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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1522

Introduced by Assembly Member Gonzalez
(Principal coauthor: Assembly Member Levine)
(Coauthors: Assembly Members Alejo, Ammiano, Bonta, Campos,
Dickinson, Roger Hernández, Lowenthal, Pan, Rendon, Stone,
Ting, Wieckowski, and Williams)
(Coauthors: Senators Corbett, Hueso, *Lara*, Leno, and Padilla)

January 16, 2014

An act to *amend Section 2810.5 of, and to add Article 1.5* (commencing with Section 245) to Chapter 1 of Part 1 of Division 2 of *of*, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as amended, Gonzalez. Employment: paid sick days.
Existing law authorizes employers to provide their employees paid sick leave.

This bill would enact the Healthy Workplaces, Healthy Families Act of 2014 to provide that an employee ~~who~~ *who*, on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick days *for prescribed purposes*, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th day of employment. The bill would authorize an employer to limit an employee's use of paid sick days to 24 hours or 3 days in each year of employment. ~~The bill would require an employer to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence, sexual assault, or stalking.~~ The bill would prohibit an employer from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would define terms for those ~~purposes and make conforming changes:~~ *purposes*.

The bill would require the Labor Commissioner to administer and enforce these requirements, including the promulgation of regulations, and the investigation, mitigation, and relief of violations of these requirements. The bill would authorize the Labor Commissioner to impose specified administrative fines for violations and would authorize the commissioner or the Attorney General to recover specified civil penalties against an offender *who violated these provisions* on behalf of the aggrieved, as well as attorney's fees, costs, and interest.

~~The bill would specify that it does not apply to certain categories of employees covered by a collective bargaining agreement that provides for paid sick days, nor lessen any other obligations of the employer to employees. The bill would not apply to employees in the construction industry covered by a collective bargaining agreement if the agreement contains specified terms and was either entered into before January 1, 2015, or expressly waives the requirements of the bill in clear and unambiguous terms. The bill would apply to certain public authorities established to deliver in-home supportive services, except where a collective bargaining agreement provides for an incremental wage increase sufficient to satisfy the bill's requirements for accrual of sick days: that meet specified requirements.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Nearly every worker in the State of California will at some
3 time during the year need some time off from work to take care
4 of his or her own health or the health of family members.

5 (b) Many workers in California do not have any paid sick days,
6 or have an inadequate number of paid sick days, to care for their
7 own health or the health of family members.

8 (c) Low-income workers are significantly less likely to have
9 paid sick time than other workers.

10 (d) Providing workers time off to attend to their own health care
11 and the health care of family members will ensure a healthier and
12 more productive workforce in California.

13 (e) Paid sick days will have an enormously positive impact on
14 the public health of Californians by allowing sick workers paid
15 time off to care for themselves when ill, thus lessening their
16 recovery time and reducing the likelihood of spreading illness to
17 other members of the workforce.

18 (f) Paid sick days will allow parents to provide personal care
19 for their sick children. Parental care ensures children's speedy
20 recovery, prevents more serious illnesses, and improves children's
21 overall mental and physical health.

22 (g) Providing paid sick days is affordable for employers and
23 good for business.

24 (h) Employers who provide paid sick days enjoy greater
25 employee retention and reduce the likelihood of employees coming
26 to work sick. Studies have shown that costs of decreased
27 productivity caused by sick workers exceed the costs of employee
28 absenteeism.

29 (i) Many adults have significant elder care responsibilities
30 requiring them to take time off from work or to work reduced
31 hours.

32 (j) Employees frequently lose their jobs or are disciplined for
33 taking sick days to care for sick family members or to recover
34 from their own illnesses.

35 (k) Workers whose jobs involve significant contact with the
36 public, such as service workers and restaurant workers, are very
37 unlikely to have paid sick days. Often, these workers have no

1 choice but to come to work when they are ill, thereby spreading
2 illness to coworkers and customers.

3 (l) Domestic violence and sexual assault affect many persons
4 without regard to age, race, national origin, sexual orientation, or
5 socioeconomic status.

6 (m) Domestic violence is a crime that has a devastating effect
7 on families, communities, and the workplace. It impacts
8 productivity, effectiveness, absenteeism, and employee turnover
9 in the workplace. The National Crime Survey estimates that
10 175,000 days of work each year are missed due to domestic
11 violence.

