



HR Essentials for Small Businesses 2024



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Disclaimer

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Agenda

- Sources of Truth
- OLSE (Office of Labor Standards & Enforcement)
- Employee Classifications (Independent Contractor vs. W2 employee)
- Hiring & Onboarding (Workers Compensation)
- Wage & Hour Requirements/Timekeeping
- Leaves of Absence requirements and Paid Time Off (PTO)
- Workplace Health & Safety – Injury & Illness Prevention Plan (IIPP)
- Hiring Minors & Mandated Reporter Training
- Other responsibilities (mileage, retirement benefits, etc.)

Sources of Truth: Local, State & Federal



Civil Rights
Department
STATE OF CALIFORNIA



Centers for Disease
Control and Prevention
National Center for
Health Statistics



EDD Employment
Development
Department
State of California



Start. Grow. Thrive.

Office of Labor Standards & Enforcement (OLSE)

<https://desj.sccgov.org/olse> or call advice line: 1-866-870-7725 (Staffed by Live attorneys)

Established in 2017 by the County of Santa Clara Board of Supervisors
(one of eight such offices in the US)

Mission is to advance labor standards through thoughtful community and business engagement, strategic enforcement, innovation and study, and policy development with commitment to equity & social justice.

GOALS:

- Foster a **healthy economic environment** for the County's businesses and workers
- Compliance with Federal and State labor laws

ENSURE you have UPDATED LABOR LAW POSTERS and Electronic Versions for Remote Employees as well!

<https://www.laborlawcenter.com/free-labor-law-posters/california>



Office of Labor
Standards Enforcement
COUNTY OF SANTA CLARA

2024 California State and Federal Labor Laws Poster



California Labor Laws (2024)

- Access to Medical & Exposure Records
- CA Minimum Wage
- CA No Smoking Poster
- CALOSHA – Health & Safety Protection/ Emergency Phone Numbers
- Discrimination Notice
- EDD Notice to Employees
- Family Care, Medical/Disability, and Pregnancy Leave
- CA Paid Sick Leave Notice
- Payday Notice
- Time Off to Vote Notice
- ***Transgender Rights in the Workplace ~ NEW for 2023***
- Unemployment Insurance
- Whistleblower's Protection Act
- Worker's Compensation (Injuries caused by Work)
- Your Rights and Obligations as a Pregnant Employee



2024 California State and Federal Labor Laws Poster



Federal Labor Law Poster(s) (2024)

- EEOC KNOW YOUR RIGHTS: Workplace Discrimination is Illegal
- Fair Labor Standards Act (FLSA) includes Federal min. wage
- Family and Medical Leave Act (FMLA)
- Employee Polygraph Protection Act (EPPA)
- Uniformed Services Employment & Reemployment Rights Act (USERRA)
- Occupational Safety & Health (OSHA) Job Safety & Health Protections
- IRS Withholding Notice
- Anti-Discrimination Notice



Local City Ordinances (2024)

- Minimum Wage Rate – *updated every year*
- San Jose – Opportunity to Work Ordinance (25+)
- Mountain View – Wage Theft Ordinance



Recruitment

Job Description Basics

- Establish what ***tasks and responsibilities*** would you want this person to handle
- What ***characteristics, qualities, personality traits*** would you want this person to have (criteria)?
- What type of ***education, background, certifications*** would you want this person to have?
- What kind of ***experiences*** and/or situations would you want this person to have?
- What is your ***budget*** in terms of what starting pay will look like? (range: \$18.55 - \$22)
- What ***days and times*** would you want this person to work?

