

NEW WRITTEN NOTICE REQUIRED TO NEW EMPLOYEES IN 2012



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The California Legislature was very active this year, as it has regularly been in the past. While California Governor Brown vetoed many proposed new laws, several important employment-related legislative bills were signed into law. One of those new laws is Assembly Bill 469, which adds Section 2810.5 to the California Labor Code.

Effective January 1, 2012, Section 2810.5 requires employers to give a written notice to each new employee that provides clearly:

1. The employee's rate or rates of pay and their basis, whether by hour, day, salary, commission or otherwise, including any **rates of overtime**, if applicable.
2. Any allowances claimed as part of the minimum wage, including meals or lodging.
3. The **regular paydays** designated by the employer.
4. The name of the employer, including "**any DBAs**" used by the employer.
5. The physical address of the employer's principal place of business, as well as the mailing address if it is different.
6. The telephone number of the employer.
7. The name, address and telephone number of the **employer's workers' compensation insurance carrier**.
8. Lastly, any other information that the Labor Commissioner deems "material and necessary."

Employers must notify employees in writing within seven days of any changes to any of the above required information, *unless* all the changes are reflected on a timely wage statement provided to employees.

The notice requirements provided by AB 469 are only required to be given to new employees. The new notice requirements do not apply to exempt employees, but it might be advisable to simplify things by giving this notice to *all* new employees.

The California Labor Commissioner is required to identify what additional "material and necessary" information must be provided on these new notice forms but has yet to do so. Likewise, the Labor Commissioner has yet to prepare a template for this new notice. The new notice template is supposed to become available sometime in mid-December 2011. (We will make the form available to clients, upon request, once it is published by the Labor Commissioner.)

If you have any questions about how your business should implement the requirements of AB 469, please contact me directly at (510) 834-6600 or dgoldman@wendel.com.