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NEW CALIFORNIA LAWS FOR 2015 THAT IMPACT EMPLOYERS!

You and your colleagues will learn the answers to the following:

- California's New Paid Sick Leave Law
- Harassment Prevention Training: Prevention of Abusive Conduct
- New Policies Regarding Background Checks
- New Policies Regarding Arbitration Agreements
- New Protections for Unpaid Interns and Volunteers
- New Protections for Undocumented Workers

January, 2015

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The attached material must not be considered legal advice. The sample forms and policies are for educational purposes only. We strongly recommend that you consult with legal counsel before adopting or implementing any of the attached sample forms and policies so as to avoid potential liability.

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NEW CALIFORNIA LAWS IN 2015 THAT AFFECT EMPLOYERS

All bills are effective January 1, 2015 unless otherwise stated.

Wage & Hour

AB 1522 – sick leave required for all employees.

The so-called “Healthy Workplaces, Healthy Families Act of 2014” requires all employers to provide employees sick days and is probably the widest-reaching change to employment law this year.

Steps to take: sick leave policies need to be updated if they do not already comply with the law, and every employer must have sick leave policies that satisfy the legal requirements by July 1, 2015.

AB 1897 – joint wage and hour liability when using staffing agencies.

Under this new law, generally, companies will be just as liable for wage-and-hour violations as staffing agencies. This bill requires companies (“client employers”) who use “labor contractors” to supply the company with workers who perform labor within the client employer’s usual course of business to share with the labor contractor all liability for payment of wages and failure to secure valid worker’s compensation insurance. The bill also prohibits shifting responsibility for complying with certain Cal-OSHA requirements to the labor contractor. The bill does, however, provide for both the company and labor contractor to seek any available lawful remedies against each other for liabilities caused by the other (i.e. indemnification,) so employers might still recover from the staffing agency if the staffing agency is at fault.

This bill does not apply to employers with less than 25 employees or employers who hire less than 5 employees using labor contractors. This bill does not apply to “labor contractors” who are nonprofits providing services to workers, labor organizations operating pursuant to collective bargaining agreements, or certain motion picture payroll companies.

Steps to take: companies who use staffing agencies should make sure those staffing agencies are complying with all wage and hour laws. Companies should also make sure contracts with the staffing agencies include strong indemnification language and, if the staffing agency provides the workers’ compensation insurance, proof of workers’ compensation coverage be provided to the employer on a regular basis.

Discrimination, Harassment and Retaliation

AB 1660 – prohibition of discrimination against employees with AB 60 driver’s licenses.

This bill prohibits employers from discriminating against workers who hold driver’s licenses issued to undocumented immigrants (which were previously authorized by AB 60 last year) and

makes amendments to the Fair Employment and Housing Act (“FEHA”) to that effect. Of course, the bill also states that it is not discriminatory for employers to take actions against workers if they are complying with federal immigration law, i.e. I-9 checks. The bill prohibits employers from requiring employees to present driver’s licenses, unless such a requirement is mandated by other laws or the employer is authorized by law to require driver’s licenses. Therefore, employers cannot demand that employees present driver’s licenses if other forms of identification can be used.

The bill also clarifies that business establishments cannot discriminate against individuals holding these driver’s licenses under the Unruh Act.

Steps to take: make sure your human resources staff and all employees responsible for hiring are aware of the changes, and consider including this new class of employees in your anti-discrimination policies.

AB 1443 – discrimination against interns, and volunteers.

The state has now expanded some of the state’s anti-discrimination and anti-harassment laws to protect unpaid interns and volunteers as well as employees. Specifically: unpaid interns and others in unpaid work experience programs cannot be discriminated against based on the same protected classes as employees (the same protections were previously available to apprentices); unpaid interns and volunteers are now protected from harassment; and unpaid interns, apprentices, and others in programs that provide unpaid work experience are entitled to religious accommodations and religious belief protections.

Steps to take: expand your existing discrimination and harassment policies to include unpaid interns, if you use interns.

AB 2053 – training on prevention of abusive conduct.

This bill requires employers to include training on the prevention of abusive conduct in their state mandated sexual harassment training. Abusive conduct is defined as conduct “that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests.” The bill lists as examples: “the use of derogatory remarks, insults, and epithets, verbal or physical conduct,” and “gratuitous sabotage or undermining of a person’s work performance.”

This is only a training requirement; it is not a legal prohibition against abusive conduct (except abusive conduct that is based on a protected class, which is already prohibited harassment).

Sexual harassment training is now also required for companies receiving the services of 50 or more persons providing services pursuant to a contract (i.e. companies who use 50 or more independent contractors.)

Steps to take: incorporate this new requirement into your sexual harassment training, or make sure your provider of sexual harassment training has incorporated it.

AB 1792 – discrimination against employees on public assistance.

This bill prohibits employment discrimination and retaliation against those receiving public assistance from Medi-Cal. It also prohibits employers from disclosing to anyone that an employee receives or is applying for public benefits, unless state or federal law allows the disclosure. The bill has several other provisions not applicable to employers.

Workplace violence

SB 1299 – workplace violence prevention in hospitals.

This new law requires hospitals to adopt workplace violence prevention plans. Cal-OSHA will implement standards, no later than July 1, 2016, that will require general acute care hospitals, acute psychiatric hospitals, and other types of hospitals to include workplace violence prevention, aimed at protecting employees from aggressive and violent behavior, as part of their injury and illness prevention plans. The term “workplace violence” will include the “use of physical force against a hospital employee by a patient or a person accompanying a patient that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress” and “an incident involving the use of a firearm or other dangerous weapon.” Cal-OSHA will post, starting January 1, 2017, reports of data regarding violent incidents at hospitals (without violating confidentiality laws).

The workplace violence protection plans will have to include annual education and training policies to direct care employees that teaches how to recognize potential for violence and when and how to seek assistance, a system for investigating incidents, a system for assessing factors that contribute to workplace violence, prohibitions against retaliating against employees who report incidents to law enforcement, and documentation requirements and reporting requirements to Cal-OHSA. This is not a comprehensive list of the requirements of the new law, and the standards to be issued by Cal-OSHA should set forth specific requirements for plans.