Where to Find Them

- Former and Existing Employees (TOP PERFORMERS)
- Community Colleges or Local Clubs/Programs
- Placement Offices or Vocational/trade schools
- Non Profit Organizations that Currently provide Training Programs (CalWorks, Dept. Child Support Services, or Social Services, Reintegration Programs)
- Community Centers, Libraries
- Online Social Media & Marketing Channels
 - Indeed, Snag a Job, Culinary Agent, Facebook
- Old School Marketing (A signs or periodicals)
 - SV Community Newspapers, Mercury news, The Sun, Ethnic papers (local tv channels – Spanish, Chinese)

New Employee Checklist

- File for an EIN (Employer Identification #)
https://edd.ca.gov/en/payroll_taxes/am_i_required_to_register_as_an_employer
- Find a payroll provider (ADP, Paychex, Gusto, Quickbooks Payroll)
 - ✓ Ensure your payroll provider sets you up with unemployment, disability payments with EDD
 - ✓ Federal payments, with Social Security and Medicare, and State withholding taxes etc.
- Have new employee fill out proper paperwork: W4, DE4, I-9 or e-Verify ACH if necessary
<https://www.irs.gov/businesses/small-businesses-self-employed/hiring-employees>
- **Provide offer letter or Notice to Employee form** (Labor Code section 2810.5)
- **Provide copies of Worker's Compensation Insurance information** (Notice of DWC 9783.1)
- Have employee sign up for benefits if necessary
 - ✓ CalSavers retirement or any retirement plan <https://www.calsavers.com/> (within 30 days of hire)
 - ✓ Healthcare benefits required if an establishment of 45 + employees or more
- Provide link for sexual harassment prevention training (within 60 days of hire)
- ***NEW in 2023: Employers > 15 or more employees must include pay scale in job postings. <15 employees, pay range available upon request.***

Fair Labor and Standards Act (FLSA)

Employee Classifications:

Exempt vs. Non-exempt

W2 vs. Contractor

AB5 Law Independent Contractors



AB 5 Law (effective Jan. 2020) requires all workers to be assumed employees (W4/W2) unless worker meets all criteria in the ABC test, then they can be classified as an independent contractor

Employers should consult with legal counsel to utilize exceptions under the law.



Some exceptions for specific occupations (i.e., graphic designers, freelance writers, real estate agents, copy editors, enrolled agents, still photography, fine artists, videographers, etc.). Licensed barbers, cosmetologists, estheticians are also exempt if “renting” stations – have own business license as well.



ABC test

- **(A)** The worker is **free from the control and direction** of the hiring entity
- **(B)** The worker performs work that is **outside the usual course of the hiring entity's business**
- **(C)** The worker is customarily engaged in an **independently established trade**, occupation, or business of the same nature as the work performed.



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Hourly (Non-exempt) vs. Salaried (Exempt)

Non-Exempt or Hourly employees:

All employees are hourly by default. Subject to all wage and hour laws, overtime, etc. Typically given a “work schedule”. Employer or manager **has more “control” over their hours worked and tasks given.**

Exempt or Salaried employees:

- Exempt employees are **“exempt” from any wage and hour requirements**, not subject to meal or break periods, or overtime, etc.
- Employers or managers **do not have as much “control” over their hours worked**. Expected to complete their work, regardless of number of hours worked.
- Generally, these are higher level positions like **operating executives, supervisors, day-to-day administrative or professional employees**. *Exempt employees can sometimes be also business development positions, salespeople, and/or tech or computer software employees.*
- *** Minimum wage for Salaried Employee is \$66,580/year

Help From the IRS and EDD

IMPORTANT!

Misclassifying a worker as an independent contractor can give rise to a host of legal claims: failure to pay wages, overtime, failure to provide meal & rest breaks + back taxes & penalties.

IRS & EDD will provide a written determination as to whether a worker is an employee or an independent contractor for tax withholding purposes.

