



## EMPLOYERS DUTIES UNDER CALIFORNIA AB 469

January 1, 2012

California AB 469, effective January 1, 2012, requires that employers provide written notice to new hires to communicate employment related issues. The law comes under Labor Code section 2810.5 and provides that at the time of hire an employer shall provide each employee with a written notice containing the following information:

- The rate of pay and the basis for the rate of pay (hour, shift, day, etc.) including rates for overtime
- Allowances claimed as part of pay, such as lodging, meals, etc.
- The employer's regular designated payday
- The full name of the employer, including any DBAs
- The physical address of the employer's main office or principal place of business and the telephone number. If the mailing address is different from the physical address it must also be provided
- The name, address and telephone number of the employer's workers' compensation insurance carrier
- Any other information the Labor Commissioner deems necessary

Employers are required to notify **all** employees **in writing** of **any** changes to the information **within seven calendar days** after the time of the changes. Exceptions to this notice are:

- Employees directly employed by the state or any political subdivision, including counties, cities, or special districts
- Employees exempt from the payment of overtime wages by statute or the wage orders of the Industrial Welfare Commission
- Employees who are 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 the agreement provides premium wage rates for all over time hours worked and a regular hourly rate of pay for those employees of not less than 30% more than the state minimum wage.

Our interpretation of the law is that enrollment in an OCIP or CCIP carrying a separate workers' compensation policy would not trigger the need for a new notice.

For those of you who use TPAs to handle your workers' compensation claims, please note that you are to provide the name of the insurance carrier, not the TPA.

The Labor Commissioner is required by this law to prepare a template that complies with these requirements. The template is scheduled to be posted to the division of Industrial Relations website by mid-December. You can find the full bill and the form at: [www.dir.ca.gov](http://www.dir.ca.gov).