12 (n) Survivors of domestic violence and sexual assault may be
13 vulnerable at work when trying to end an abusive relationship
14 because the workplace may be the only place where the perpetrator
15 knows to contact the victim. Studies show that up to one-half of
16 domestic violence victims experience job loss. Forty percent
17 reported on-the-job harassment. Nearly 50 percent of sexual assault
18 survivors lose their jobs or are forced to quit in the aftermath of
19 the assaults.

20 (o) Affording survivors of domestic violence and sexual assault
21 paid sick days is vital to their independence and recovery.

22 SEC. 2. In enacting this act, it is the intent of the Legislature
23 to do the following:

24 (a) Ensure that workers in California can address their own
25 health needs and the health needs of their families by requiring
26 employers to provide a minimum level of paid sick days including
27 time for family care.

28 (b) Decrease public and private health care costs in California
29 by enabling workers to seek early and routine medical care for
30 themselves and their family members and to address domestic
31 violence or sexual assault.

32 (c) Protect employees in California from losing their jobs while
33 they use sick days to care for themselves or their families.

34 (d) Provide economic security to employees in California who
35 take time off from work for reasons related to domestic violence
36 or sexual assault.

37 (e) Safeguard the welfare, health, safety, and prosperity of the
38 people of and visitors to California.

39 SEC. 3. Article 1.5 (commencing with Section 245) is added
40 to Chapter 1 of Part 1 of Division 2 of the Labor Code, to read:

Article 1.5. Paid Sick Days

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245. (a) This article shall be known and may be cited as the Healthy Workplaces, Healthy Families Act of 2014.

(b) The provisions of this article are in addition to and independent of any other rights, remedies, or procedures available under any other law and do not diminish, alter, or negate any other legal rights, remedies, or procedures available to an aggrieved person.

245.5. As used in this article:

(a) "Employee" does not include the following:

(1) An employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for paid sick days or a paid leave or paid time off policy that permits the use of sick days for those employees, final and binding arbitration of disputes concerning the application of its paid sick days provisions, premium wage rates for all overtime hours worked, and regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.

(2) An employee in the construction industry covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, premium wage rates for all overtime hours worked, and regular hourly pay of not less than 30 percent more than the state minimum wage rate, and the agreement either (A) was entered into before January 1, 2015, or (B) expressly waives the requirements of this article in clear and unambiguous terms. For purposes of this subparagraph, "employee in the construction industry" means an employee performing onsite work associated with construction, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, repair work, and any other work as described by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and other similar or related occupations or trades.

(3) *An employee covered by a valid collective bargaining agreement who performs domestic services comprising in-home supportive services under Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and*

1 *Institutions Code, if the agreement expressly waives the*
 2 *requirements of this article in clear and unambiguous terms.*

3 (4) *An individual employed by an air carrier as a flight deck or*
 4 *cabin crew member that is subject to the provisions of Title II of*
 5 *the federal Railway Labor Act (45 U.S.C. 181 et seq.), provided*
 6 *that the individual is provided with compensated time off equal to*
 7 *or exceeding the amount established in paragraph (1) of*
 8 *subdivision (b) of Section 246.*

9 (b) “Employer” means any person employing another under
 10 any appointment or contract of hire and includes the state, political
 11 subdivisions of the state, and municipalities.

12 (c) “Family member” means any of the following:

13 (1) A child, which for purposes of this article means a biological,
 14 adopted, or foster child, stepchild, legal ward, or a child to whom
 15 the employee stands in loco parentis. This definition of a child is
 16 applicable regardless of age or dependency status.

17 (2) A biological, adoptive, or foster parent, stepparent, or legal
 18 guardian of an employee or the employee’s spouse or registered
 19 domestic partner, or a person who stood in loco parentis when the
 20 employee was a minor child.

21 (3) A spouse.

22 (4) A registered domestic partner.

23 (5) A grandparent.

24 (6) A grandchild.

25 (7) A sibling.

26 (d) “Health care provider” has the same meaning as defined in
 27 paragraph (6) of subdivision (c) of Section 12945.2 of the
 28 Government Code.

