaint and request an inspection of your workplace if conditions there are unsafe or unhealthful. This is done by contacting the local district office of the Division of Occupational Safety and Health (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 investigator making an inspection of your workplace. Upon request, Cal/OSHA will withhold the names of employees who submit or make statements during an inspection or investigation.

Any employee has the right to refuse to perform work that would violate a Cal/OSHA or any occupational safety or health standard or order where such violation would create a real and apparent hazard to the employee or other employees.

You may not be fired or punished in any way for filing a complaint about unsafe or unhealthful working conditions, or using any other right given to you by Cal/OSHA law. 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 Department of Industrial Relations, Division of Labor Standards Enforcement (State Labor Commissioner) 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 State Labor Commissioner.) 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 people on the job.

While working, you must always obey state job safety and health laws.

## HELP IS AVAILABLE:

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

## OFFICES OF THE DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

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

### District Offices

Concord 1465 Enea Circle—Bldg. E, Suite 900, Concord 94520 (925) 602-6517  
Foster City 1065 East Hillside Blvd.—Suite 110, Foster City 94404 (650) 573-3812  
Fremont/San Jose 39141 Civic Center Dr., Suite 310, Fremont 94538 (510) 794-2521  
Fresno 2550 Mariposa St.—Room 4000, Fresno 93721 (559) 445-5302  
Los Angeles 320 West Fourth St.—Room 850, Los Angeles 90013 (213) 576-7451  
Modesto 1209 Woodrow—Suite C-4, Modesto 95350 (209) 578-6260  
Oakland 1515 Clay St.—Suite 1301, Oakland 94612 (510) 622-2916  
Morro Bay/River 750 Royal Oaks Dr.—Suite 104, Morro Bay 91016 (826) 256-7913  
Sacramento 2424 Arden Way—Suite 185, Sacramento 95825 (916) 263-2800  
San Bernardino 464 West Fourth St.—Suite 332, San Bernardino 92401 (909) 383-4321  
San Diego 7575 Metropolitan Dr.—Suite 207, San Diego 92108 (619) 767-2280  
San Francisco 121 Spear Street, Ste. 430, San Francisco 94105 (415) 972-8670  
Santa Ana 2000 E. McFadden Ave., Ste. 122, Santa Ana 92705 (714) 558-4451  
Santa Rosa 1221 Farmers Lane—Suite 300, Santa Rosa 95405 (707) 578-2388  
Torrance 680 Knox St.—Suite 100, Torrance 90502 (310) 516-3734  
Van Nuys 6150 Van Nuys Blvd.—Suite 405, Van Nuys 91401 (818) 901-5403  
Ventura 1655 Mesa Verde Ave.—Room 150, Ventura 93003 (805) 654-4581  
West Covina 1906 West Garvey Ave. S.—Suite 200, West Covina 91790 (626) 472-0046

### Regional Offices

Sacramento 2424 Arden Way—Suite 125, Sacramento 95825 (916) 263-2803  
Santa Rosa 1221 Farmers Lane—Suite E, Santa Rosa 95405 (707) 576-2419  
Santa Ana 2000 E. McFadden Ave., Ste. 119, Santa Ana 92705 (714) 558-4300  
West Covina 1906 West Garvey Ave. S.—Suite 200, West Covina 91790 (626) 472-0046

### Cal/OSHA Consultation Service

Headquarters: 2424 Arden Way—Suite 485, Sacramento CA 95825 — (916) 263-5765

### Area & Field Offices:

• Fresno/Central Valley 1901 North Gateway Blvd., Suite 102, Fresno 93727 (559) 454-1295  
• Oakland/Bay Area 1515 Clay St.—Suite 1103, Oakland 94612 (510) 622-2891  
• Sacramento/Northern CA 2424 Arden Way—Suite 410, Sacramento 95825 (916) 263-6704  
• San Bernardino 464 West Fourth St.—Suite 339, San Bernardino 92401 (909) 383-4567  
• San Diego/Imperial Counties 7575 Metropolitan Dr.—Suite 204, San Diego 92108 (619) 767-2060  
• San Fernando Valley 6150 Van Nuys Blvd.—Suite 307, Van Nuys 91401 (818) 901-5754  
• Santa Fe Springs/Los Angeles/Orange County 10350 Heritage Park Dr.—Suite 201 (562) 944-9366, Santa Fe Springs 90670

### Regional Office

Sacramento 2424 Arden Way—Suite 485, Sacramento 95825 (916) 263-5750

Enforcement of Cal/OSHA job safety and health standards is carried out by the Division of Occupational Safety and Health, under the California Department of Industrial Relations, which has primary responsibility for administering the Cal/OSHA program. Safety and health standards are promulgated by the Occupational Safety and Health Standards Board. Anyone desiring to register a complaint alleging inadequacy in the administration of the California Occupational Safety and Health Plan may do so by contacting the San Francisco Regional Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor (Tel. 415-975-4310). OSHA monitors the operation of state plans to assure that continued approval is merited.