Some state-operated hospitals are exempt.

Steps to take: consult with counsel about satisfying the new requirements, and watch for the regulations to be issued by Cal-OHSA.

Leaves of Absence.

AB 2536 – leave for employees performing disaster response duties.

This bill expands the law prohibiting discrimination against employees who take time off to perform certain emergency duties. The law now also includes employees who take time off to participate in disaster medical response services sponsored by the state. Employees who are

health care providers (as defined in the statute) are required to notify their employers when they are designated as emergency rescue personnel.

Immigration and Foreign Labor

SB 477 – licensing and use of foreign labor contractors.

Effective July 1, 2016, this bill imposes new requirements on companies and individuals who solicit and recruit workers outside the United States (“foreign labor contractors”) and companies who use such services. Those foreign labor contractors now have to register with the California Labor Commissioner by July 1, 2016, satisfy new registration requirements, and post a bond. Employers will be prohibited from engaging the services of a foreign labor contractor that is not registered with the Labor Commissioner. Employers who use foreign labor contractors to recruit foreign workers will also have to disclose certain information to the Labor Commissioner. Foreign labor contractors will also be required to disclose certain information to the foreign workers they recruit, including visa information, costs to be charged to the foreign worker, training and education to be provided, and other information, and a signed copy of the work contract. The foreign labor contractor can only charge the foreign worker costs that are “customarily charged” to foreign workers and cannot charge them to the foreign worker before commencing work. Those disclosures must be filed with the Labor Commissioner as well. The foreign labor contractor cannot assess fees for its services to the foreign workers.

The law does not apply to employers who recruit foreign workers directly for their own use.

Steps to take: since it has several requirements, foreign labor contractors should consult counsel for assistance with complying with the new law.

AB 2751 – retaliation against immigrants.

This bill expands the definition of “unfair immigration-related practices” that the law already prohibits employers from taking against employees. The term now also includes “threatening to file or the filing of a false report or complaint with any state or federal agency.”

(A previously enacted law, AB 263 that became effective January 1, 2014, prohibited employers from retaliating against employees by engaging in the following unfair immigration-related practices: refusing to honor acceptable documents, or requiring different documents than the law requires, when performing I-9 employment verification checks, using the e-verify system in a way not explicitly authorized by federal law to check that workers’ immigration status, threatening to file or filing a false police report, threatening to contact immigration authorities, and reporting, or threatening to report, an employee’s suspected status as an undocumented worker to immigration authorities after that employee exercises employment-related rights.)

Farm Labor

SB 1087 – sexual harassment training and other new licensing requirements for farm labor contractors.

This bill allows the California Labor Commissioner to deny a license to, or revoke or suspend the license of, a farm labor contractor that has been found liable for sexual harassment by a court or administrative agency within the last three years, or employs any supervisory employee it knows or should have known was found liable for sexual harassment by a court or administrative agency within the last three years. It also imposes new requirements to obtain a farm labor contractor license, including the posting of a bond and the implementation of sexual harassment prevention training.

Steps to take: many of these requirements will become a part of the licensing process. For now, farm labor contractors subject to the law should take steps now, if they have not done so already to comply with existing law, to implement sexual harassment prevention training as follows: two hours each calendar year for supervisory employees, and for nonsupervisory employees, training in identifying, preventing, and reporting sexual harassment, at the time of hire and once every two years (the length of the training for nonsupervisory employees is not specified.)

Arbitration

AB 870 – public information about arbitrations.

Private arbitration companies will now be required to disclose certain information, on their website in a searchable format, about specific arbitrations they handle, including employment as well as other types. The information to be disclosed includes the name of the nonconsumer party (i.e. the employer), whether the nonconsumer party prevailed in arbitration, the number of arbitrations and mediations the nonconsumer party had with that agency, information about how and when each arbitration was initiated, and the disposition, amount of the claim or award, and other information about each arbitration. The fact that such information will be publicly available might be a consideration for employers considering using arbitration agreements with employees.

Mandatory Employer Compliance

Every CA employer having more than one employee must have a written sexual harassment prevention policy and distribute the pamphlet on Sexual Harassment or its equivalent.

Every CA employer must provide the form Notice to Employee pursuant to Labor Code Section 2810.5 for every non-exempt employee hired after January 1, 2012.

A new form became effective January 1, 2015, consistent with the effective date of July 1, 2015 for the Healthy Workplaces Healthy Families Act which requires CA employer to provide sick leave benefits. (Please see our website for our article on the issue).

Every CA employer must keep a record of actual hours worked, and meal periods must also be recorded for all non-exempt employees. The Meal and Rest Period Policy reflects CA law after the CA Supreme Court decision in Brinker.

The Semi-Monthly Time Sheet allows CA employers to comply with the recording of hours worked including the recording of meal periods. The statement at the end protects the employer from employees later claiming off the clock hours, unpaid overtime, missed rest period and missed meal periods.

Background Checks

AB 1650 – “Fair Chance Act” states that contractors submitting bids on public contracts cannot ask their laborers whether they have been convicted of a crime.

AB 1852 – Requires businesses that provide services to minors to provide written notice to parents stating the businesses’ practice related to background checks and what crimes they are looking for.

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT

(Poster may be printed on 8 ½" 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 wage rate. 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 of employment and may be capped at 48 hours or 6 days. However, subject to specified conditions, if an employer has a paid sick leave, paid leave or paid time off policy (PTO) 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 for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee 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/dlse/DistrictOffices.htm> using the [alphabetical listing of cities, locations, and communities](#). Staff is available in person and by telephone.

EMPLOYEE RELATIONS POLICY WITH ACKNOWLEDGMENT

A. POLICY AGAINST DISCRIMINATION.

_____ (the “Company”) is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the Company maintains a strict policy prohibiting unlawful discrimination. This policy applies to all employees of the Company, including supervisors and non-supervisory employees. The policy also, applies to non-employees of the Company including clients, customers, vendors and any other person doing business with the Company.