29 (e) “Paid sick days” means time that is compensated at the same
 30 wage as the employee normally earns during regular work hours
 31 and is provided by an employer to an employee for the purposes
 32 described in Section 246.5.

33 246. (a) An employee who, on or after July 1, 2015, works in
 34 California for 30 or more days within a year from the
 35 commencement of employment is entitled to paid sick days as
 36 specified in this section.

37 (b) (1) An employee shall accrue paid sick days at the rate of
 38 not less than one hour per every 30 hours worked, beginning at
 39 the commencement of employment or the operative date of this
 40 article, whichever is later.

1 (2) An employee who is exempt from overtime requirements
2 as an administrative, executive, or professional employee under a
3 wage order of the Industrial Welfare Commission is deemed to
4 work 40 hours per workweek for the purposes of this section,
5 unless the employee's normal workweek is less than 40 hours, in
6 which case the employee shall accrue paid sick days based upon
7 that normal workweek.

8 (c) An employee shall be entitled to use accrued paid sick days
9 beginning on the 90th day of employment, after which day the
10 employee may use paid sick days as they are accrued.

11 (d) Accrued paid sick days shall carry over to the following
12 year of employment. However, an employer may limit an
13 employee's use of paid sick days to 24 hours or three days in each
14 year of employment. *This section shall be satisfied and no accrual
15 or carry over is required if the full amount of leave is received at
16 the beginning of each year, in accordance with subdivision (e).*

17 (e) An employer is not required to provide additional paid sick
18 days pursuant to this section if the employer has a paid leave policy
19 or paid time off policy, the employer makes available an amount
20 of leave that may be used for the same purposes and under the
21 same conditions as specified in this section, and the policy does
22 either of the following:

23 (1) Satisfies the ~~accrual~~ *accrual, carry over*, and use
24 requirements of this section.

25 (2) Provides no less than 24 hours or three days of paid sick
26 ~~leave~~ *leave, or equivalent paid leave or paid time off*, for employee
27 use for each year of ~~employment~~ *employment or calendar year*
28 *or 12-month basis*.

29 (f) (1) Except as specified in paragraph (2), an employer is not
30 required to provide compensation to an employee for accrued,
31 unused paid sick days upon termination, resignation, retirement,
32 or other separation from employment.

33 (2) If an employee separates from an employer and is rehired
34 by the employer within one year from the date of separation,
35 previously accrued and unused paid sick days shall be reinstated.
36 The employee shall be entitled to use those previously accrued
37 and unused paid sick days and to accrue additional paid sick days
38 upon rehiring.

1 (g) An employer may lend paid sick days to an employee in
2 advance of accrual, at the employer’s discretion and with proper
3 documentation.

4 (h) An employer shall provide an employee with written notice
5 that sets forth the amount of paid sick leave ~~available~~ *available,*
6 *or paid time off leave an employer provides in lieu of sick leave,*
7 for use on either the employee’s itemized wage statement described
8 in Section 226 or in a separate writing provided on the designated
9 pay date with the employee’s payment of wages. The penalties
10 described in this article for a violation of this subdivision shall be
11 in lieu of the penalties ~~described in~~ *for a violation of* Section 226.

12 (i) An employer has no obligation under this section to allow
13 an employee’s total accrual of paid sick leave to exceed 48 hours
14 or 6 days, provided that an employee’s rights to accrue and use
15 paid sick leave under this section are not otherwise limited.

16 (j) *An employee may determine how much paid sick leave he or*
17 *she needs to use, provided that an employer may set a reasonable*
18 *minimum increment, not to exceed two hours, for the use of paid*
19 *sick leave.*

20 (k) *The rate of pay shall be the employee’s hourly wage. If the*
21 *employee in the 90 days of employment before taking accrued sick*
22 *leave had different hourly pay rates, was paid by commission or*
23 *piece rate, or was a nonexempt salaried employee, then the rate*
24 *of pay shall be calculated by dividing the employee’s total wages,*
25 *not including overtime premium pay, by the employee’s total hours*
26 *worked in the full pay periods of the prior 90 days of employment.*

27 (l) *If the need for paid sick leave is foreseeable, the employee*
28 *shall provide reasonable advance notification. If the need for paid*
29 *sick leave is unforeseeable, the employee shall provide notice of*
30 *the need for the leave as soon as practicable.*

31 (m) *An employer shall provide payment for sick leave taken by*
32 *an employee no later than the payday for the next regular payroll*
33 *period after the sick leave was taken.*

34 246.5. (a) Upon the oral or written request of an employee,
35 an employer shall provide paid sick days for the following
36 purposes:

37 (1) Diagnosis, care, or treatment of an existing health condition
38 of, or preventive care for, an employee or an employee’s family
39 member.