Form SS-8 (Rev. May 2014)		Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding		OMB No. 1545-0044 For IRS Use Only: Case Number: Earliest Receipt Date:	
Department of the Treasury Internal Revenue Service		Information about Form SS-8 and its separate instructions is at www.irs.gov/formss8			
Name of firm (or person) for whom the worker performed services		Worker's name			
Firm's mailing address (include street address, apt. or suite no., city, state, and ZIP code)		Worker's mailing address (include street address, apt. or suite no., city, state, and ZIP code)			
Trade name		Firm's email address		Worker's daytime telephone number	
Firm's fax number		Firm's website		Worker's email address	
Firm's telephone number (include area code)		Firm's employer identification number		Worker's social security number	
				Worker's employer identification number (if any)	
Note. If the worker is paid for these services by a firm other than the one listed on this form, enter the name, address, and employer identification number of the payer. ▶					
Disclosure of Information					
The information provided on Form SS-8 may be disclosed to the firm, worker, or payer named above to assist the IRS in the determination process. For example, if you are a worker, you may disclose the information you provide on Form SS-8 to the firm or payer named above. The information only be disclosed to assist with the determination process. If you provide incomplete information, we may not be able to process your request. Privacy Act and Paperwork Reduction Act notice in the separate instructions for more information. If you do not want this information disclosed other parties, do not file Form SS-8.					
Parts I-IV. All filers of Form SS-8 must complete all questions in Parts I-IV. Part V must be completed if the worker provides a service directly to customers or is a salesperson. If you cannot answer a question, enter "Unknown" or "Does not apply." If you need more space for a question, attach another sheet with the question number clearly identified. Write your firm's name for worker's name and employer identification number (social security number) at the top of each additional sheet attached to this form.					
Part I General Information					
1 This form is being completed by: <input type="checkbox"/> Firm <input type="checkbox"/> Worker, for services performed _____ (beginning date) to _____ (ending date)					
2 Explain your reasons for filing this form (for example, you received a bill from the IRS, you believe you erroneously received a Form 1099-MISC, you are unable to get workers' compensation benefits, or you were audited or are being audited by the IRS).					
3 Total number of workers who performed or are performing the same or similar services: _____					
4 How did the worker obtain the job? <input type="checkbox"/> Application <input type="checkbox"/> Bid <input type="checkbox"/> Employment Agency <input type="checkbox"/> Other (specify) _____					
5 Attach copies of all supporting documentation (for example, contracts, invoices, memos, Forms W-2 or Form 1099-MISC issued or received, IR-1099-MISC or W-2) were furnished to the worker, enter the amount of income earned for the year(s) at issue. \$ _____					
6 Describe the firm's business: _____					
For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions. Cal. No. 181087 Form SS-8 (Rev. 5)					

EDD Employment Development Department State of California			
DETERMINATION OF EMPLOYMENT WORK STATUS FOR PURPOSES OF STATE OF CALIFORNIA EMPLOYMENT TAXES AND PERSONAL INCOME TAX WITHHOLDING			
Purpose			
This form is to be used by business entities who would like to receive a determination as to whether a worker is an employee for purposes of California Unemployment Insurance, Employment Training Tax, State Disability Insurance (SDI), and Personal Income Tax (PIT) withholding.			
General Information			
For assistance in completing this form, contact your local Employment Tax Office of the Employment Development Department (EDD) or call the Taxpayer Assistance Center at 1-866-745-3686. Upon completion, return to:			
State of California Employment Development Department FACD-Contract Operations, NRC 94 PO Box 824869 Sacramento, CA 95820-6061			
The EDD may need to contact you if additional information is required.			
* Includes Paid Family Leave (PFL)			
This form is designed to cover many work activities. Some of the questions may not apply to you. You must answer questions 1-39 or mark them "UNKNOWN" or "PDCS. NOT APPLY." Answer questions 88-79 only if applicable. If additional space is needed, please attach another sheet with the question number clearly identified. Write your business name, federal identification number, and the EDD employer payroll tax account number at the top of each additional sheet attached to this form.			
PLEASE TYPE OR PRINT ALL INFORMATION CLEARLY.			
NAME OF ENTITY			
NAME OF OWNER			
ADDRESS OF ENTITY CITY STATE ZIP CODE			
PHONE NUMBER (INCLUDING AREA CODE)			
ENTITY'S FEDERAL EMPLOYER IDENTIFICATION NUMBER			
ENTITY'S EDD EMPLOYER PAYROLL TAX ACCOUNT NUMBER			
Check the type of entity for which the work relationship is in question:			
<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company (LLC)			
<input type="checkbox"/> Limited Liability Partnership (LLP) <input type="checkbox"/> Other (specify) _____			
If the entity is a corporation, is the worker an officer of the corporation? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If the entity is an LLC, is the worker a member of the LLC? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If the entity is an LLC, how is the LLC treated for federal income tax reporting purposes?			
<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation			