## WORKERS' COMPENSATION

### STATE OF CALIFORNIA – DEPARTMENT OF INDUSTRIAL RELATIONS Division of Workers' Compensation



#### Notice to Employees — Injuries Caused By Work

You 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).

**Benefits.** Workers' compensation benefits include:

- **Medical Care:** Doctor visits, hospital services, physical therapy, lab tests, X-rays, and medicines that are reasonably necessary to treat your injury. You should never see a bill. For injuries occurring on or after 1/1/04, there is a limit on some medical services.
- **Temporary Disability (TD) Benefits:** Payments if you lose wages while recovering.
- **Permanent Disability (PD) Benefits:** Payments if your injury causes a permanent disability.
- **Vocational Rehabilitation:** Services and payments if your injury prevents you from returning to your usual job or occupation. This benefit applies to injuries that occurred prior to 1/1/04.
- **Supplemental Job Displacement Benefit:** A non-transferable voucher payable to a state-approved school if you are injured on or after 1/1/04, the injury results in a permanent disability, you don't return to work within 60 days after TD ends, and your employer does not offer modified or alternative work.
- **Death Benefits:** Paid to dependents of a worker who dies from a work-related injury or illness.

**Naming Your Own Physician Before Injury.** You may be able to choose the doctor who will treat you for a job injury or illness during the first 30 days after the injury. If eligible, you must tell your employer, in writing, the name and address of your personal physician *before* you are injured. For instructions, see the written information about workers' compensation that your employer is now required to give to new employees.

#### If You Get Hurt:

1. **Get Medical Care.** If you need first aid, contact your employer. If you need emergency care, call for help immediately. Emergency phone numbers:

Ambulance \_\_\_\_\_ Fire Dept. \_\_\_\_\_ Police \_\_\_\_\_  
Doctor \_\_\_\_\_ Hospital \_\_\_\_\_

2. **Report Your Injury.** Report the injury immediately to your supervisor or to:  
Employer representative \_\_\_\_\_ phone number \_\_\_\_\_  
Don't delay. There are time limits. If you wait too long, you may lose your right to benefits. Your employer is required to provide you a claim form within one working day after learning about your injury. Within one working day after an employee files a claim form, the employer shall authorize the provision of all treatment, consistent with the applicable treating guidelines, for the alleged injury and shall continue to provide treatment until the date that liability for the claim is accepted or rejected. Until the date the claim is accepted or rejected, liability for medical treatment shall be limited to ten thousand dollars (\$10,000).
3. **See Your Primary Treating Physician (PTP).** This is the doctor with overall responsibility for treating your injury or illness. If you named your personal physician before injury (see above), you may see him or her for treatment in certain circumstances. Otherwise, your employer has the right to select the physician who will treat you for the first 30 days. You may be able to switch to a doctor of your choice after 30 days. Special rules apply if your employer offers a Health Care Organization (HCO) or after 1/1/05, has a medical provider network. Contact your employer for more information.

**Discrimination:** 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 another person's workers' compensation case. If proven, you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

**Questions?** Learn more about workers' compensation by reading the information that your employer is required to give you at time of hire. If you have questions, see your employer or the claims administrator (who handles workers' compensation claims for your employer):

Claims Administrator: \_\_\_\_\_  
Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Policy Expiration Date \_\_\_\_\_

The employer is insured for workers' compensation by \_\_\_\_\_  
(Enter "self-insured" if appropriate)

If the workers' compensation policy has expired, contact a Labor Commissioner at the Division of Labor Standards Enforcement – their number can be found in your local White Pages under California State Government, Department of Industrial Relations.

You can get free information from a State Division of Workers' Compensation Information & Assistance Officer.  
The nearest Information & Assistance Officer is at:

Address \_\_\_\_\_ City \_\_\_\_\_ Phone \_\_\_\_\_

Hear recorded information and a list of local offices by calling toll-free (800) 736-7401. Learn more online: [www.dir.ca.gov](http://www.dir.ca.gov).

**False claims and false denials.** Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony and may be fined and imprisoned.

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 duties.

DWC 7

## UNEMPLOYMENT INSURANCE

# Notice to Employees:



### **THIS EMPLOYER IS REGISTERED UNDER THE CALIFORNIA UNEMPLOYMENT INSURANCE CODE AND IS REPORTING WAGE CREDITS THAT ARE BEING ACCUMULATED FOR YOU TO BE USED AS A BASIS FOR:**

**UI**

#### **Unemployment Insurance**

(funded entirely by employers' taxes)

When you are unemployed or working less than full-time and are ready, willing, and able to work, you may be eligible to receive Unemployment Insurance benefits. There are three ways to file a claim:

##### **Internet**

File on-line with eApply4UI—the fast, easy way to file a UI claim! Access eApply4UI at <https://eapply4ui.edd.ca.gov>.