1 (2) For an employee who is a victim of domestic violence, sexual
2 assault, or stalking, the purposes described in subdivision (c) of
3 Section 230 and subdivision (a) of Section 230.1.

4 (b) An employer shall not require as a condition of using paid
5 sick days that the employee search for or find a replacement worker
6 to cover the days during which the employee uses paid sick days.

7 (c) (1) An employer shall not deny an employee the right to
8 use accrued sick days, discharge, threaten to discharge, demote,
9 suspend, or in any manner discriminate against an employee for
10 using accrued sick days, attempting to exercise the right to use
11 accrued sick days, filing a complaint with the department or
12 alleging a violation of this article, cooperating in an investigation
13 or prosecution of an alleged violation of this article, or opposing
14 any policy or practice or act that is prohibited by this article.

15 (2) There shall be a rebuttable presumption of unlawful
16 retaliation if an employer denies an employee the right to use
17 accrued sick days, discharges, threatens to discharge, demotes,
18 suspends, or in any manner discriminates against an employee
19 within 30 days of any of the following:

20 (A) The filing of a complaint by the employee with the Labor
21 Commissioner or alleging a violation of this article.

22 (B) The cooperation of an employee with an investigation or
23 prosecution of an alleged violation of this article.

24 (C) Opposition by the employee to a policy, practice, or act that
25 is prohibited by this article.

26 ~~247. (a) An employer shall give each employee written notice~~
27 ~~of the requirements of this article in English, the languages set~~
28 ~~forth in subdivision (b) of Section 1632 of the Civil Code, and any~~
29 ~~other language spoken by at least 5 percent of the employees. The~~
30 ~~Labor Commissioner shall create a written notice containing this~~
31 ~~information and make it available to employers. The written notice~~
32 ~~shall state the following:~~

33 ~~(1) That an employee is entitled to accrue, request, and use paid~~
34 ~~sick days.~~

35 ~~(2) The amount of paid sick days provided for by this article.~~

36 ~~(3) The terms of use of paid sick days.~~

37 ~~(4) That retaliation or discrimination against an employee who~~
38 ~~requests paid sick days or uses paid sick days, or both, is prohibited~~
39 ~~and that an employee has the right under this article to file a~~

1 ~~complaint or bring a civil action against an employer who retaliates~~
2 ~~or discriminates against the employee.~~

3 ~~(b)~~

4 247. (a) In each workplace of the employer, the employer shall
5 display a poster in a conspicuous place containing all the
6 information specified in subdivision (a). The Labor Commissioner
7 shall create a poster containing this information and make it
8 available to employers.

9 ~~(e)~~

10 (b) An employer who willfully violates the ~~notice and posting~~
11 requirements of this section is subject to a civil penalty of not more
12 than one hundred dollars (\$100) per each offense.

13 247.5. An employer shall keep for at least three years records
14 documenting the hours worked and paid sick days accrued and
15 used by an ~~employee. An employer shall allow the Labor~~
16 ~~Commissioner access to these records with appropriate notice and~~
17 ~~at a mutually agreeable time to monitor compliance with this~~
18 ~~article. employee, and shall allow the Labor Commissioner to~~
19 ~~access these records pursuant to the requirements set forth in~~
20 ~~Section 1174.~~ An employer shall make these records available to
21 an employee in the same manner as described in Section 226. If
22 an employer does not maintain adequate records pursuant to this
23 section, it shall be presumed that the employee is entitled to the
24 maximum number of hours accruable under this article, unless the
25 employer can show otherwise by clear and convincing evidence.

26 248. The Labor Commissioner shall coordinate implementation
27 and enforcement of this article and promulgate guidelines and
28 regulations for those purposes.

