

Cal Lab Code § 2810.5

This document is current for urgency Legislation through Chapter 4 of the 2012 Session.

Deering's California Code Annotated > LABOR CODE > Division 3. > Chapter 2. > Article 2.

§ 2810.5. Required written notice; Notification of changes

- (a)
- (1) At the time of hiring, an employer shall provide each employee a written notice, in the language the employer normally uses to communicate employment-related information to the employee, containing the following information:
 - (A) The rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or otherwise, including any rates for overtime, as applicable.
 - (B) Allowances, if any, claimed as part of the minimum wage, including meal or lodging allowances.
 - (C) The regular payday designated by the employer in accordance with the requirements of this code.
 - (D) The name of the employer, including any "doing business as" names used by the employer.
 - (E) The physical address of the employer's main office or principal place of business, and a mailing address, if different.
 - (F) The telephone number of the employer.
 - (G) The name, address, and telephone number of the employer's workers' compensation insurance carrier.
 - (H) Any other information the Labor Commissioner deems material and necessary.
 - (2) The Labor Commissioner shall prepare a template that complies with the requirements of paragraph (1). The template shall be made available to employers in such manner as determined by the Labor Commissioner.
- (b) An employer shall notify his or her employees in writing of any changes to the information set forth in the notice within seven calendar days after the time of the changes, unless one of the following applies:
- (1) All changes are reflected on a timely wage statement furnished in accordance with Section 226.
 - (2) Notice of all changes is provided in another writing required by law within seven days of the changes.
- (c) For purposes of this section, "employee" does not include any of the following:
- (1) An employee directly employed by the state or any political subdivision thereof, including any city, county, city and county, or special district.
 - (2) An employee who is exempt from the payment of overtime wages by statute or the wage orders of the Industrial Welfare Commission.
 - (3) An employee who is covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of the employee, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage.

History

Added *Stats 2011 ch 655 § 12 (AB 469)*, effective January 1, 2012.

NOTICE TO EMPLOYEE
Labor Code section 2810.5

Sample

Effective January 1, 2012, California Labor Code section 2810.5(a) requires that the following information be provided to each employee at the time of hire in the language the employer normally uses to communicate employment-related information. Exceptions to this requirement are indicated on the next page. This notice is available in other languages at www.dir.ca.gov/DLSE.

EMPLOYEE

Employee Name: John Doe Hire Date: January 1, 2012

EMPLOYER

Name of Employer: ABC Foods Market, Inc.

(Check all that apply): Sole Proprietor Corporation Limited Liability Company General Partnership
 Other type of entity: _____
 Staffing agency (e.g., temp agency or PEO)

Other Name Employer is doing business as (if applicable): "ABC Foods"

Physical Address of Main Office: 123 Main Street, Anywhere, California 99999

Employer's Mailing Address: 123 Main Street, Anywhere, California 99999

Employer's Telephone Number: (123) 456-7890

If the worksite employer uses any other business or entity to hire employees or administer wages or benefits, complete the information above for the worksite employer, complete the information below for the other business, and complete the remaining sections. If there is no other business or co-employer, or if the only other business is a recruiting service or a payroll processing service, skip the rest of this section, and complete the remaining sections.

Name of Other Business: N/A

This other business is a:

Professional Employer Organization (PEO) or Employee Leasing Company or a Temporary Services Agency
 Other: _____

Physical Address of Main Office: N/A

Mailing Address: N/A

Telephone Number: N/A

WAGE INFORMATION

Rate(s) of Pay: **\$10 per hour** Overtime Rate(s) of Pay: **potential additional amounts in compliance with applicable law.**

Rate by (check box): Hour Shift Day Week Salary Piece rate Commission

Other (provide specifics): **\$10 per hour, plus commissions of 15% of sales closed during prior month.**

Employment agreement is (check box): Oral Written. **"At will" employment.**

Allowances, if any, claimed as part of minimum wage (including meal or lodging allowances):