##### **Telephone**

File by contacting a customer service representative at one of the toll-free numbers listed below:

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

##### **Mail or Fax**

File by mailing or faxing a UI Application (DE 11011), by accessing the paper application on-line at [www.edd.ca.gov](http://www.edd.ca.gov). Print out the application, hand write your answers, and mail or fax it to EDD for processing.

**Note:** File promptly. If you delay in filing, you may lose benefits to which you would otherwise be entitled.

**DI**

#### **Disability Insurance**

(funded entirely by employees' contributions)

When you are unable to work or reduce your work hours because of sickness, injury, or pregnancy, you may be eligible to receive Disability Insurance (DI) benefits.

Your employer must provide a copy of "Disability Insurance Provisions," DE 2515, to each newly hired employee and to each employee leaving work due to pregnancy or due to sickness or injury that is not related to his/her job.

##### **Claim Forms**

- If your employer operates an approved voluntary plan in place of disability insurance and you have chosen to be covered by it, obtain DI claim forms from your employer.
- If you are not covered by a voluntary plan, obtain claim forms from your doctor, hospital, or directly from any California Disability Insurance (DI) Claim Management office.
- File your "Claim for DI Benefits," DE 2501, within 49 days of the first day of your disability to avoid losing benefits.

FOR MORE INFORMATION ABOUT DI, VISIT THE EDD WEB SITE AT [www.edd.ca.gov](http://www.edd.ca.gov) OR CONTACT THE DISABILITY INSURANCE CUSTOMER SERVICE CENTER AT 1-800-480-3287. STATE GOVERNMENT EMPLOYEES SHOULD CALL 1-866-352-7675. TTY (FOR DEAF OR HEARING-IMPAIRED INDIVIDUALS ONLY) IS AVAILABLE AT 1-800-563-2441.

**PFL**

#### **Paid Family Leave**

(funded entirely by employees' contributions)

When you stop working or reduce your work hours to care for a family member who is seriously ill or to bond with a new child, you may be eligible to receive Paid Family Leave (PFL) benefits.

Your employer must provide a copy of "Paid Family Leave Program Brochure," DE 2511, to each newly hired employee and to each employee leaving work to care for a seriously ill family member or to bond with a new child.

##### **Claim Forms**

- If your employer operates an approved voluntary plan in place of disability insurance and you have chosen to be covered by it, obtain PFL claim forms from your employer.
- If you are not covered by a voluntary plan, obtain claim forms from doctors, hospitals, or directly from any California Disability Insurance (DI) Claim Management offices or the PFL office.
- File your "Claim for PFL Benefits," DE 2501F, within 49 days of the first day of your family leave to avoid losing benefits.

FOR MORE INFORMATION ABOUT PFL, VISIT THE EDD WEB SITE AT [www.edd.ca.gov](http://www.edd.ca.gov) OR CONTACT THE PAID FAMILY LEAVE CUSTOMER SERVICE CENTER AT:

English 1-877-238-4373	Spanish 1-877-379-3819
Armenian 1-866-627-1567	Tagalog 1-866-627-1569
Cantonese 1-866-692-5596	Vietnamese 1-866-692-5596
Punjabi 1-866-627-1568	TTY (non voice) 1-800-445-1312
STATE GOVERNMENT EMPLOYEES SHOULD CALL 1-877-945-4747	

**NOTE:** SOME EMPLOYEES MAY BE EXEMPT FROM COVERAGE BY THE ABOVE INSURANCE PROGRAMS. IT IS ILLEGAL TO MAKE A FALSE STATEMENT OR TO WITHHOLD FACTS TO CLAIM BENEFITS. FOR ADDITIONAL GENERAL INFORMATION, VISIT THE EDD WEB SITE AT [www.edd.ca.gov](http://www.edd.ca.gov).

VOTING NOTICE

# TIME OFF TO VOTE

Polls are open from 7:00 a.m. to 8:00 p.m. each Election Day. If you are scheduled to be at work during that time, California law allows you to take up to two hours off to vote, without losing any pay.

You may take as much time as you need to vote, but only two hours of that time will be paid.

Your time off for voting can be only at the beginning or end of your regular work shift, unless you make another arrangement with your employer.

If you think you will need time off to vote, you must notify your employer at least two working days prior to the election.