Wage & Hour Requirements

Minimum Wage, Overtime, Meals & Rest Periods

County of Santa Clara Minimum Wage by City/Town

Salario Mínimo del Condado de Santa Clara por Ciudad /Pueblo

Quận Hạt Santa Clara Mức Lương Tối Thiểu theo Thành Phố/Thị Trấn

聖塔克拉拉縣內各市/鎮最低工資

Minimum Wage ng County ng Santa Clara ayon sa Lungsod/Bayan

सांता क्लारा काउंटी शहर/नगर द्वारा न्यूनतम मजदूरी



City/Town	Effective Date	Hourly Rate of Pay
Cuidad/Pueblo Thành Phố/Thị Trấn 市/鎮 Lungsod/Bayan शहर/कस्बा	Fecha en que entra en efecto Có hiệu lực vào ngày 生效日期 Epektibong Petsa प्रभावी तिथि	Salario por hora Mức Lương Giờ 時薪 Rate ng Sahod kada Oras वेतन की प्रति घंटा दर
Mountain View	01/01/2024	\$18.75
Sunnyvale	01/01/2024	\$18.55
Palo Alto	01/01/2024	\$17.80
Cupertino		
Los Altos	01/01/2024	\$17.75
Santa Clara		
San José	01/01/2024	\$17.55
Milpitas	07/01/2023	\$17.20
All Other Areas	01/01/2024	\$16.00

Todas las demás áreas

Tất Cả Những Khu Vực Khác

所有其他地區

Lahat ng Iba pang Lugar

अन्य सभी क्षेत्र

Until June 30, 2024

hasta el 30 de junio de 2024

cho đến 30 Tháng sáu, 2024

有效至2024年6月30日

hanggang Hunyo 30, 2024

30 जून, 2024 तक

Questions? Call our free advice line:

Preguntas? Llame a nuestra línea de asesoramiento gratuito:

Có các câu hỏi? Gọi đường dây cố vấn miễn phí của chúng tôi:

有疑問嗎? 請洽免費諮詢專線:

May mga Katanungan? Tawagan ang aming libreng advance line:

सवाल? हमारी मुफ्त सलाह लाइन पर कॉल करें:

1-866-870-7725



OLSE
Office of Labor
Standards Enforcement

sccfairworkplace.org

Meal and Break Periods

(for Hourly/Non-exempt employees)

- Meal period required for minimum of 30 minutes - unpaid *(if working more than 5 hour shifts) preferably in the middle of shift*
- Meal period must be “**uninterrupted**” and employee must be relieved of “All duties” and permitted to leave premises, if possible
- If shift is scheduled for 6 hours, employer and employee can mutually agree to waive the meal period *(must be documented, pre-set for record keeping purposes)*
- If work period is more than 10 hours, a 2nd meal period is required to be provided
- Rest periods are 10 minutes per 4 hours of work, with no deduction of wages
- Exemptions of rest periods, if it will not impact welfare, or comfort of employee and create an undue hardship for employer, must be documented and mutually agreed upon *(Premium pay will still be required)*

Time Keeping Requirements

(for Hourly/Non-exempt employees)

