

California & Federal Labor Law

Equal Employment Opportunity is THE SAME

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), information and genetic information, national origin, and ancestry. Employers are prohibited from discriminating against employees who reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodations for the physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (GAGES)
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to men and women performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

Genetics

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and its use in employment decisions. Genetic information includes information about genetic tests for diseases or disorders in family members (family medical history), and requests for or receipt of genetic services by applicants, employees, or their family members.

Retaliation

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise provides an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected.

U.S. Equal Employment Opportunity Commission

(EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free) for many individuals with hearing impairments. Information and assistance is available at www.eoc.gov or in most telephone directories in the U.S. Government or EEOC government section. Additional information about EEOC, including information about charge filing, is available at www.eoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors and subcontractors take affirmative steps to advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled, recently separated, other protected, and Armed Forces service medal veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans who were, while on active Federal service, assigned to a U.S. military operation for which an Armed Forces service medal was awarded.

Retaliation

Retaliation is prohibited against any file a complaint of discrimination, participate in an OFCCP proceeding or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its non-discrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 2000 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
Individuals with Disabilities Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR
BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

WORKING TIME
All hours are the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR
An employer must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in non-hazardous, non-manufacturing, non-hazardous jobs with certain work restrictions. Different rules apply in agricultural employment.

TIP CREDIT
Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employer's tips combined with the employer's cash wage are at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS
The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the law's overtime requirements in order for the employer to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a private or separate bathroom, that is shielded from view and free from intrusion from coworkers and the public which may be used by the employee to express breast milk.

ENFORCEMENT
The Department has authority to recover back wages and an equal amount in liquidated damages in instances of willful or negligent violations. The Department may file civil and/or criminal charges in connection with prosecution. Employees may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the law's child labor provisions. Employees may file a complaint with the Department for any violation of the law that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The Department may also prosecute retaliation against or discharging workers who file a complaint or inquiry in any proceeding under the FLSA.

ADDITIONAL INFORMATION
• Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. These include: banks in American Samoa; the Department may file civil and/or criminal charges in connection with prosecution. Employees may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the law's child labor provisions. Employees may file a complaint with the Department for any violation of the law that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The Department may also prosecute retaliation against or discharging workers who file a complaint or inquiry in any proceeding under the FLSA.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR AND HOUR DIVISION

LEAVE ENTITLEMENTS
Eligible employees who work for a covered employer may take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:
• The birth of a child or placement of a child for adoption or foster care.
• To bond with a child (leave must be taken within 1 year of the child's birth or placement).

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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, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body or conducting an investigation, hearing or inquiry, when they have reason to believe that the employee is violating a state or federal law, or not complying with a local, 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, or district, 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 1101c]

What is a whistleblower?
A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, 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 local, 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.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.

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 form.

Under California Labor Code Section 1102.5, 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.

Notice to Employees
Employees who are covered by the Employment Development Department (EDD) as required by the California Unemployment Insurance Code and is reporting wage credits to the EDD that are being accumulated for you to be used as a basis for:

Unemployment Insurance
(funded entirely by employers' contributions)
Disability Insurance (DI) is funded by employer contributions and provides partial wage replacement benefits to eligible Californians who are unable to work due to a non-work-related illness, injury, pregnancy, or disability. You are eligible to receive Disability Insurance (DI) if you are a California resident, you are unable to work due to a non-work-related illness, injury, pregnancy, or disability, and you are not receiving any other disability benefits.

Family and Medical Leave Act (FMLA)
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EMPLOYEE RIGHTS UNDER THE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test for exercising other rights under the Act.

EXEMPTIONS
Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions. It restricts polygraph use to security firms (armed, armed, and armed), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are not manufacturing or providing services to the general public, such as: (1) employees of economic loss of the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT
The Secretary of Labor may bring court actions to restrain violators and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

YOUR RIGHTS UNDER USERRA

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Relief Administration. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS
You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed services and:
• you ensure that your employer receives advance notice of your military or other service;
• you have five years or less of cumulative service in the uniformed services while with that particular employer;

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you are a past or present member of the uniformed services, you have the right to:
• be applied for membership in the uniformed services organization;
• be obligated to serve in the uniformed services;
• be retained in employment;
• promotion or;
• any benefit of employment.

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testing or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT
• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
• For assistance in filing a complaint, or for other information on USERRA, contact VETS at 1-866-4USA-DOL or visit its website at www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at www.dol.gov/newsroom/vets.
• If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
• You may also bypass the VETS process and bring a civil action against an employer for your USERRA rights.

The rights listed here may vary depending on the circumstances. This notice was prepared by VETS and may be viewed on the internet at this address: <http://www.dol.gov/newsroom/vets/usaerrarights.html>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying this notice where their employees notice for employees.