California Elections Code section 14000

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Secretary of State Debra Bowen 1500 11th Street, 5th Floor Sacramento, CA 95814

(800) 345-VOTE (8683)

[www.sos.ca.gov](http://www.sos.ca.gov)

PAYDAY NOTICE

State of California  
Department of Industrial Relations  
Division of Labor Standards Enforcement

# PAYDAY NOTICE

REGULAR PAYDAYS FOR EMPLOYEES OF \_\_\_\_\_  
(FIRM NAME)

SHALL BE AS FOLLOWS:

THIS IS IN ACCORDANCE WITH SECTIONS 204, 204A, 204B, 205, AND 205.5  
OF THE CALIFORNIA LABOR CODE

BY \_\_\_\_\_

TITLE \_\_\_\_\_

DLSE 8

***PLEASE POST***



EMERGENCY INFORMATION

# EMERGENCY

**JOB LOCATION:** \_\_\_\_\_

**AMBULANCE:** \_\_\_\_\_

**FIRE - RESCUE:** \_\_\_\_\_

**HOSPITAL:** \_\_\_\_\_

**PHYSICAL / MEDICAL CLINIC:** \_\_\_\_\_

**ALTERNATE:** \_\_\_\_\_

**POLICE:** \_\_\_\_\_

**CAL/OSHA DISTRICT:** \_\_\_\_\_

**CAL/OSHA CONSULTATION:** \_\_\_\_\_

Posting is required by Title 8 Section 1512(e), California Code of Regulations



State of California  
Department of Industrial Relations  
CAL/OSHA Research and Education Unit  
P.O. Box 420603  
San Francisco, CA 94142.0603

# PROTECCIÓN DE SEGURIDAD Y SALUD EN EL TRABAJO



Estado de California  
Departamento de Relaciones Industriales

La ley de California, a través del programa de Cal/OSHA, protege la seguridad y la salud en el trabajo para los trabajadores. Este cartel explica los requisitos y procedimientos básicos para cumplir con las leyes y los reglamentos del estado sobre la seguridad y la salud en el trabajo. La ley exige que este cartel sea colocado en un lugar visible. (Si no se cumple con esto, podría resultar en una multa de hasta \$7,000).

## DEBERES DEL EMPLEADOR:

Todo empleador debe proporcionar trabajo y lugares de trabajo que sean seguros y saludables. Es decir, como empleador, usted tiene que cumplir con las leyes estatales que rigen la seguridad y la salud en el trabajo. No hacerlo podría amenazar la vida o la salud de los empleados, y considerables castigos monetarios.

Usted tiene que colocar este cartel en un lugar visible para que todos los que trabajan puedan conocer sus derechos básicos y responsabilidades.

Usted tiene que tener un programa de prevención contra las lesiones y las enfermedades, escrito y eficaz, para que lo puedan cumplir sus empleados.

Usted tiene que conocer los peligros que enfrentan sus empleados en el trabajo y mantener registros que muestren que cada empleado ha sido capacitado sobre los peligros especiales que corresponden a cada tarea.

Usted tiene que corregir todas las condiciones peligrosas que usted sepa que podrían producir lesiones graves a sus empleados. No hacerlo podría llevar a cargos criminales, castigos monetarios, y hasta encarcelamiento.

Usted tiene que avisar a la oficina de Cal/OSHA más cercana de toda lesión grave o muerte que ocurra en el trabajo. Asíguense de hacer esto inmediatamente después de pedir auxilio por emergencia para ayudar al empleado lesionado. Si no reporta una herida grave o muerte dentro de 8 horas, esto puede resultar en una multa civil mínima de \$5,000.

## SE LE PROHIBE A TODO EMPLEADOR:

Permitir que un empleado haga trabajo que viole la ley Cal/OSHA.

Permitir que algún empleado esté expuesto a sustancias dañinas sin llevar protección adecuada.

Permitir que un empleado no capacitado haga trabajo peligroso.

## LOS EMPLEADOS TIENEN CIERTOS DERECHOS SOBRE LA SEGURIDAD Y LA SALUD EN EL LUGAR DE TRABAJO:

Como empleado, usted (o alguien que lo represente) tiene el derecho de registrar una queja y pedir una inspección de su lugar de trabajo si las condiciones ahí son peligrosas o dañinas. Esto lo puede hacer poniéndose en contacto con la oficina del distrito local de la División de Seguridad y Salud Ocupacionales (vea la lista de oficinas). Su nombre no será dado a conocer por Cal/OSHA, a no ser que usted lo pida.

Usted también tiene el derecho de hacerle notar las condiciones peligrosas o dañinas al investigador de Cal/OSHA que haga la inspección de su lugar de trabajo. Si se pide, Cal/OSHA no revelará los nombres de los empleados que entreguen o hagan declaraciones durante una inspección o una investigación.

Todo empleado tiene el derecho de negarse a hacer trabajo que violaría una norma o una orden de seguridad o salud ocupacionales de OSHA o de cualquier otra agencia, donde dicha infracción crearía una situación de peligro real y aparente para el empleado o para otros empleados.

Usted no puede ser despedido o castigado de ninguna manera por presentar una queja sobre condiciones peligrosas o dañinas en su trabajo, ni por usar cualquier otro derecho que le da la ley de Cal/OSHA. Si usted cree que lo han despedido o lo han castigado por ejercer sus derechos, usted puede registrar una queja acerca de este tipo de discriminación, poniéndose en contacto con la oficina más cercana del Departamento de Relaciones Industriales, División de Ejecución de Normas del Trabajo (Comisionado de Trabajo del Estado) o la oficina de San Francisco del Departamento de Trabajo de los EE.UU., Administración de Seguridad y Salud Ocupacionales (OSHA). (Los empleados de agencias de gobierno local o estatal solamente pueden registrar estas quejas con el Comisionado de Trabajo del Estado.) Para encontrar la oficina más cercana consulte su directorio telefónico local.

