

ASSEMBLY BILL

No. 1643

Introduced by Assembly Member Gonzalez

January 11, 2016

An act to amend Section 2810.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1643, as introduced, Gonzalez. Employment: employer obligations.

Existing law requires an employer to post specified wage and hour information in a location where it can be viewed by employees. Existing law further requires an employer to provide each employee, as defined, at the time of hiring, with a notice that specifies the rate and the basis of the employee's wages and to notify each employee in writing of any changes to the information set forth in the notice, as specified.

This bill would make nonsubstantive changes to the latter provision.

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

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

- 1 SECTION 1. Section 2810.5 of the Labor Code is amended to
2 read:
3 2810.5. (a) (1) At the time of hiring, an employer shall provide
4 to each employee a written notice, in the language the employer
5 normally uses to communicate employment-related information
6 to the employee, containing the following information:

- 1 (A) The rate or rates of pay and basis thereof, whether paid by
2 the hour, shift, day, week, salary, piece, commission, or otherwise,
3 including any rates for overtime, as applicable.
- 4 (B) Allowances, if any, claimed as part of the minimum wage,
5 including meal or lodging allowances.
- 6 (C) The regular payday designated by the employer in
7 accordance with the requirements of this code.
- 8 (D) The name of the employer, including any “doing business
9 as” names used by the employer.
- 10 (E) The physical address of the employer’s main office or
11 principal place of business, and a mailing address, if different.
- 12 (F) The telephone number of the employer.
- 13 (G) The name, address, and telephone number of the employer’s
14 workers’ compensation insurance carrier.
- 15 (H) That an employee: may accrue and use sick leave; has a
16 right to request and use accrued paid sick leave; may not be
17 terminated or retaliated against for using or requesting the use of
18 accrued paid sick leave; and has the right to file a complaint against
19 an employer who retaliates.
- 20 (I) Any other information the Labor Commissioner deems
21 material and necessary.
- 22 (2) The Labor Commissioner shall prepare a template that
23 complies with the requirements of paragraph (1). The template
24 shall be made available to employers in ~~such~~ *the* manner ~~as~~
25 determined by the Labor Commissioner.
- 26 (3) If the employer is a temporary services employer, as defined
27 in Section 201.3, the notice described in paragraph (1) must also
28 include the name, the physical address of the main office, the
29 mailing address if different from the physical address of the main
30 office, and the telephone number of the legal entity for whom the
31 employee will perform work, and any other information the Labor
32 Commissioner deems material and necessary. The requirements
33 of this paragraph do not apply to a security services company that
34 is licensed by the Department of Consumer Affairs and that solely
35 provides security services.
- 36 (b) An employer shall notify his or her employees in writing of
37 any changes to the information set forth in the notice within seven
38 calendar days after the time of the changes, unless one of the
39 following applies:

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

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

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

7 (1) An employee directly employed by the state or any political
8 subdivision thereof, including any city, county, city and county,
9 or special district.

10 (2) An employee who is exempt from the payment of overtime
11 wages by statute or the wage orders of the Industrial Welfare
12 Commission.

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