- Clock in once work is starting, like when changing into uniforms or washing up (*travel time should be considered if work requires moving locations, for example farmers markets/trade shows*)
- Employee Meetings or having employees on “Stand by” or ON CALL is also hours worked (*for example: delivery drivers, that work for you etc. – minimum 1 hour of pay*)
- *Split shifts, common in restaurant industry, get paid an additional 1 hour pay of (highest minimum wage) for every split shift scheduled. Calculations are unique to each employee – please reach out separately for questions.*
- After 8 hours a day-employees are paid 1.5x; after 12 hours is 2x (*also on weekends in which it is their 7th consecutive day worked will be at 1.5x hourly pay and 2x hourly pay beyond 8 hours in day*)
- **Pay summaries should be provided as scheduled and indicate:**
 - **Gross wages (before taxes), rate of pay + hours worked**
 - **All deductions and pay period (CA paid sick leave taken and any PTO balances remaining as well, if applicable)**
 - **Name of company (not DBA), address, employee name, SSN, and DOB (if minor)**
- **Terminated employees if involuntary – need to get paid day of notice; Voluntary terminations will need pay within 72 hours of last day worked.**

Sample Pay Summary

(for Hourly/Non-exempt employees)

Pay Stub (Hourly)

California Labor Commissioner's Office

Pay stub (hourly)

SMITH AND COMPANY, INC. 123 West Street Smalltown, CA 98765			
EMPLOYEE Johnson, Bob	SOCIAL SECURITY NO. XXX-XX-6789	PAY RATE 18.00 regular 27.00 overtime	PAY PERIOD 1/7/XX to 1/13/XX
EARNINGS	HOURS	AMOUNT	DEDUCTIONS
Regular	40.00	720.00	Federal W/H
Overtime	2.00	54.00	FICA
GROSS EARNINGS:		774.00	Medicare
TOTAL DEDUCTED:		213.29	CA State W/H
NET EARNINGS:		560.71	CA State DI
SICK LEAVE:			401k
24.00 HOURS AVAILABLE			

Example itemized wage statement (pay stub) for a worker paid hourly.
As required by Labor Code section 226(a).

Leaves of Absences & Paid Time Off Requirements

CA Paid Sick Leave, CFRA, Disability Leave, Bereavement etc.

Mandatory Benefits

- CA Paid Sick Leave (now applies to all businesses regardless of size) **new in 2024!**
- **Option 1:** 1 hour for every 30 hours worked up to a maximum accrual of 80 hours
- **Option 2:** Lump sum of 40 hours every 12 months worked (after 30 day waiting period)
- Can be used for the following:
 1. Their own sickness, or health of spouse/domestic partner
 2. Use of child, sibling, grandparent or child (1/2 of annual accrual for care of family member) *includes “designated persons”*
 3. Victims of domestic violence, sexual assault, or stalking

AB2017 – Expanded Paid Sick Leave/Kin Care

Only the employee can designate when sick leave is used. Employers cannot choose on behalf of the employee.

Reminder about Paid Sick Leave

- **New in 2023** “*Designated persons*” can be reason for use of sick leave (i.e. aunts, nieces, godparents etc.)
- Options: 1 hour for every 30 hours worked up to max accrual of 80 hours OR lump 40 hours every 12 months
- Use for own health or spouse, domestic partner, child (any age), sibling, grandparent & grandchild
- Use at least ½ of annual accrual for care of family member



Leaves of Absences



Applies to all employers

- Family Medical Leave (FMLA)
- Pregnancy Disability Leave (CA PDL)
- Crime Victim's Leave/Time to Vote /Jury Duty/Military Service/Spouse Leave
- ***NEW in 2023 Bereavement Leave***



- ✓ Employee to give reasonable advance notice, if possible
- ✓ Employer can require written documentation (i.e., doctor's note or letter of treatment)
- ✓ Time off is unpaid, though employee can use accrued PTO/sick leave or process disability replacement pay (SDI) through the EDD (Employment Development Dept. of CA)
- ✓ Employers cannot retaliate (i.e., write up attendance, demote or fire)
- ✓ Must return employee to prior schedule, work duties, etc. (job-protection)