All aspects of employment with the Company will be governed on the basis of merit, competence and qualifications and will not be influenced in any manner by an individual's race, ancestry, color, religion (including religious dress and grooming practices), national origin, marital status, sex (including sexual harassment and gender identity), sexual orientation, disability (physical or mental including HIV/AIDS diagnosis), pregnancy (including breastfeeding and conditions related to breastfeeding), medical condition (cancer and genetic characteristics), age (40 or over), military and veteran status, or exercising the right to any legally provided leave of absence in the application of any policy, practice, rule or regulation.

All decisions made with respect to recruiting and hiring, evaluations and promotions for all job classifications will be based solely on individual qualifications as related to the requirements of the position. Likewise, all other personnel matters such as compensation, benefits, transfers, lay offs, training, educational opportunities and programs will be administered free from any illegal discriminatory practices.

B. POLICY AGAINST HARASSMENT, INCLUDING SEXUAL HARASSMENT.

The Company is also committed to providing a work environment that is free of harassment, including sexual harassment.

Sexual harassment includes:

1. Unwanted sexual advances;
2. Offering employment benefits in exchange for sexual favors;
3. Making or threatening reprisals after a negative response to sexual advances;
4. Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters;
5. Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes;

6. Verbal sexual advances or propositions;
7. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; and
8. Physical conduct: touching, assault, impeding or blocking movement.
9. Further, the Company prohibits abusive conduct ("bullying"): Any form of abusive conduct by an employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the Company's business interest.

C. COMPLAINT AND INVESTIGATION PROCEDURE.

Any form of discrimination or harassment, including sexual harassment, is absolutely prohibited. Any incident of possible discrimination or harassment should be brought immediately to the attention of the Human Resources Department of the Company which will thoroughly investigate the matter in confidence. After reviewing all the evidence, the Company will make a determination concerning whether reasonable grounds exist to believe that harassment has occurred.

Disciplinary action, up to and including discharge, will be taken against any employee who is found to have engaged in harassment.

No employee shall be subjected to any form of retaliation for reporting any violation of this policy truthfully and in good faith.

HARASSMENT BY NON-EMPLOYEES.

In addition, the Company will take all reasonable steps to prevent or eliminate sexual harassment by non-employees including customers, clients and suppliers who are likely to have workplace conduct with our employees.

EMPLOYEE RELATIONS POLICY ACKNOWLEDGMENT

I have read and received a copy of the Company's Employee Relations Policy, including the policies against discrimination and harassment, including sexual harassment, and fully understand my obligations and responsibilities as outlined therein.

Signed: _____

Date: _____

Witness: _____

Date: _____

POLÍTICA DE RELACIONES DE EMPLEADOS CON RECONOCIMIENTO

A. POLÍTICA CONTRA LA DISCRIMINACIÓN

_____ (la “Compañía”) está comprometida a proveer un ambiente libre de discriminación. Para cumplir con este compromiso, la Compañía mantiene una política estricta prohibiendo la discriminación ilegal. Esta política se aplica a todos los empleados de la Compañía, incluyendo supervisores y empleados que no son de supervisión. La política también se aplica a personas que no son empleadas por la Compañía, incluyendo clientes, suministradores y cualquier otra persona que tenga contacto de trabajo con la Compañía.

Todo aspecto de empleo con la Compañía será gobernado a base de mérito, aptitud y capacidades, y no será influenciado de ningún modo por raza, ascendencia, color, religión (incluyendo costumbres religiosas de vestimenta y arreglo personal), origen nacional, estado civil, sexo (incluyendo acoso sexual e identidad de género), embarazo (incluyendo lactancia materna y condiciones relacionadas a lactancia materna), orientación sexual, incapacidad (física o mental incluyendo diagnóstico de HIV/SIDA), condición médica (cáncer y características genéticas), edad (40 y mas), estado de militar y veterano, o por ejercer el derecho a cualquier permiso de ausencia legal en la aplicación de cualquier política, práctica, regla o regulación.

Todas las decisiones hechas acerca de reclutamiento y empleo, evaluaciones y promociones para todas las clasificaciones de trabajo serán basadas solamente en las capacidades individuales del empleado relacionadas a los requisitos de la posición. Igualmente, todos los demás asuntos del personal como compensación, beneficios, transferencias, despido temporal, entrenamiento, oportunidades y programas educativos serán administrados libres de cualquier práctica discriminatoria ilegal.

B. POLÍTICA CONTRA EL HOSTIGAMIENTO, INCLUYENDO ACOSO SEXUAL

La Compañía también está comprometida a proveer un ambiente de trabajo libre de hostigamiento, incluyendo acoso sexual.

Acoso sexual incluye:

1. Avances sexuales no deseados;
2. Ofrecer beneficios de empleo a cambio de favores sexuales;
3. Hacer o amenazar de represalias después de recibir una respuesta negativa a un avance sexual;
4. Conducta visual: mirada de reojo lasciva; hacer gestos sexuales; desplegar objetos o retratos, caricaturas o carteles sexualmente sugestivos;
5. Conducta verbal: hacer o usar comentarios, epítetos, calumnias o chistes derogatorios;
6. Avances o proposiciones sexuales verbales;

7. Abuso verbal de una manera sexual, comentarios gráficos verbales acerca del cuerpo de un individuo, palabras sexualmente degradantes usadas para describir a un individuo, cartas, notas o invitaciones obscenas o sugestivas;
8. Conducta física: tocar, asaltar, impedir u obstruir el movimiento; y
9. Además, la Compañía prohíbe conducta abusadora (“Intimidación”): Toda forma de conducta abusiva de parte de un empleado en el lugar de trabajo, con malicia, que una persona razonable encontraría hostil u ofensiva, y no es relacionada a un interés de la empresa.

C. **PROCEDIMIENTO DE QUEJA E INVESTIGACIÓN**

Cualquier tipo de discriminación u hostigamiento, incluyendo el acoso sexual, es absolutamente prohibido. Cualquier incidente de posible discriminación u hostigamiento debe ser presentado de inmediato a la atención del Director de Recursos Humanos quién investigará cuidadosamente el asunto en confianza. Después de revisar toda la evidencia, la Compañía determinará si existen motivos razonables que indiquen que el hostigamiento o acoso sexual ha ocurrido.