29 248.5. (a) The Labor Commissioner shall enforce this article,
30 including investigating an alleged violation, and ordering
31 appropriate temporary relief to mitigate the violation or to maintain
32 the status quo pending the completion of a full investigation or
33 hearing.

34 (b) (1) If the Labor Commissioner, after a hearing that contains
35 adequate safeguards to ensure that the parties are afforded due
36 process, determines that a violation of this article has occurred, he
37 or she may order any appropriate relief, including reinstatement,
38 backpay, the payment of sick days unlawfully withheld, and the
39 payment of an additional sum in the form of an administrative

1 penalty to an employee or other person whose rights under this
2 article were violated. ~~ff~~

3 (2) *If* paid sick days were unlawfully withheld, the dollar amount
4 of paid sick days withheld from the employee multiplied by three,
5 or two hundred fifty dollars (\$250), whichever amount is greater,
6 but not to exceed four thousand dollars (\$4,000), shall be included
7 in the administrative penalty. ~~In addition, if~~

8 (3) *If* a violation of this article results in other harm to the
9 employee or person, such as discharge from employment, or
10 otherwise results in a violation of the rights of the employee or
11 person, the administrative penalty shall include a sum of fifty
12 dollars (\$50) for each day or portion thereof that the violation
13 occurred or continued, not to exceed four thousand dollars (\$4,000).

14 (c) Where prompt compliance by an employer is not
15 forthcoming, the Labor Commissioner may take any appropriate
16 enforcement action to secure compliance, including the filing of
17 a civil action. In compensation to the state for the costs of
18 investigating and remedying the violation, the commissioner may
19 order the violating employer to pay to the state a sum of not more
20 than fifty dollars (\$50) for each day or portion of a day a violation
21 occurs or continues for each employee or other person whose rights
22 under this article were violated. ~~These funds shall be allocated to~~
23 ~~the Labor Commissioner to offset the costs of implementing and~~
24 ~~enforcing this article.~~

25 (d) An employee or other person may report to the Labor
26 Commissioner a suspected violation of this article. The
27 commissioner shall encourage reporting pursuant to this
28 subdivision by keeping confidential, to the maximum extent
29 permitted by applicable law, the name and other identifying
30 information of the employee or person reporting the violation.
31 However, the commissioner may disclose that person's name and
32 identifying information as necessary to enforce this article or for
33 other appropriate purposes, upon the authorization of that person.

34 (e) The Labor Commissioner or the Attorney General may bring
35 a civil action in a court of competent jurisdiction against the
36 employer or other person violating this article and, upon prevailing,
37 shall be entitled to collect legal or equitable relief on behalf of the
38 aggrieved as may be appropriate to remedy the violation, including
39 reinstatement, backpay, the payment of sick days unlawfully
40 withheld, the payment of an additional sum, not to exceed four

1 thousand dollars (\$4,000), as liquidated damages in the amount of
 2 fifty dollars (\$50) to each employee or person whose rights under
 3 this article were violated for each day or portion thereof that the
 4 violation occurred or continued, plus, if the employer has
 5 unlawfully withheld paid sick days to an employee, the dollar
 6 amount of paid sick days withheld from the employee multiplied
 7 by three; or two hundred fifty dollars (\$250), whichever amount
 8 is greater; and reinstatement in employment or injunctive relief;
 9 and further shall be awarded reasonable attorney’s fees and costs,
 10 provided, however, that any person or entity enforcing this article
 11 on behalf of the public as provided for under applicable state law
 12 shall, upon prevailing, be entitled only to equitable, injunctive, or
 13 restitutionary relief, and reasonable attorney’s fees and costs.

14 (f) In an administrative or civil action brought under this article,
 15 the Labor Commissioner or court, as the case may be, shall award
 16 interest on all amounts due and unpaid at the rate of interest
 17 specified in subdivision (b) of Section 3289 of the Civil Code.

18 (g) The remedies, penalties, and procedures provided under this
 19 article are cumulative.

20 249. (a) This article does not limit or affect any laws
 21 guaranteeing the privacy of health information, or information
 22 related to domestic violence or sexual assault, regarding an
 23 employee or employee’s family member. That information shall
 24 be treated as confidential and shall not be disclosed to any person
 25 except to the affected employee, or as required by law.