AB1949 – Mandatory Bereavement Leave

Applies to all employers



- Protected leave for employees with 5 or more
- Employee is eligible if they have been employed for at least 30 days prior to the start of their leave
- Qualifying family members are spouse, child, parent, parent-in-law, grandparent, domestic partner – ***NEW in 2024** -includes loss of a pregnancy qualifies as well.*

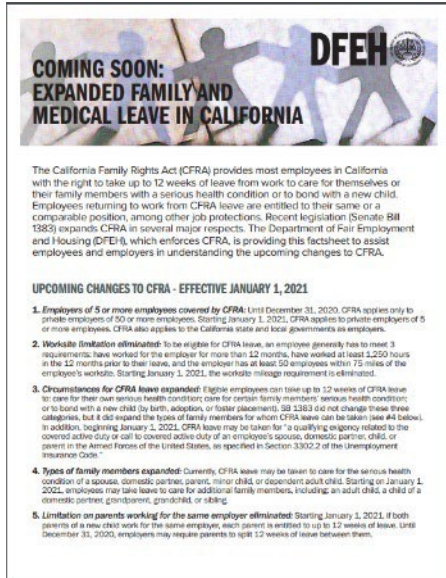


- ✓ Up to 5 days of leave do not need to be consecutive but need to be used within 3 months of the qualifying family member's (only direct family members) death.
- ✓ Employer can require written documentation, if there is abuse of policy (i.e. obituary, funeral program)
- ✓ Time off is unpaid, though employee can use accrued PTO/vacation leave, if applicable
- ✓ Employers must maintain confidentiality of leave

Calif Family & Medical Care Leave (CFRA) or CA Family Rights ACT

Key Considerations

- Expands the law to cover employers with **5+ workers**
- Employee must have worked for 12 months & at least 1,250 hours
- Can take 12 weeks of job-protected leave (unpaid)
- Employee can take leave for own serious health condition or family member's or birth, **adoption or foster placement of child or simply baby bonding with newborn child** ****New 2024 – fertility treatments**
- Family member = spouse, domestic partner, **child (any age)**, sibling, grandparent & grandchild, or "designated person"
- Employer **can request certification from medical provider**
- **Must be reinstated** to same or comparable position
- Lactation accommodations for nursing mothers



AB2992 – Expanded Crime Victim Leave

Applies to all employers



- Protected leave for employees who are victims of crimes that caused physical/mental injury & a threat of physical injury
- Protected leave for an employee whose immediate family member is deceased as a direct result of a crime
- Leave is to attend judicial proceedings related to the crime and/or proceedings involving victims' rights



- ✓ Employee to give reasonable advance notice, if possible
- ✓ Employer can require written documentation (i.e., police report or court orders, list of court dates for pre absence planning)
- ✓ Time off is unpaid, though employee can use accrued sick time/PTO or vacation
- ✓ Employers cannot retaliate (i.e., write up attendance, demote or fire)

Paid Time Off (PTO) in California



CA PAID SICK LEAVE

- Mandatory 40 hours of paid sick leave, if employee has worked at least 30 hours a week for a rolling 120 calendar days OR Accrual of up to 80 hrs, whichever method you decide to provide to your employees.
- Use it or lose it, does not need to get paid out at end of year.