Acción disciplinaria, hasta e incluyendo despido del trabajo, será tomada en contra de cualquier empleado que se determine ha participado en hostigamiento o acoso sexual.

Ningún empleado será sujeto a alguna forma de represalia por reportar honestamente y en buena fe cualquier violación de esta política.

HOSTIGAMIENTO O ACOSO DE PARTE DE NO-EMPLEADOS

Adicionalmente, la Compañía tomará todos los pasos razonables para prevenir o eliminar el hostigamiento o acoso sexual de parte de personas que no son empleadas por la Compañía, incluyendo clientes y suministradores quienes tengan contacto de trabajo con nuestros empleados.

RECONOCIMIENTO DE LA POLÍTICA DE RELACIONES DE EMPLEADOS

Yo he recibido y leído una copia de la Política de Relaciones de Empleados de la Compañía, incluyendo la política en contra de la discriminación y el hostigamiento, incluyendo el acoso sexual, y entiendo completamente mis obligaciones y responsabilidades bajo esta política.

Firma: _____

Fecha: _____

Testigo: _____

Fecha: _____

The definition of sexual harassment includes many forms of offensive behavior.



- such as a lead, supervisor, manager or agent;
- the employer had no knowledge of the harassment;
- there was a program to prevent harassment; and
- once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

Filing a Complaint

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes.

If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed by DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the involved employer



Department of Fair Employment and Housing

Sexual Harassment

The Facts About Sexual Harassment

The *Fair Employment and Housing Act* (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see publication DFEH-159 "Guide for Complainants and Respondents."

For more information, contact DFEH toll free at **(800) 884-1684**

Sacramento area & out-of-state at **(916) 478-7200**
TTY number at **(800) 700-2320**
or visit our Web site at **www.dfeh.ca.gov**

In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH at the numbers above.



State of California

Department of Fair Employment & Housing

DFEH-185 (11/07)

The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence.



Employers' Obligations

All employers must take the following actions against harassment:

- Take all reasonable steps to prevent discrimination and harassment from occurring. If harassment does occur, take effective action to stop any further harassment and to correct any effects of the harassment.
- Develop and implement a sexual harassment prevention policy with a procedure for employees to make complaints and for the employer to investigate complaints. Policies should include provisions to:
 - Fully inform the complainant of his/her rights and any obligations to secure those rights.
 - Fully and effectively investigate. The investigation must be thorough, objective, and complete. Anyone with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser and, as appropriate, to all others directly concerned.
 - Take prompt and effective corrective action if the harassment allegations are proven. The employer must take appropriate action to stop the harassment and ensure it will not continue. The employer must also communicate to the com-

plainant that action has been taken to stop the harassment from recurring. Finally, appropriate steps must be taken to remedy the complainant's damages, if any.

- Post the Department of Fair Employment and Housing (DFEH) employment poster (DFEH - 162) in the workplace (available through the DFEH publications line [916] 478-7201 or Web site).
- Distribute an information sheet on sexual harassment to all employees. An employer may either distribute this pamphlet (DFEH 185) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.**
- All employees should be made aware of the seriousness of violations of the sexual harassment policy and must be cautioned against using peer pressure to discourage harassment victims from complaining.
- Employers who do business in California and employ 50 or more part-time or full-time employees must provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

- A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way for an employer to avoid or limit liability if harassment should occur despite preventive efforts.

Employer Liability

All employers, regardless of the number of employees, are covered by the harassment section of the FEHA.

Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, the law requires employers to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a **non-employee** (e.g. client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be held liable for the actions of the non-employee.

An employer might avoid liability if

- the harasser is not in a position of authority,

- El acosador no tenía un puesto de autoridad, como por ejemplo supervisor, jefe, gerente o agente;
- El empleador desconocía el acto de acoso;
- En su empresa existía un programa de prevención de acoso; y
- Una vez que tuvo conocimiento del acto de acoso, el empleador tomó medidas inmediatas para eliminarlo.

Interposición de una Queja

Los trabajadores o los postulantes a un empleo que crean haber sido víctimas de acoso sexual, pueden presentar una queja por discriminación ante DFEH dentro de **un año** a partir de la fecha en que ocurrió dicho acto.

La función de DFEH es ser un investigador neutral de los hechos ocurridos y trata de asesorar a las partes a que resuelvan su disputa en forma voluntaria. Si no se puede llegar a un acuerdo voluntario, y existen pruebas que señalan que se ha quebrantado la ley, DFEH puede emitir una acusación y litigar el caso ante la Comisión de Igualdad en el Empleo y la Vivienda, o en un tribunal civil.

Si la Comisión falla que la discriminación ha ocurrido, puede ordenar soluciones que pueden incluir:

- De cada empleador o persona que violó la ley, multas o pago de compensaciones por el sufrimiento emocional causado;
- El emplear o restituir al puesto a la persona contra quien se discriminó;
- El pago de sueldos perdidos o el ascenso;
- Cambios en las políticas o reglamentos de la empresa.

Los empleados también pueden entablar una demanda de propia cuenta en una corte civil después de

haber interpuesto una queja con DFEH y de haber recibido la Notificación del Derecho a Querrelarse.

Para más información, vea la publicación de DFEH 159, "Guía para los Denunciantes y los Demandados."

Para recibir información adicional, comuníquese con DFEH al número sin cargo **(800) 884-1684** área de Sacramento y fuera del Estado al **(916) 478-7200** número TTY **(800) 700-2320** o visite nuestro sitio en la red: **www.dfeh.ca.gov**

De acuerdo con el Código de Gobierno de California y los requisitos de la Ley de Americanos con Discapacidades, esta información está disponible en Braille, letra grande, disco de computadora y cassette como una acomodación razonable para personas con discapacidades. Para informarse de como puede recibir una copia de esta información en un formato alternativo, por favor comuníquese con el departamento a los números que se indican anteriormente.