N/A

Regular Pay Day: **1st and 15th of every month**

WORKERS' COMPENSATION

Insurance Carrier's Name: Jenny's Workers' Comp Insurance
Address: 456 Main Street, Anywhere, California 99999
Telephone Number: (888) 867-5309
Policy No.: 1234-56-789

Self-Insured (Labor Code 3700) and Certificate Number for Consent to Self-Insure: _____

ACKNOWLEDGMENT OF RECEIPT

Frank Thomas, CEO of ABC Foods Market, Inc.
(PRINT NAME of Employer representative)

John Doe
(PRINT NAME of Employee)

(SIGNATURE of Employer representative)

(SIGNATURE of Employee)

January 1, 2012
(Date provided to employee & signed by representative)

January 1, 2012
(Date received by employee & signed by employee)

Labor Code section 2810.5(b) requires that the employer notify you in writing of any changes to the information set forth in this Notice within seven calendar days after the time of the changes, unless one of the following applies: (a) All changes are reflected on a timely wage statement furnished in accordance with Labor Code section 226; (b) Notice of all changes is provided in another writing required by law within seven days of the changes.

This Notice is NOT required if (a) you are directly employed by the state or any political subdivision thereof, (b) you are an employee who is exempt from the payment of overtime wages by statute or wage order, or (c) you are covered by a collective bargaining agreement that expressly provides for wages, hours of work and working conditions, and provides for premium wage rates for all overtime worked.

The full text of Labor Code section 2810.5 may be found at www.leginfo.ca.gov/calaw.html. Check "Labor Code" and search for "2810.5" in quotes.

The employee's signature on this notice merely constitutes acknowledgement of receipt. In accordance with an employer's general recordkeeping requirements under the law, it is the employer's obligation to ensure that the employment and wage-related information provided on this notice is accurate and complete. Furthermore, the employee's signature acknowledging receipt of this notice does not constitute a voluntary written agreement as required under the law between the employer and employee in order to credit any meals or lodging against the minimum wage. Any such voluntary written agreement must be evidenced by a separate document.

NOTICE TO EMPLOYEE

Labor Code section 2810.5

Effective January 1, 2012, California Labor Code section 2810.5(a) requires that the following information be provided to each employee at the time of hire in the language the employer normally uses to communicate employment-related information. Exceptions to this requirement are indicated on the next page.

This notice is available in other languages at www.dir.ca.gov/DLSE.

EMPLOYEE

Employee Name: _____ Hire Date: _____

EMPLOYER

Name of Employer: _____

(Check all that apply): Sole Proprietor Corporation Limited Liability Company General Partnership

Other type of entity: _____

Staffing agency (e.g., temp agency or PEO)

Other Name Employer is doing business as (if applicable): _____

Physical Address of Main Office: _____

Employer's Mailing Address: _____

Employer's Telephone Number: _____

If the worksite employer uses any other business or entity to hire employees or administer wages or benefits, complete the information above for the worksite employer, complete the information below for the other business, and complete the remaining sections. If there is no other business or co-employer, or if the only other business is a recruiting service or a payroll processing service, skip the rest of this section, and complete the remaining sections.

Name of Other Business: _____

This other business is a:

Professional Employer Organization (PEO) or Employee Leasing Company or a Temporary Services Agency

Other: _____

Physical Address of Main Office: _____

Mailing Address: _____

Telephone Number: _____

WAGE INFORMATION

Rate(s) of Pay: _____ Overtime Rate(s) of Pay: _____

Rate by (check box): Hour Shift Day Week Salary Piece rate Commission

Other (provide specifics): _____

Employment agreement is (check box): Oral Written

Allowances, if any, claimed as part of minimum wage (including meal or lodging allowances):

Regular Pay Day: _____

WORKERS' COMPENSATION

Insurance Carrier's Name: _____

Address: _____

Telephone Number: _____

Policy No.: _____

Self-Insured (Labor Code 3700) and Certificate Number for Consent to Self-Insure: _____

ACKNOWLEDGMENT OF RECEIPT

(PRINT NAME of Employer representative)

(PRINT NAME of Employee)

(SIGNATURE of Employer representative)

(SIGNATURE of Employee)

(Date provided to employee & signed by representative)

(Date received by employee & signed by employee)

Labor Code section 2810.5(b) requires that the employer notify you in writing of any changes to the information set forth in this Notice within seven calendar days after the time of the changes, unless one of the following applies: (a) All changes are reflected on a timely wage statement furnished in accordance with Labor Code section 226; (b) Notice of all changes is provided in another writing require by law within seven days of the changes.

