

Introduced by Senator McGuire

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 702, as introduced, McGuire. 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. Existing law requires, if the employer is a temporary services employer, as defined, the notice to include the name, physical address of the main office, the mailing address, if different from the physical address, and the telephone number of the legal entity for whom the employee will perform work.

This bill would require the temporary services employer to include in the notice the email address, if one is on file with the temporary services employer, of the legal entity for whom the employee will perform work.

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. Section 2810.5 of the Labor Code is amended to
2 read:

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

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

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

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

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

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

16 (F) The telephone number of the employer.

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

19 (H) That an employee: may accrue and use sick leave; has a
20 right to request and use accrued paid sick leave; may not be
21 terminated or retaliated against for using or requesting the use of
22 accrued paid sick leave; and has the right to file a complaint against
23 an employer who retaliates.

24 (I) Any other information the Labor Commissioner deems
25 material and necessary.

26 (2) The Labor Commissioner shall prepare a template that
27 complies with the requirements of paragraph (1). The template
28 shall be made available to employers in ~~such~~ *the* manner ~~as~~
29 determined by the Labor Commissioner.

30 (3) If the employer is a temporary services employer, as defined
31 in Section 201.3, the notice described in paragraph (1) must also
32 include the name, the physical address of the main office, the
33 mailing address if different from the physical address of the main
34 office, *email address, if one is on file with the temporary services*
35 *employer*, and the telephone number of the legal entity for whom
36 the employee will perform work, and any other information the
37 Labor Commissioner deems material and necessary. The
38 requirements of this paragraph do not apply to a security services
39 company that is licensed by the Department of Consumer Affairs
40 and that solely provides security services.

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

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

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

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

11 (1) An employee directly employed by the state or any political
12 subdivision thereof, including any city, county, city and county,
13 or special district.

14 (2) An employee who is exempt from the payment of overtime
15 wages by statute or the wage orders of the Industrial Welfare
16 Commission.

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