## LOS EMPLEADOS TAMBIÉN TIENEN RESPONSABILIDADES:

Para mantener la seguridad en su lugar de trabajo y proteger a sus compañeros de trabajo, usted debería informarle a su empleador acerca de cualquier peligro que podría producir una lesión o enfermedad a las personas que trabajan.

Mientras está trabajando, siempre obedezca las leyes estatales sobre la seguridad y salud en el trabajo.

## PARA TRABAJAR CON SUSTANCIAS PELIGROSAS, SE APLICAN REGLAS ESPECIALES:

Todo empleador que use alguna sustancia que aparezca en la lista de sustancias peligrosas de la Sección 339 del Título 8 del Código de Reglamentaciones de California, o que esté sujeta a la Norma Federal Sobre Comunicación de los Peligros (29 CFR 1910.1200), tiene que dar información a los empleados acerca del contenido en las Hojas de Datos Sobre Seguridad de los Materiales (MSDS), o información equivalente acerca de la sustancia, que sirva para capacitar al empleado sobre el uso seguro de la sustancia.

Todo empleador entregará en forma razonable y sin demora una Hoja de Datos Sobre Seguridad de los Materiales para cada sustancia peligrosa en el lugar de trabajo, ante el pedido de un empleado, un representante de los empleados para la negociación de convenios colectivos, o el médico de un empleado.

Los empleados tienen el derecho de ver y copiar sus registros médicos y los registros de exposición a materiales potencialmente tóxicos o a agentes físicamente dañinos.

Los empleados deben permitir el acceso a los empleados o a los representantes de los empleados para que puedan ver los registros exactos de las exposiciones de los empleados a materiales potencialmente tóxicos o a agentes físicamente dañinos, y de avisar a los empleados de cualquier exposición que sea de una concentración o un nivel que exceda el límite de exposición permitido por las normas de Cal/OSHA.

Todo empleado tiene el derecho de observar el control o la medición de la exposición a peligros. Brevados a cabo de acuerdo con las reglamentaciones de Cal/OSHA.

## CUANDO CAL/OSHA VISITA EL LUGAR DE TRABAJO:

Cal/OSHA podrá enviar periódicamente al lugar de trabajo a un ingeniero de seguridad o un especialista en higiene industrial que estén capacitados, para asegurar que su compañía esté cumpliendo con las leyes de seguridad y salud del trabajo.

También se hará una inspección cuando algún empleado registre una queja legítima en la División de Seguridad y Salud Ocupacionales.

Cal/OSHA también acude al lugar de trabajo para investigar cuando se ha producido alguna lesión grave o muerte.

Cuando empieza una inspección, el investigador de Cal/OSHA muestra la identificación oficial de la División de Seguridad y Salud Ocupacionales.

El empleador, o alguna persona seleccionada por el empleador, tiene la oportunidad de acompañar al inspector durante la inspección. Si le da esa misma oportunidad al representante de los empleados. Si no hay ningún representante de los empleados, el investigador habla con un número razonable de empleados acerca de las condiciones de seguridad y salud en el lugar de trabajo.

## INFRACCIONES, CITACIONES Y CASTIGOS:

Si la investigación demuestra que el empleador ha violado alguna norma u orden de seguridad y salud, la División de Seguridad y Salud Ocupacionales emite una citación. Cada citación especifica la fecha antes de la cual habría que eliminar la infracción. Para ciertas infracciones que no son graves, puede emitirse un aviso en vez de una citación, lo cual no lleva ningún castigo monetario.

Las citaciones pueden implicar multas de hasta \$7,000 dólares por cada violación reglamentaria o general y hasta \$25,000 dólares por cada violación seria. Es posible que se propongan multas adicionales de hasta \$7,000 dólares por día, por violaciones reglamentarias o generales y de hasta \$15,000 dólares por día, por violaciones serias, por cada incapacidad de corregir una violación a más tardar en la fecha de supresión indicada en la citación. Podrá tasarse una multa de no menos de \$5,000 pero no más de \$70,000 dólares a un empleador que viole intencionalmente cualquier norma u orden de seguridad y salud profesionales. La multa civil máxima tasable por cada violación repetida es de \$70,000 dólares. Una violación intencional que cause la muerte o incapacidad corporal permanente de cualquier empleado resultará, bajo fallo de culpabilidad, en una multa no mayor a \$250,000 dólares o encarcelamiento por hasta tres años, o ambos casos, y si el empleador es una corporación o compañía de responsabilidad limitada, la multa no podrá exceder los \$1.5 millones de dólares.

La ley permite que los empleadores puedan apelar las citaciones dentro de los 15 días hábiles después de recibirlas, ante la Junta de Apelaciones sobre la Seguridad y Salud Ocupacionales.