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The employee's signature on this notice merely constitutes acknowledgement of receipt. In accordance with an employer's general recordkeeping requirements under the law, it is the employer's obligation to ensure that the employment and wage-related information provided on this notice is accurate and complete. Furthermore, the employee's signature acknowledging receipt of this notice does not constitute a voluntary written agreement as required under the law between the employer and employee in order to credit any meals or lodging against the minimum wage. Any such voluntary written agreement must be evidenced by a separate document.

Welcome to the California
DEPARTMENT OF INDUSTRIAL RELATIONS

Workplace postings

In California, all employers must meet workplace posting obligations. Workplace postings are usually available at no cost from the requiring agency. The Department of Industrial Relations requires employers to post information related to wages, hours and working conditions in an area frequented by employees where it may be easily read during the workday. Additional posting requirements apply to some workplaces. For a list of available safety and health postings, visit the [Cal/OSHA publications page](#).

[Click here](#) for answers to frequently asked questions about workplace postings.

The database permitting ordering of hard copies of the postings is currently unavailable. All titles below with a direct link to the posting may be downloaded from the Internet. Downloaded posters meet an employer's legal obligation.

If you need more than five copies of any posting, please fax your order to (415) 703-4807.

Posting	Additional information and quantity needed	Who must post
Industrial Welfare Commission (IWC) wage orders	IWC wage orders regulate wages, hours and working conditions and are numbered by industry or occupation group. Not sure which order you need? Use the alphabetical index of businesses and occupations to make that determination. Labor Code section 1183(d)	All employers
Minimum wage (state)	Sets forth California's minimum wage and can be downloaded in English and Spanish .	All employers
Payday notice	Must specify the regular paydays and the time and place of payment. An employer-developed notice is permitted. Labor Code section 207	All employers
Safety and health protection on the job	Contains pertinent information regarding safety rules and regulations. Available in English and Spanish . Labor Code section 6328; poster print date: January 2011	All employers
Emergency phone numbers	Lists emergency responders' phone numbers. Title 8, California Code of Regulations, Construction Safety Orders section 1512 (e)	All employers
Access to medical and exposure records	Provides information about rights of employees working with hazardous/toxic substances. Available in English and Spanish . Title 8, California Code of Regulations, General Industry Safety Order section 3204	All employers using hazardous or toxic substances
Operating Rules for Industrial Trucks	Employers using industrial trucks shall post and enforce a set of operating rules. Available in English and Spanish . Poster print date: April 2007	Employers operating forklifts and other types of industrial trucks or tow tractors
Notice to employees - injuries caused by work	Advises employees of workers' compensation benefits. Claims administrators and employers need to revise the notice they are currently using and send it to the DWC administrative director for review and approval or they may download and use this version. NOTE: Employers may obtain professionally printed copies of the poster and workers' comp claim form from their claims administrator. Title 8, California Code of Regulations, Division of Workers' Compensation section 9881	All employers
Notice of workers' compensation carrier and coverage	States the name of the employer's current compensation insurance carrier, or the fact that the employer is self-insured. Obtained from the employer's workers' compensation insurance carrier. Labor Code section 3550	All employers
Whistleblower protections	Must be prominently displayed in lettering larger than size 14 type and include a list of employee rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General .	All employers