VACATION

- No mandatory requirement for paid vacation time
- Vacation can be provided as paid or unpaid and must be applied consistently for all employees
- Employer can also offer an accrual system for vacation time (with a maximum cap if not used within calendar year)



LEAVE of ABSENCES

- Required Leaves of Absences (LOAs) are:
 - FMLA/CFRA
 - CA Pregnancy Leave (PDL)
 - Disability Leave
 - Domestic Abuse Leave
 - Bereavement (up to 5 days)
 - Military Service/Organ Donor Leave/Jury Duty*/Time to Vote
- Optional LOAs:
 - Holidays, Personal Leaves

Workplace Health & Safety Protocols

*Injury & Illness Prevention Plan (IIPP), & Workplace
Violence Prevention Plan (WVPP)*

IIPP: Injury & Illnesses Prevention Plan

https://www.dir.ca.gov/dosh/dosh_publications/iipp.pdf

Purpose of IIPP

- Commitment to Safety and Health
- Person(s) responsible for Safety & Health program is identified and encourages employees to report unsafe conditions
- Communication Plan, reduces risks, creates a productive and quality work environment

What is Included in IIPP:

- ✓ Workplace objectives for accident and illness prevention
- ✓ Responsibilities by both supervisors, managers, and employees for accountability
- ✓ Processes & Procedures for identifying, communicating, and investigating unsafe or unhealthy conditions, work practices or procedures
- ✓ Employee training, instructions, and recordkeeping

IIPP must be distributed to all employees and placed in common areas for review

Workplace Safety & Health (Cont'd)

<https://www.dir.ca.gov/dosh/>

Source: CDPH

- Keep 3 feet clearance in front of electrical panels. Replace damaged electrical cords and missing covers of electrical boxes.
- Keep aisles and exit route clear of obstructions. Keep floors clean, dry, and/or supply mats to prevent slippage. Clean up spills immediately and have signs
- Keep records and report immediately of injuries, illness, or death to Cal/OSHA. As well as provide insurance claims related to work injuries.
- Provide employees access to medical records if requested and POST the CAL/OSHA Safety and Health Protection poster
- **New for 2024:** Workplace Violence Prevention Plans (WVPP) includes processes and procedures regarding workplace violence matters, like reporting incidences, investigations, and planning for emergencies.



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Harassment Prevention Training

Applies to businesses with **5+ employees**

- ✓ Every 2 years training
- ✓ Provide training within **6 months of hire**
- ✓ Must train seasonal and temporary workers within 30 days or 100 hours worked
- ✓ Training can be online or live
- ✓ **Manager = 2 hours of training**
- ✓ Employees = 1 hour of training
- ✓ Must keep records to prove

<https://calcivilrights.ca.gov/shpt/>

Free policy and training resources from the CA Civil Rights (formerly, Dept. FEAH)

Hiring Minors

Comply with child labor laws: <https://www.dir.ca.gov/dlse/dlse-cl.htm>

Work Permit on File

- Complete Statement of Intent to Employ a Minor (Form B1-1)
- File Form B1-1 with the minor's school district
- Minor's school district completes and issues a *Permit to Employ and Work Form (B1-4)*

Minor's are defined:

- ✓ High-school dropouts
- ✓ Emancipated minors
- ✓ Minors who are not state residents, such as children who live out of state, with one parent during the school year and visit the other in California in the summer
- ✓ Children who work for their parents

Human Trafficking Posters required to be at door of establishment by certain industries https://www.dir.ca.gov/DLSE/Human_Trafficking_Notice.html

Hiring Minors

(Wage and Hour Division WHD of US Dept. of Labor - DOL)

- **Minimum wage: \$16 – or 85% of minimum wage** (first 30 days – 6 months)
- Minors under the age of 12 are ***not allowed*** to work except in entertainment industry (Hollywood) with specific permits from Labor Commissioner
- **Minors between the ages of 12 to 13 are only allowed to work on holidays and weekends** and ***cannot*** exceed 8 hours in a day and will require permits from school district and guardians – No more than 8 hours a week
- **Minors between the ages of 14 to 15 are allowed to work, no more than 3 hours on any school day, and/or 8 hours on any non-school day(s)** and no more than 18 hours per week - when school is in session. *No more than 40 hours per week when school is not in session (i.e. summer)*
- **Minors between the ages of 16 to 17 are allowed to work no more than 4 hours on any school day, and/or 8 hours on any non-school day(s)** and no more than 40 hours per week – when school is in session. *No more than 48 hours a week when school is not in session.*
- ***18 year olds who are still Seniors in HS still fall into the 16 and 17 year old category.***