Un empleador que recibe una citación, una Orden de Tomar una Medida Especial, o una Orden Especial, tiene que colocarla en un lugar visible, en el lugar de la infracción o cerca del lugar, durante tres días hábiles, o hasta que se corrija la condición peligrosa, cualquiera que sea mayor, para avisar a los empleados del peligro que podría existir en el lugar. Todo empleado podrá protestar el tiempo permitido para corregir la infracción, ante la División de Seguridad y Salud Ocupacionales o la Junta de Apelaciones sobre la Seguridad y Salud Ocupacionales.

## USTED PUEDE CONSEGUIR AYUDA:

Para aprender más acerca de las reglas de seguridad en el trabajo, usted puede llamar al Servicio de Consultación de Cal/OSHA para conseguir información, formularios exigidos, y publicaciones gratis. También puede comunicarse con alguna oficina local de distrito de la División de Seguridad y Salud Ocupacionales. Si usted prefiere, puede contratar a un consultante privado capacitado, o pedirle a su compañía de seguros de compensación del trabajador para que lo ayude a conseguir información.

## OFICINAS DE LA DIVISIÓN DE SEGURIDAD Y SALUD OCUPACIONALES

OFICINA CENTRAL: 1515 Clay Street, Ste. 1901, Oakland CA 94612 — Teléfono (510) 286-7000

### Oficinas de Distrito

Concord	1485 Etna Circle—Bldg. E, Suite 900, Concord 94520	(925) 602-6517
Foster City	1065 East Hillside Blvd.—Suite 110, Foster City 94024	(650) 573-3812
Fremont/San Jose	39141 Civic Center Dr., Suite 310, Fremont 94538	(510) 794-2521
Fresno	2550 Mariposa St.—Room 4000, Fresno 93721	(559) 445-5302
Los Angeles	320 West Fourth St.—Room 850, Los Angeles 90013	(213) 576-7451
Modesto	1209 Woodrow—Suite C-4, Modesto 95350	(209) 576-6260
Oakland	1515 Clay St.—Suite 1301, Oakland 94612	(510) 622-2916
Morristown/Rivers	750 Royal Oaks Dr.—Suite 104, Morristown 91016	(626) 256-7913
Sacramento	2424 Arden Way—Suite 165, Sacramento 95825	(916) 263-2800
San Bernardino	464 West Fourth St.—Suite 332, San Bernardino 92401	(909) 383-4321
San Diego	7575 Metropolitan Dr.—Suite 207, San Diego 92108	(619) 767-2280
San Francisco	121 Spear Street, Ste. 430, San Francisco 94105	(415) 972-8670
Santa Ana	2000 E. McFadden Ave., Ste. 122, Santa Ana 92705	(714) 558-4451
Santa Rosa	1221 Farmers Lane—Suite 300, Santa Rosa 95405	(707) 576-2388
Torrance	680 Knox St.—Suite 100, Torrance 90502	(310) 516-3734
Van Nuys	6150 Van Nuys Blvd.—Suite 405, Van Nuys 91401	(818) 901-5403
Ventura	1655 Mesa Verde Ave.—Room 150, Ventura 93003	(805) 654-4581
West Covina	1906 West Garvey Ave. S.—Suite 200, West Covina 91790	(626) 472-0046

### Oficinas Regionales

Sacramento	2424 Arden Way—Suite 125, Sacramento 95825	(916) 263-2903
Santa Rosa	1221 Farmers Lane—Suite E, Santa Rosa 95405	(707) 576-2419
Santa Ana	2000 E. McFadden Ave., Ste. 119, Santa Ana 92705	(714) 558-4300
West Covina	1906 West Garvey Ave. S.—Suite 200, West Covina 91790	(626) 472-0046

### Servicio de Consultación Cal/OSHA

Oficina Central: 2424 Arden Way—Suite 485, Sacramento CA 95825 — (916) 263-5705

### Oficinas Zonales y de Campo:

Fresno/Central Valley	1501 North Gateway Blvd., Suite 102, Fresno 93727	(559) 454-1295
Oakland/Bay Area	1515 Clay St.—Suite 1103, Oakland 94612	(510) 622-2891
Sacramento/Northern CA	2424 Arden Way—Suite 410, Sacramento 95825	(916) 263-0704
San Bernardino	464 West Fourth St.—Suite 339, San Bernardino 92401	(909) 383-4567
San Diego/Imperial Counties	7575 Metropolitan Dr.—Suite 204, San Diego 92108	(619) 767-2060
San Fernando Valley	6150 Van Nuys Blvd.—Suite 307, Van Nuys 91401	(818) 901-5754
Santa Fe Springs/Los Angeles/Orange County	10350 Heritage Park Dr.—Suite 201, Santa Fe Springs 90670	(562) 944-9366