	<p>The Division of Labor Standards Enforcement has prepared a sample posting that it believes meets the requirements of Labor Code Section 1102.8(a), except for being larger than size 14 type. To view this sample, click here (PDF) (Word Doc). This sample is not the only option though, as employers are free to develop their own posting.</p> <p>Labor Code section 1102.8</p>	
No smoking signage	<p>Signage must be posted designating where smoking is prohibited/permitted in a place of employment. This law is enforced by local law enforcement agencies.</p> <p>Labor Code section 6404.5(c)(1)</p>	All employers
Log and summary of occupational injuries and illnesses	<p>Form 300 is for logging recordable injuries, form 301 is for collecting details and form 300A is the annual summary form. All three forms are available in various downloadable formats with instructions on the Cal/OSHA publications page.</p> <p>Title 8, California Code of Regulations, Division of Labor Statistics and Research sections 14300 et seq.</p>	Employers with 11 or more employees in the previous year
Farm labor contractor statement of pay rates	<p>Reference DLSE poster 445. Must be displayed prominently where work is to be performed and on all vehicles used by the licensee for transportation of employees. Must be at least 12 inches high and 10 inches wide.</p> <p>The downloaded version of this posting may not comply with the law as it may not be at least 12 inches high and 10 inches wide.</p> <p>Labor Code section 1695(7)</p>	Farm labor contractors licensed by the Division of Labor Standards Enforcement (DLSE)
Prevailing wage rate determinations	<p>The body awarding any contract for public work or otherwise undertaking any public work shall cause a copy of the prevailing wage determination for each craft, classification or type of worker needed to execute the contract to be posted at each job site.</p> <p>Labor Code section 1773.2</p>	Public works awarding bodies and contractors

In addition to postings required by the Department of Industrial Relations, other state and federal agencies have posting obligations. Additional requirements include (this list is not all inclusive):

Posting	Additional information	Who must post
Discrimination and Harassment in Employment are Prohibited by Law	<p>The latest information can be obtained from the Department of Fair Employment and Housing (DFEH), reference number 162, available in English and Spanish. 1 (800) 884-1684</p> <p>Fair Employment and Housing Act, Government Code section 12900 et seq.</p>	All employers
Pregnancy disability leave	<p>The latest information can be obtained from the Department of Fair Employment and Housing (DFEH), reference notice DFEH-100-20 "Notice A". 1 (800) 884-1684</p> <p>Title 2, California Code of Regulations section 7291.16(d)</p>	Employers of five to 49 employees
Family care and medical leave (CFRA leave) and pregnancy disability leave	<p>The latest information can be obtained from the Department of Fair Employment and Housing (DFEH), reference notice DFEH-100-21 "Notice B". 1 (800) 884-1684</p> <p>Title 2, California Code of Regulations sections 7297.9 and 7291.16(e)</p>	All employers with 50 or more employees and all public agencies
Notice to employees	<p>Advises employees of potential unemployment insurance, disability insurance and paid family leave insurance benefits. The latest information can be obtained from the Employment Development Department, reference number DE 1857A; also available in Spanish, Vietnamese, and Chinese. (916) 322-2835.</p>	All employers
Notice to employees: unemployment insurance benefits	<p>The latest information can be obtained from the Employment Development Department, reference number DE 1857D; also available in Spanish, Vietnamese, and Chinese. (916) 322-2835.</p>	All employers
Notice to employees: time off to vote	<p>Not less than 10 days before every statewide election, every employer shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of section 14000.</p> <p>Elections Code section 14001 et seq.</p>	All employers
		All employers

<u>Equal employment opportunity is the law</u>	Includes Americans with Disabilities Act (ADA) poster. The latest information can be obtained from the <u>U.S. Equal Employment Opportunity Commission</u> . 1 (800) 669-3362	
<u>Minimum wage (federal Fair Labor Standards Act)</u>	The latest information can be obtained from the <u>U.S. Department of Labor</u> , reference number WH 1088. (415) 744-5590	All employers
<u>Notice: Employee Polygraph Protection Act</u>	The latest information can be obtained from the <u>U.S. Department of Labor</u> , reference number WH 1462. Also available in Spanish. (415) 744-5590	All employers
<u>Family and Medical Leave Act (federal FMLA)</u>	The latest information can be obtained from the <u>U.S. Department of Labor</u> , reference number WH 1420. Also available in <u>Spanish</u> . (415) 744-5590	All employers with 50 or more employees and all public agencies

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