For additional information or to file a complaint:
1-866-4-USA-7 (toll-free)
1-866-487-9243 (TTY) 1-877-889-6627
www.dol.gov/whd
U.S. Department of Labor | Wage and Hour Division WH1426a REV 0418

Division of Labor Standards Enforcement Office of the Labor Commissioner

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT
(Poster may be printed on 8 1/2" x 11" letter size paper)

HEALTHY WORKPLACES/HEALTHY FAMILIES ACT OF 2014 PAID SICK LEAVE

Entitlement:
• An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
• Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular rate of pay. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later.
• Accrued paid sick leave shall carry over to the following year and employee may be capped at 48 hours or 8 days. However, subject to specified conditions, if an employer has a paid sick leave, paid leave or paid time off policy (PTTO) that provides no less than 24 hours or three days of paid leave or paid time off, no accrual or carry over is required if the full amount of leave is received at the beginning of each year in accordance with the policy.

Usage:
• An employee may use accrued paid sick days beginning on the 90th day of employment.
• An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member who is a victim of domestic violence, sexual assault, or stalking.
• An employer may limit the use of paid sick days to 24 hours or three days in each year of employment.
• Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website <http://www.dir.ca.gov/divisionoflsc/index.htm> using the alphabetical listing of cities, locations, and communities. Staff is available in person and by telephone.

DLSE Paid Sick Leave Posting
LC041 11/2014

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 work. Workers' compensation covers most work-related physical or mental injuries and illnesses. An injury or illness can be caused by one event (such as a work injury) or by a series of events (such as repetitive stress or cumulative trauma).
Benefits: Workers' compensation benefits include:
• Medical Care: Doctor visits, hospital services, physical therapy, lab tests, x-rays, medicines, medical equipment and travel costs that are medically necessary and reasonable. You should not be charged for these services.
• Temporary Disability (TD) Benefits: Payments if you lose wages while recovering. For most injuries, TD benefits may be paid for more than 104 weeks from the date of injury.
• Permanent Disability (PD) Benefits: Payments if you do not recover completely and your injury causes a permanent loss of physical or mental function or disfigurement.
• Supplemental Job Displacement Benefits: A nontransferable, voucher, or other benefit if you are injured on or after 1/1/2004, your injury causes permanent loss of function, and your employer does not offer you retraining, modified, or alternative work.
• Death Benefits: Paid to your dependents if you die as a result of a work-related injury or illness.
Naming Your Own Medical Provider (Preselection): You may be able to choose the doctor who will treat you for a job injury or illness. If eligible, you may notify your employer, naming the name and address of your personal physician or medical group before you are treated. You must choose a doctor who is licensed to practice medicine in California. For more information, see the MPN contact information below.

How to Get Medical Care:
1. Get Medical Care: If you need emergency care, call 911 for help immediately from the hospital, ambulance, fire department or police department. If you need medical care, call your doctor or go to a hospital or clinic.
2. Report Your Injury: Report the injury immediately to your supervisor or to an employer representative. Don't delay. There are time limits. If you wait too long, you may not be able to receive benefits. Your employer is required to provide you with a claim form within one working day. You must complete and return the form to your employer as soon as possible. You may also file a claim with the Labor Commissioner's Office.
3. See Your Physician: You may be treated by your own physician or a physician designated by your employer. If you are covered by an HCD or an MPN, you must use your MPN for more information.
4. Medical Provider Network (MPN): Your employer may be using an MPN, which is a group of health care providers designed to provide treatment for work-related injuries and illnesses. If you are covered by an HCD or an MPN, you must use your MPN for more information. If you are not covered by an HCD or an MPN, you may choose to use a medical provider outside the MPN. If you do, you must notify your employer and the Labor Commissioner's Office.
5. Medical Provider Network (MPN): Your employer may be using an MPN, which is a group of health care providers designed to provide treatment for work-related injuries and illnesses. If you are covered by an HCD or an MPN, you must use your MPN for more information. If you are not covered by an HCD or an MPN, you may choose to use a medical provider outside the MPN. If you do, you must notify your employer and the Labor Commissioner's Office.

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's claim administrator (who handles workers' compensation claims for your employer).
Claims Administrator: _____
Workers' compensation insurer: _____ (Enter "Self-insured" if appropriate)
Information on workers' compensation is available from the Division of Workers' Compensation Information (DWC) website at <http://www.dir.ca.gov/dwc/>.
Information & Assistance: Helpline at State of California, _____ or by calling toll-free (800) 738-7481. Learn more information about workers' compensation in California and how to file a claim at <http://www.dir.ca.gov/dwc/>.
False claims and false oaths: Any person who makes or causes to be made any knowingly false or fraudulent material statement or oaths in connection with the process of obtaining or denying workers' compensation benefits may be guilty of a felony and may be fined and imprisoned.

EMPLOYEE RIGHTS UNDER THE POLYGRAPH PROTECTION ACT
The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test for exercising other rights under the Act.