26 (b) This article shall not be construed to discourage or prohibit
 27 an employer from the adoption or retention of a paid sick days
 28 policy more generous than the one required herein.

29 (c) This article does not lessen the obligation of an employer to
 30 comply with a contract, collective bargaining agreement,
 31 employment benefit plan, or other agreement providing more
 32 generous sick days to an employee than required herein.

33 (d) This article establishes minimum requirements pertaining
 34 to paid sick days and does not preempt, limit, or otherwise affect
 35 the applicability of any other law, regulation, requirement, policy,
 36 or standard that provides for greater accrual or use by employees
 37 of sick days, whether paid or unpaid, or that extends other
 38 protections to an employee.

39 ~~249.5. (a) A public authority established under Section 12301.6~~
 40 ~~of the Welfare and Institutions Code shall comply with this article~~

1 ~~for individuals who perform domestic services comprising in-home~~
2 ~~supportive services under Article 7 (commencing with Section~~
3 ~~12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and~~
4 ~~Institutions Code.~~

5 ~~(b) A public authority may satisfy this article by entering into~~
6 ~~a collective bargaining agreement that provides an incremental~~
7 ~~hourly wage adjustment in an amount sufficient to satisfy the~~
8 ~~accrual requirements of Section 246.~~

9 *SEC. 4. Section 2810.5 of the Labor Code is amended to read:*

10 2810.5. (a) (1) At the time of hiring, an employer shall provide
11 to each employee a written notice, in the language the employer
12 normally uses to communicate employment-related information
13 to the employee, containing the following information:

14 (A) The rate or rates of pay and basis thereof, whether paid by
15 the hour, shift, day, week, salary, piece, commission, or otherwise,
16 including any rates for overtime, as applicable.

17 (B) Allowances, if any, claimed as part of the minimum wage,
18 including meal or lodging allowances.

19 (C) The regular payday designated by the employer in
20 accordance with the requirements of this code.

21 (D) The name of the employer, including any “doing business
22 as” names used by the employer.

23 (E) The physical address of the employer’s main office or
24 principal place of business, and a mailing address, if different.

25 (F) The telephone number of the employer.

26 (G) The name, address, and telephone number of the employer’s
27 workers’ compensation insurance carrier.

28 *(H) That an employee: may accrue and use sick leave; has a*
29 *right to request and use accrued paid sick leave; may not be*
30 *terminated or retaliated against for using or requesting the use of*
31 *accrued paid sick leave; and has the right to file a complaint*
32 *against an employer who retaliates.*

33 ~~(H)~~

34 (I) Any other information the Labor Commissioner deems
35 material and necessary.

36 (2) The Labor Commissioner shall prepare a template that
37 complies with the requirements of paragraph (1). The template
38 shall be made available to employers in such manner as determined
39 by the Labor Commissioner.

1 (3) If the employer is a temporary services employer, as defined
2 in Section 201.3, the notice described in paragraph (1) must also
3 include the name, the physical address of the main office, the
4 mailing address if different from the physical address of the main
5 office, and the telephone number of the legal entity for whom the
6 employee will perform work, and any other information the Labor
7 Commissioner deems material and necessary. The requirements
8 of this paragraph do not apply to a security services company that
9 is licensed by the Department of Consumer Affairs and that solely
10 provides security services.

11 (b) An employer shall notify his or her employees in writing of
12 any changes to the information set forth in the notice within seven
13 calendar days after the time of the changes, unless one of the
14 following applies:

15 (1) All changes are reflected on a timely wage statement
16 furnished in accordance with Section 226.

17 (2) Notice of all changes is provided in another writing required
18 by law within seven days of the changes.

19 (c) For purposes of this section, “employee” does not include
20 any of the following:

21 (1) An employee directly employed by the state or any political
22 subdivision thereof, including any city, county, city and county,
23 or special district.

24 (2) An employee who is exempt from the payment of overtime
25 wages by statute or the wage orders of the Industrial Welfare
26 Commission.

27 (3) An employee who is covered by a valid collective bargaining
28 agreement if the agreement expressly provides for the wages, hours
29 of work, and working conditions of the employee, and if the
30 agreement provides premium wage rates for all overtime hours
31 worked and a regular hourly rate of pay for those employees of
32 not less than 30 percent more than the state minimum wage.