State of California

Department of Fair Employment & Housing

DFEH-185S (11/07)

Acoso Sexual

La Realidad Acerca del Acoso Sexual

La *Ley de Igualdad en el Empleo y la Vivienda* (FEHA) define el acoso sexual como un acto que se basa en el sexo, o de índole sexual; acoso debido al sexo del individuo; y acoso debido a embarazo, nacimiento, o estado de salud relacionados con los mismos. La definición de acoso sexual incluye muchas formas de conducta ofensiva, incluyendo el acoso a una persona del mismo sexo que el del acosador. Lo que se indica a continuación es una lista parcial de las distintas clases de acoso sexual:

- Insinuaciones de índole sexual indeseadas
- Ofrecimiento de beneficios de empleo a cambio de favores sexuales
- Represalia o amenaza de represalias
- Miradas lascivas, gestos de tipo sexual, o mostrar objetos insinuantes, como fotografías, caricaturas, o posters
- Hacer comentarios que menosprecian a una persona, usar palabras soeces, comentarios insinuantes o bromas del mismo tipo
- Comentarios de índole sexual, incluyendo comentarios gráficos acerca del cuerpo de una persona, usando palabras degradantes para describir a un individuo, cartas insinuantes u obscenas, mensajes o invitaciones.
- Manoseo o agresión física, como también el bloquear o impedir el movimiento de una persona



Obligaciones de los Empleadores

Todos los empleadores deben adoptar las siguientes medidas contra el acoso sexual:

- Aplicar todas las medidas necesarias en la prevención de la discriminación y acoso. En el caso que se cometa un acto de acoso: tomar acción efectiva para impedir cualquier otro acto de acoso en el futuro, como también corregir cualquier consecuencia derivada del mismo.
- Desarrollar e implementar una política de prevención de acoso sexual proporcionando un mecanismo para que los trabajadores puedan presentar los reclamos y para que el empleador pueda investigar las quejas. Estas políticas deberían incluir disposiciones para:
- Informar al reclamante de sus derechos y de cualquier otra medida a adoptar para preservar aquellos derechos.
- Realizar una investigación completa y efectiva. Se deberá realizar las indagaciones correspondientes con todas las personas que posean información al respecto. Se debe llegar a una determinación y comunicar los resultados de las misma al reclamante, al presunto acosador, y si es apropiado, a todos aquellos involucrados directamente en el asunto.
- Si el acoso sexual es comprobado, se debe adoptar de inmediato y sin demora una medida correctiva. El empleador debe tomar medidas apropiadas para parar el acoso y asegurarse de que no continúe. El empleador también le

debe informar al denunciante sobre las acciones que se han tomado para que el acoso no vuelva a ocurrir. Finalmente, se deben tomar medidas para remediar las pérdidas o daños incurridos por el denunciante, si los hubiera.

- Colocar el poster (DFEH 162) del Departamento de Igualdad en el Empleo y la Vivienda (Department of Fair Employment and Housing [DFEH]) en el lugar de trabajo (disponible a través del número de publicaciones de DFEH [916] 478-7201 o el sitio en la red).
- Distribuir entre todos los trabajadores un folleto informativo acerca del acoso sexual. El empleador puede distribuir este panfleto (DFEH 185) o imprimir un documento equivalente que cumpla con los requisitos dispuestos por el artículo 12950(b) del Código del Gobierno. **Este folleto puede ser duplicado tantas veces como sea necesario. Sin embargo, este panfleto no puede ser utilizado en reemplazo de la política de prevención del acoso sexual, que todos los empleadores deben tener.**
- Se deberá informar a todos los trabajadores acerca de la gravedad del incumplimiento de la política de acoso sexual. Se deberá educar al personal de supervisores acerca de sus responsabilidades específicas en esta materia. Se debe advertir a todos los trabajadores de las consecuencias a que se exponen si presionan a sus compañeros para disuadirlos de presentar una queja.
- La ley no sólo dispone que se implemente un programa para eliminar el acoso sexual en el lugar de empleo, sino que es la vía más práctica del empleador para así evitar o limitar la responsabilidad civil si el acoso sexual ocurre a

pesar de las medidas de prevención implementadas.

Responsabilidad Civil del Empleador

Todos los empleadores, sin tomar en cuenta el número de trabajadores en sus empresas, están incluidos en la sección de acoso sexual dispuesta por FEHA. En general, los empleadores son responsables por los actos de acoso cometidos por sus supervisores o agentes. Los acosadores, incluyendo el personal de supervisión o personal sin responsabilidades de supervisión, pueden exponerse a que se les haga responsables por el acoso a un trabajador(a) o compañero(a) de trabajo o por ayudar e incitar en un acto de acoso sexual.

Además, la ley dispone que los empleadores adopten “todas las medidas necesarias para prevenir que ocurra el acoso sexual.” Si un empleador no ha cumplido con aplicar estas medidas preventivas, se le puede hacer responsable por el acto de acoso. Asimismo, una víctima podría tener el derecho de que se le compense por los daños contra su persona, aunque no se le haya negado una oportunidad de trabajo y aunque la víctima no haya sufrido ninguna pérdida en sus ingresos o beneficios.

Además, si un empleador sabe o debería haber sabido que una persona que no pertenece al personal de su empresa ha acosado sexualmente a un trabajador, un postulante a un empleo, o a un individuo que proporciona servicios a su empresa, y dicho empleador no cumple con tomar una medida correctiva adecuada e inmediata, se le podría hacer responsable por el acto de acoso sexual.

Un empleador podría evitar la responsabilidad civil en el caso que:

NOTICES TO POST

Employers are required to have posted in an area accessible and conspicuous to all employees the notices outlined in the following listing. The notices are required by both state and federal regulations.

You may obtain copies of these required notices from the local offices of the state and federal government. However, please do not rely on any advice or information which anyone at these various agencies provide to you concerning compliance with laws and regulations without also obtaining the advice of a labor attorney. The information provided by these agencies may not be accurate legal advice.