### Oficina Regional

Sacramento 2424 Arden Way—Suite 485, Sacramento 95825 (916) 263-5750

La aplicación de las normas Cal/OSHA de seguridad y salud en el trabajo está a cargo de la División de Seguridad y Salud Ocupacionales, bajo el Departamento de Relaciones Industriales de California, que tiene la responsabilidad primordial de administrar el programa Cal/OSHA. Las normas de seguridad y salud están promulgadas por la Junta de Normas sobre la Seguridad y Salud Ocupacionales. Cualquier persona que desee registrar una queja que alegue alguna falta en la administración del Plan de Seguridad y Salud Ocupacionales de California puede hacerlo poniéndose en contacto con la Oficina Regional de San Francisco para la Administración de Seguridad y Salud Ocupacionales (OSHA), Departamento de Trabajo de los EE.UU. (Tel. 415-875-4310). OSHA controla la operación de los planes estatales para asegurar que se merece la aprobación continuada.

## WORKERS' COMPENSATION

### ESTADO DE CALIFORNIA - DEPARTAMENTO DE RELACIONES INDUSTRIALES División De Compensación Al Trabajador



#### Aviso a los Empleados—Lesiones Causadas por el Trabajo

Es posible que usted tenga derecho a beneficios de compensación para trabajadores, si usted se lesiona o se enferma a causa de su trabajo. La compensación para trabajadores cubre la mayoría de las lesiones y enfermedades físicas o mentales relacionadas con el trabajo. Una lesión o enfermedad puede ser causada por un evento (como por ejemplo el lastimarse la espalda en una caída) o por acciones repetidas (como por ejemplo lastimarse la muñeca por hacer el mismo movimiento una y otra vez).

**Beneficios.** Los beneficios de compensación para trabajadores incluyen:

- **Atención Médica:** Consultas con el médico, servicios de hospital, terapia física, análisis de laboratorio, radiografías y medicinas que son razonablemente necesarias para tratar su lesión. Usted nunca deberá ver un cobro. Para lesiones que ocurren en o después de 1/1/04, hay un límite de visitas para ciertos servicios médicos.
- **Beneficios por Incapacidad Temporal (TD):** Pagos, si usted pierde sueldos, mientras se recupera.
- **Beneficios por Incapacidad Permanente (PD):** Pagos, si su lesión le ocasiona una incapacidad permanente.
- **Rehabilitación Vocacional:** Servicios y pagos, si su lesión no le permite regresar a su empleo u ocupación normal. Este beneficio para lesiones que ocurrieron antes de 1/1/04.
- **Beneficio Suplementario por Desplazamiento de Trabajo:** Una vale no-transferible pagadero a una escuela aprobada por el estado si se lesiona en o después de 1/1/04, la lesión le ocasiona una incapacidad permanente, no regresa al trabajo en un plazo de 60 días después que los pagos por incapacidad temporal terminan, y su empleador no le ofrece un trabajo modificado o alterno.
- **Beneficios por Muerte:** Pagados a los dependientes de un(a) trabajador(a) que muera a causa de una lesión o enfermedad relacionada con el trabajo.

**Designación de su Propio Médico Antes de una Lesión.** Es posible que usted pueda elegir al médico que le atenderá a causa de una lesión o enfermedad relacionada con el trabajo durante los primeros 30 días después de la lesión. Si es elegible, usted tiene que decirle al empleado, por escrito, el nombre y la dirección de su médico personal, antes de que usted se lesione. Para instrucciones, vea la información escrita sobre la compensación para trabajadores, que ahora se le exige a su empleador darle a los empleados nuevos.

**Si Usted se Lastima:**

1. **Obtenga Atención Médica.** Si usted necesita primeros auxilios, comuníquese con su empleador. Si usted necesita atención de emergencia, pida ayuda inmediatamente. Los números de teléfono de emergencia son:

Ambulancia \_\_\_\_\_ Dept. de Bomberos \_\_\_\_\_ Policía \_\_\_\_\_  
Doctor \_\_\_\_\_ Hospital \_\_\_\_\_

2. **Reporte su Lesión.** Reporte la lesión inmediatamente a su supervisor(a) o a:

El/la representante del empleador \_\_\_\_\_ Número de teléfono \_\_\_\_\_  
No se demore. Hay límites de tiempo. Si usted espera demasiado, es posible que usted pierda su derecho a beneficios. A su empleador se le exige proporcionarle un formulario de reclamo, en un plazo de un día laboral, a partir de que sepa lo referente a su lesión. El empleador autorizará todo tratamiento médico consistente con las directivas de tratamiento aplicables a la lesión o enfermedad, durante el primer día laboral después que el empleado efectúa un reclamo para beneficios de compensación, y continuará proveyendo este tratamiento hasta la fecha en que el reclamo sea aceptado o rechazado. Hasta la fecha en que el reclamo sea aceptado o rechazado, el tratamiento médico será limitado a diez mil dólares (\$10,000).