NEW! AB1963 – Expanded Mandated Reporters

Expanded list of who must report

- Applies to businesses with **5+ employees**
- Reporters = any employee designated to accept complaints of misconduct & frontline supervisor with direct contact/supervision of minors
- Minor = person under age 18
- Employers **must receive training** about their duty to report + how to identify & report child abuse
- Free training by Office of Child Abuse Prevention
- **Proof** of employee notification & education is required



California mandated reporting easy steps...

What must be reported and how to report!

What Must be Reported

Any of the below acts involving anyone under the age of 18:

- Physical Abuse
- Emotional Abuse
- Sexual Abuse
- Neglect

The mandated reporter must only have **reasonable suspicion** that a child has been mistreated; no evidence or proof is required prior to making a report. The case will be further investigated by law enforcement and/or child welfare services.

How To Report



By Phone

Immediately, or as soon as possible, make a telephone report to child welfare services and/or to a Police or Sheriff's department.

1. Child Welfare Services Phone # _____
2. Police Department Phone # _____
3. Sheriff's Department Phone # _____



In Writing

Within 36 hours, a written report must be sent, faxed or submitted electronically. The written report should be completed on a state form called the 8572, which can be downloaded at: http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

Other Information

Safeguards for Mandated Reporters:

- The Child Abuse and Neglect Reporting Act (CANRA) states that the name of the mandated reporter is strictly confidential, although it is provided to investigative parties working on the case.
- Under state law, mandated reporters cannot be held liable in civil or criminal court when reporting as required; however, under federal law mandated reporters only have immunity for reports made in good faith.

Failure to report:

- Failure to report concerns of child abuse or neglect is considered a misdemeanor and is punishable in California by six months in jail and/or up to a \$1,000 fine.
- For the complete law and a list of mandated reporters refer to California Penal Codes 11164-11174.3.

OTHER Employer Responsibilities

- IRS Mileage Reimbursement Rate: Jan. 1, 2024 **\$0.67 cents/mile**
- Retention rewards: gas cards, cellphone stipends, & family meals
- Emergency Conditions – Employer cannot take adverse action for employees wanting to leave work
- Cannabis and the Workplace (*non-discrimination*)
- Reproductive and Health Decision Making Laws (*non-discrimination*)
- Restroom Access (for medical conditions)
- Retirement Program (CalSavers 1 or more employees, effective 1/2023, will not audit till 1/2025) <https://calsavers.com>

Any Final Questions?



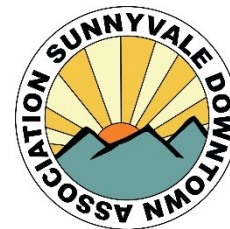
Resources

- OLSE: www.sccfairworkplace.org
- CAL/OSHA: www.dir.ca.gov/dosh
- Dept. of Fair Employment and Housing: CRD <https://calcivilrights.ca.gov/>
 - <https://calcivilrights.ca.gov/shpt/>
- Center for Disease Control & Prevention: <https://www.cdc.gov/niosh/>
- Santa Clara County Department of Health:
<https://publichealth.sccgov.org/home>
- CA Dept. of Health: <https://www.cdph.ca.gov/>
- CA EDD: www.edd.ca.gov
- IRS: <https://www.irs.gov/credits-deductions/businesses>
- CA Labor Commissioner's Office: www.dir.ca.gov/dlse
- US Dept. of Labor: www.dol.gov

Thank you.



OLSE
Office of Labor
Standards Enforcement
Division of Equity & Social Justice



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<https://www.accesssbdc.org/>

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