1. California Industrial Welfare Commission Orders 1 through 17 to be updated each time there is a revision or on January 1st of each new year;
2. Federal minimum wage and maximum hours [U.S. Department of Labor];
3. California minimum wage [Division of Labor Standards Enforcement];
4. California Department of Fair Employment and Housing Notice entitled “Discrimination in Employment is Prohibited by Law” [Department of Fair Employment and Housing];
5. Federal Equal Employment Opportunity Commission Notice [Equal Employment Opportunity Commission];
6. The Federal Age Discrimination in Employment Notice [Equal Employment Opportunity Commission];
7. Each employer must post a notice of the regular payday and the time and place of payment. [Division of Labor Standards and Enforcement];
8. Every employer is required to post a notice identifying the current workers’ compensation insurance carrier or other entity that is responsible for claims adjustment. [Obtain from your workers’ compensation insurance carrier];
9. Each employer must post in a conspicuous place the following pursuant to California Administrative Code Section 9883:

“Your employer or its insurance carrier may not be liable for the payment of Workers’ Compensation benefits for any injury which arises out of an employee’s voluntary participation in any off-duty recreational, social or athletic activity which is not part of the employee’s work related duties.”

10. Each employer must post California notices concerning unemployment insurance and disability insurance (Form DE1857A Rev. 28) and advise employees of their rights by distributing a pamphlet entitled “Disability Insurance Provisions” (Form DE2515). [California Employment Development Department–check phone book for local office]
11. Each employer must post at least ten (10) days before a statewide election a notice regarding time off for voting;
12. Each employer must post the notice regarding the Employee Polygraph Protection Act issued by the Wage and Hour Division of the United States Department of Labor [U.S. Department of Labor];
13. Every employer must post the notice entitled, “Safety and Health Protection on the Job.” [U.S. Department of Labor];
14. The State of California requires employers to post warning notices pursuant to Proposition 65 and the Health and Safety Code whenever a business “exposes” someone to chemicals known to cause cancer or reproductive harm. [California Health and Safety Code];
15. Each employer must post the notice concerning the Americans with Disabilities Act (ADA). [Equal Employment Opportunity Commission];
16. Each employer must post the amended poster prepared by the Department of Fair Employment and Housing which provides information relating to the illegality of sexual harassment. [Department of Fair Employment and Housing];
17. Each employer must post the notice entitled, “Whistle Blower Rights and Responsibilities.” [California Labor Code Section 1102.5];
18. Each employer must post the notice regarding the California Paid Family Leave Act (Notice effective 7/1/04). [Employment Development Department];
19. Emergency phone numbers [Title 8, California Code of Regulations, Construction Safety Orders section 1512];
20. No smoking signage [Labor Code Section 6404.5(c)(1).
21. Log and summary of occupational injuries and illnesses [Title 8, California Code of Regulations, Division of Labor Statistics and Research Sections 14300 et seq.];
22. California pregnancy disability leave, DFEH notice A;
23. Federal and state family and medical leave, CFRA DFEH notice B and FMLA U.S. Department of Labor form WH 1420.

PLEASE SEE CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS WEB SITE AT WWW.DIR.CA.GOV/WP TO ORDER MOST OF THE ABOVE NOTICES ON LINE, E-MAIL OR FAX.

U.S. DEPARTMENT OF LABOR
300 So. Glendale Avenue, Suite 400
Glendale, California 91205

(818) 240-5274

CALIFORNIA DEPARTMENT OF FAIR
EMPLOYMENT & HOUSING
611 West Sixth Street, Suite 1500
Los Angeles, California 90017

(213) 439-6799

DIVISION OF LABOR STANDARDS
ENFORCEMENT
320 West Fourth Street, Suite 450
Los Angeles, California 90013

(213) 620-6330

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Roybal Federal Building
255 East Temple Street, 14th Floor
Los Angeles, California 90012

(213) 894-1000

CALIFORNIA CHAMBER OF COMMERCE
May be of assistance in obtaining some of the
above notices.

(800) 331-8877

NEW HIRE CHECKLIST

The following items must be signed and contained in every new hire employee packet. If a document does not apply, please write N/A. Please initial that the document has been presented to the employee and signed.

Employment Application (completed, dated and signed by applicant)	(Optional)	_____
Labor Code Section 2810.5 for New Hires	(Mandatory)	_____
Post-Hire Employee Data Sheet	(Optional)	_____
Federal Form W-4 - Employee Withholding Allowance	(Mandatory)	_____
California State Form DE-4 Employees Withholding Allowance Certificate	(Mandatory)	_____
I-9 Form - (completed by applicant and company representative)	(Mandatory)	_____
Voluntary Information Form	(Optional)	_____
Authorization to obtain Investigative Report	(Optional)	_____
Notification of Request for Investigative Consumer Report	(Optional)	_____
Summary of Rights Under the Fair Credit Reporting Act	(Optional)	_____
Workers' Compensation Benefits Statement and Physician Election Form (English and Spanish/Acknowledgment)	(Mandatory)	_____
State Disability Insurance Booklet-DE 2515 (English/Spanish)	(Mandatory)	_____
EDD For Your Benefit Booklet-DE 2320 (English)	(Mandatory)	_____
Family Care and Medical Leave and Pregnancy Disability Leave (DFEH Notice B) (State)	(Optional)	_____
Family and Medical Leave Act of 1993 (Federal)	(Optional)	_____
California Paid Family Leave-DE2511 (English and Spanish)	(Mandatory)	_____
Department of Fair Employment and Housing Sexual Harassment Pamphlet (English and Spanish)	(Mandatory)	_____
Employee Relations Policy with Acknowledgment (English & Spanish)	(Mandatory)	_____
Company's Drug and Alcohol Policy with Acknowledgment	(Optional)	_____
Sample Meal and Rest Period Policy	(Optional)	_____
Sample Timesheet	(Optional)	_____
Employee Handbook (Company handbook)	(Optional)	_____
Employee Statement Re: Acknowledgment of Receipt of Handbook	(Optional)	_____
Insurance Premium Authorization	(Optional)	_____
Unearned Vacation Agreement	(Optional)	_____
Supplies/Uniform Cost Authorization	(Optional)	_____
Acknowledgment of Receipt of Mandatory Documents	(Optional)	_____

