



Notice Compliant with New California Wage Payment Law Available from Labor Commissioner (DLSE)

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The California Division of Labor Standards Enforcement has released a form notice that is compliant with the new California Wage Theft Prevention Act of 2011. Effective January 1, 2012, the Act requires employers to provide many new employees with written notice that details their rates of pay, employer name and address, workers' compensation carrier, and other information specified in the Act. Since Governor Jerry Brown signed the law in October, California employers have struggled to develop notices that are compliant.

The Act required the state Division of Labor Standards Enforcement to develop and publish a compliant notice. The DLSE published the notice on its website on December 29. The notice is available at http://www.dir.ca.gov/dlse/LC_2810.5_Notice.pdf.

Wage Payment Details

The Act requires employers at the time of hire to provide nonexempt employees not covered by a collective bargaining agreement with a written notice indicating the following:

- The rate and basis of pay, whether hourly, shift, day, week, salary, piece, commission, or otherwise, including any rates for overtime

- Any allowances claimed as part of the minimum wage, including meal or lodging allowances

- The regular payday designated by the employer

- The name of the employer, including any "doing business as" names

- The physical address of the employer's main office or principal place of business, and a mailing address, if different

- The employer's telephone number

- The name, address, and telephone number of the employer's workers' compensation insurance carrier

- Any other information the Labor Commissioner deems material and necessary

The law also requires employers to notify employees in writing of any changes to the information in the notice within seven calendar days after the time of the changes, unless the changes are reflected on a timely itemized wage statement or other writing required by law.

Finally, the Act increases penalties for wage violations, provides for employer restitution of certain wages to employees, and extends from one to three years the statute of limitations on collection actions by the DLSE.

Employers who have questions about the new law or the required notice should contact the Jackson Lewis attorney with whom the normally work.

practices

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