3. **Consulte al Médico Primario que le Atienda (PTP).** Este es el médico con toda la responsabilidad para dar el tratamiento para su lesión o enfermedad. Si usted designó a su médico personal antes de la lesión (vea uno de los párrafos anteriores), usted puede consultarlo para el tratamiento en ciertas circunstancias. De otra forma, su empleador tiene derecho a seleccionar al médico que le atenderá durante los primeros 30 días. Es posible que usted pueda cambiar al médico de su preferencia después de 30 días. Hay reglas especiales que son aplicables cuando su empleador ofrece una Organización del Cuidado Médico (HCO) o después de 1/1/05 tiene un Sistema de Proveedores de Atención Médica. Hable con su empleador para más información.

**Discriminación:** Es ilegal que su empleador le castigue o despida por sufrir una lesión o enfermedad en el trabajo, por presentar un reclamo o por atestiguar en el caso de compensación para trabajadores de otra persona. Si es probado, puede ser que usted reciba pagos por pérdida de sueldos, reposición del trabajo, aumento de beneficios, y gastos hasta un límite establecido por el estado.

**¿Preguntas?** Obtenga más información sobre la compensación para trabajadores, leyendo la información que ahora se le exige a su empleador darle a los empleados nuevos. Si usted tiene preguntas, vea a su empleador o al/a la administrador(a) de reclamos (que maneja los reclamos de compensación para trabajadores por su empleador):

Administrador(a) de Reclamos \_\_\_\_\_

Dirección \_\_\_\_\_ Ciudad \_\_\_\_\_ Estado \_\_\_\_\_ Código postal \_\_\_\_\_

Teléfono \_\_\_\_\_ Fecha de Vencimiento de la Póliza \_\_\_\_\_

El empleador está asegurado para compensación para trabajadores con \_\_\_\_\_  
(Anotar "autoasegurado" si es pertinente)

Si la póliza de compensación para trabajadores se ha vencido, comuníquese con el Comisionado del Trabajo, en la Division of Labor Standards Enforcement. Su número puede encontrarse en las Páginas Blancas de su guía telefónica local, bajo el encabezado en inglés de *California State Government, Department of Industrial Relations*.

Usted puede obtener información gratuita de un Oficial de Asistencia e Información, de la División de Compensación al Trabajador. El Oficial de Asistencia e Información más cercano se localiza en:

Dirección \_\_\_\_\_ Ciudad \_\_\_\_\_ Teléfono \_\_\_\_\_

Usted puede escuchar información grabada, y una lista de las oficinas locales, llamando al número gratuito (800) 736-7401. Usted puede obtener más información en el Internet en: [www.dir.ca.gov](http://www.dir.ca.gov). Enlázese a la sección de Compensación para Trabajadores.

**Los reclamos falsos y rechazos falsos del reclamo.** Cualquier persona que haga o que ocasione que se haga una declaración o una representación relevante intencionalmente falsa o fraudulenta, con el fin de obtener, o negar beneficios o pagos de compensación para trabajadores, es culpable de un delito grave y puede resultar en una multa y encarcelación.

Es posible que su empleador o asegurador no sea responsable por el pago de beneficios de compensación laboral debido a una lesión causada por la participación voluntaria del empleado en cualquier actividad recreativa, social, o atlética fuera del trabajo que no sea parte de los deberes laborales del empleado.

DWC 7

## ACCESS TO MEDICAL AND EXPOSURE RECORDS

BY CAL/OSHA REGULATION  
– GENERAL INDUSTRY SAFETY ORDER 3204 –  
YOU HAVE THE RIGHT TO SEE AND COPY:

- Your medical records and records of exposure to toxic substances or harmful physical agents.
- Records of exposure to toxic substances or harmful physical agents of other employees with work conditions similar to yours.
- Material Safety Data Sheets or other information that exists for chemicals or substances used in the workplace, or to which employees may be exposed.

THESE RECORDS ARE AVAILABLE AT: \_\_\_\_\_  
(Location)

FROM: \_\_\_\_\_  
(Person Responsible)

A COPY OF GENERAL INDUSTRY SAFETY ORDER 3204  
IS AVAILABLE FROM:  
\_\_\_\_\_

The above information satisfies the requirements of GISO 3204 (g), which may be done by posting this placard in the workplace, or by any similar method the employer chooses.



State of California  
Department of Industrial Relations  
Cal/OSHA Publications  
P.O. Box 420603  
San Francisco, CA 94142-0603

## WHISTLEBLOWER

### **WHISTLEBLOWERS ARE PROTECTED**

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a state or federal rule or regulation.

#### **Who is protected?**

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. [California Labor Code Section 1106]

#### **What is a whistleblower?**

A "whistleblower" is an employee who discloses information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses:

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

#### **What protections are afforded to whistleblowers?**

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

Under California Labor Code Section 98.6, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

#### **How to report improper acts**

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225**. The Attorney General will refer your call to the appropriate government authority for review and possible investigation.



NO SMOKING



**NO  
SMOKING**