Date: _____

By: _____
Supervisor's Signature

Date: _____

By: _____
Employee Signature

EMPLOYMENT APPLICATION

GENERAL DATA

Last Name		First Name		Middle Name	
Have you ever used another name? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If yes, please specify for purposes of a reference check:					
Present Address		Number		Street	
				City	
				State	
				Zip Code	
Years at Above Address			Home Telephone Number		
			()		
Position Applying For				Date of Application	
Full Time or Part Time			Shift or Hours Preferred		
Drivers License Number (if applicable)			Expiration Date		

If employed in the position for which you have applied, would you be in a supervisory or subordinate relationship to any relative of your household? ☐ Yes ☐ No

PERSONAL DATA

Person to notify in case of an Emergency:		Name		Home Telephone Number	
				()	
Present Address		Number		Street	
				City	
				State	
				Zip Code	
<i>How did you learn of this job opening?</i>					
<input type="checkbox"/> Advertisement		<input type="checkbox"/> Friend		<input type="checkbox"/> Walk-In	
<input type="checkbox"/> Employment Agency		<input type="checkbox"/> Relative		<input type="checkbox"/> Other _____	
List membership in professional organizations which you feel would enhance your application. You may exclude any whose names would indicate the race, religious creed, color, national origin, or ancestry of its members.					

WORK EXPERIENCE

Last/Present Employer	Length of Service (Dates)		Duties Performed
Address	<u>Start</u>	<u>Leave</u>	
Telephone Number(s)			
Supervisor's Name and Position	Hourly Rate/Salary		
Your Job Title	<u>Starting</u>	<u>Final</u>	
Reason For Leaving			
May we contact now? __ Yes __ No (If still employed)			
Employer	Length of Service (Dates)		Duties Performed
Address	<u>Start</u>	<u>Leave</u>	
Telephone Number(s)			
Supervisor's Name and Position	Hourly Rate/Salary		
Your Job Title	<u>Starting</u>	<u>Final</u>	
Reason For Leaving			
May we contact now? __ Yes __ No (If still employed)			
Employer	Length of Service (Dates)		Duties Performed
Address	<u>Start</u>	<u>Leave</u>	
Telephone Number(s)			
Supervisor's Name and Position	Hourly Rate/Salary		
Your Job Title	<u>Starting</u>	<u>Final</u>	
Reason For Leaving			
May we contact now? __ Yes __ No (If still employed)			

APPLICANT'S STATEMENT

I hereby certify that I have been informed of the duties, the hours and days of work of the position for which I am applying, and that the information on this application is correct and complete to the best of my knowledge.

I agree to have any of the statements checked by the Company unless I have indicated to the contrary. Further, I understand that falsification or omission of any material information on this application, if I receive a job offer may be considered sufficient cause for immediate termination. I agree that if employed, I will abide by all policies and procedures established by the employer.

I hereby acknowledge that my employment is "at-will," that I may resign at any time and the Company may terminate my employment at any time, with or without cause, and with or without notice, that any assurances of continued employment, whether written, oral or by conduct, shall not be interpreted as changing the nature of the employment relationship unless specifically acknowledged in writing by the President of the Company.

By:

Signature of Applicant

Date

FOR COMPANY USE ONLY

Interviewed: ☐ Yes ☐ No

Remarks: _____

Employed: ☐ Yes ☐ No

Starting Date: _____

Job Title: _____

Salary: _____

Dept: _____

By:

Name and Title

Date

(Revised 11-16-07)

NOTICE TO EMPLOYEE
Labor Code section 2810.5

EMPLOYEE

Employee Name: _____

Start Date: _____

EMPLOYER

Legal Name of Hiring Employer: _____

Is hiring employer a staffing agency/business (e.g., Temporary Services Agency; Employee Leasing Company; or Professional Employer Organization [PEO])? ☐ Yes ☐ No

Other Names Hiring Employer is "doing business as" (if applicable):

Physical Address of Hiring Employer's Main Office:

Hiring Employer's Mailing Address (if different than above):

Hiring Employer's Telephone Number: _____

If the hiring employer is a staffing agency/business (above box checked "Yes"), the following is the other entity for whom this employee will perform work:

Name: _____

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): _____

Does a written agreement exist providing the rate(s) of pay? (check box) ☐ Yes ☐ No

If yes, are all rate(s) of pay and bases thereof contained in that written agreement? ☐ Yes ☐ No

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

(If the employee has signed the acknowledgment of receipt below, it 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.)

Regular Payday: _____

WORKER'S COMPENSATION

Insurance Carrier's Name: _____

Address: _____

Telephone Number: _____

Policy No.: _____

☐ Self-Insured (Labor Code 3700) and Certificate Number for Consent to Self-Insure: _____**PAID SICK LEAVE**

Unless exempt, the employee identified on this notice is entitled to minimum requirements for paid sick leave under state law which provides that an employee:

- a. May accrue paid sick leave and may request and use up to 3 days or 24 hours of accrued paid sick leave per year;
- b. May not be terminated or retaliated against for using or requesting the use of accrued paid sick leave; and
- c. Has the right to file a complaint against an employer who retaliates or discriminates against an employee for
 - 1. requesting or using accrued sick days;
 - 2. attempting to exercise the right to use accrued paid sick days;
 - 3. filing a complaint or alleging a violation of Article 1.5 section 245 et seq. of the California Labor Code;
 - 4. cooperating in an investigation or prosecution of an alleged violation of this Article or opposing any policy or practice or act that is prohibited by Article 1.5 section 245 et seq. of the California Labor Code.

The following applies to the employee identified on this notice: (Check one box)

- ☐ 1. Accrues paid sick leave only pursuant to the minimum requirements stated in Labor Code §245 et seq. with no other employer policy providing additional or different terms for accrual and use of paid sick leave.
- ☐ 2. Accrues paid sick leave pursuant to the employer's policy which satisfies or exceeds the accrual, carryover, and use requirements of Labor Code §246.
- ☐ 3. Employer provides no less than 24 hours (or 3 days) of paid sick leave at the beginning of each 12-month period.
- ☐ 4. The employee is exempt from paid sick leave protection by Labor Code §245.5. (State exemption and specific subsection for exemption): _____

ACKNOWLEDGEMENT OF RECEIPT

(Optional)

(PRINT NAME of Employer representative)_____
(PRINT NAME of Employee)_____
(SIGNATURE of Employer Representative)_____
(SIGNATURE of Employee)_____
(Date)_____
(Date)

The employee's signature on this notice merely constitutes acknowledgement of receipt.

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.



Instructions for Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS

Form I-9

OMB No. 1615-0047

Expires 03/31/2016

Read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any work-authorized individual in hiring, discharge, recruitment or referral for a fee, or in the employment eligibility verification (Form I-9 and E-Verify) process based on that individual's citizenship status, immigration status or national origin. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at 1-800-255-7688 (employees), 1-800-255-8155 (employers), or 1-800-237-2515 (TDD), or visit www.justice.gov/crt/about/osc.

What Is the Purpose of This Form?

Employers must complete Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 6, 1986, to work in the United States. In the Commonwealth of the Northern Mariana Islands (CNMI), employers must complete Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 27, 2011. Employers should have used Form I-9 CNMI between November 28, 2009 and November 27, 2011.

General Instructions

Employers are responsible for completing and retaining Form I-9. For the purpose of completing this form, the term "employer" means all employers, including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors.

Form I-9 is made up of three sections. Employers may be fined if the form is not complete. Employers are responsible for retaining completed forms. Do not mail completed forms to U.S. Citizenship and Immigration Services (USCIS) or Immigration and Customs Enforcement (ICE).

Section 1. Employee Information and Attestation

Newly hired employees must complete and sign Section 1 of Form I-9 **no later than the first day of employment**. Section 1 should never be completed before the employee has accepted a job offer.

Provide the following information to complete Section 1:

Name: Provide your full legal last name, first name, and middle initial. Your last name is your family name or surname. If you have two last names or a hyphenated last name, include both names in the last name field. Your first name is your given name. Your middle initial is the first letter of your second given name, or the first letter of your middle name, if any.

Other names used: Provide all other names used, if any (including maiden name). If you have had no other legal names, write "N/A."

Address: Provide the address where you currently live, including Street Number and Name, Apartment Number (if applicable), City, State, and Zip Code. Do not provide a post office box address (P.O. Box). Only border commuters from Canada or Mexico may use an international address in this field.

Date of Birth: Provide your date of birth in the mm/dd/yyyy format. For example, January 23, 1950, should be written as 01/23/1950.

U.S. Social Security Number: Provide your 9-digit Social Security number. Providing your Social Security number is voluntary. However, if your employer participates in E-Verify, you must provide your Social Security number.

E-mail Address and Telephone Number (Optional): You may provide your e-mail address and telephone number. Department of Homeland Security (DHS) may contact you if DHS learns of a potential mismatch between the information provided and the information in DHS or Social Security Administration (SSA) records. You may write "N/A" if you choose not to provide this information.

All employees must attest in Section 1, under penalty of perjury, to their citizenship or immigration status by checking one of the following four boxes provided on the form:

1. **A citizen of the United States**
2. **A noncitizen national of the United States:** Noncitizen nationals of the United States are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.
3. **A lawful permanent resident:** A lawful permanent resident is any person who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant. The term "lawful permanent resident" includes conditional residents. If you check this box, write either your Alien Registration Number (A-Number) or USCIS Number in the field next to your selection. At this time, the USCIS Number is the same as the A-Number without the "A" prefix.
4. **An alien authorized to work:** If you are not a citizen or national of the United States or a lawful permanent resident, but are authorized to work in the United States, check this box.

If you check this box:

- a. Record the date that your employment authorization expires, if any. Aliens whose employment authorization does not expire, such as refugees, asylees, and certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau, may write "N/A" on this line.
- b. Next, enter your Alien Registration Number (A-Number)/USCIS Number. At this time, the USCIS Number is the same as your A-Number without the "A" prefix. If you have not received an A-Number/USCIS Number, record your Admission Number. You can find your Admission Number on Form I-94, "Arrival-Departure Record," or as directed by USCIS or U.S. Customs and Border Protection (CBP).
 - (1) If you obtained your admission number from CBP in connection with your arrival in the United States, then also record information about the foreign passport you used to enter the United States (number and country of issuance).
 - (2) If you obtained your admission number from USCIS *within the United States*, or you entered the United States without a foreign passport, you must write "N/A" in the Foreign Passport Number and Country of Issuance fields.

Sign your name in the "Signature of Employee" block and record the date you completed and signed Section 1. By signing and dating this form, you attest that the citizenship or immigration status you selected is correct and that you are aware that you may be imprisoned and/or fined for making false statements or using false documentation when completing this form. To fully complete this form, you must present to your employer documentation that establishes your identity and employment authorization. Choose which documents to present from the Lists of Acceptable Documents, found on the last page of this form. You must present this documentation no later than the third day after beginning employment, although you may present the required documentation before this date.

Preparer and/or Translator Certification

The Preparer and/or Translator Certification must be completed if the employee requires assistance to complete Section 1 (e.g., the employee needs the instructions or responses translated, someone other than the employee fills out the information blocks, or someone with disabilities needs additional assistance). The employee must still sign Section 1.

Minors and Certain Employees with Disabilities (Special Placement)

Parents or legal guardians assisting minors (individuals under 18) and certain employees with disabilities should review the guidelines in the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)* on www.uscis.gov/I-9Central before completing Section 1. These individuals have special procedures for establishing identity if they cannot present an identity document for Form I-9. The special procedures include (1) the parent or legal guardian filling out Section 1 and writing "minor under age 18" or "special placement," whichever applies, in the employee signature block; and (2) the employer writing "minor under age 18" or "special placement" under List B in Section 2.

Section 2. Employer or Authorized Representative Review and Verification

Before completing Section 2, employers must ensure that Section 1 is completed properly and on time. Employers may not ask an individual to complete Section 1 before he or she has accepted a job offer.

Employers or their authorized representative must complete Section 2 by examining evidence of identity and employment authorization within 3 business days of the employee's first day of employment. For example, if an employee begins employment on Monday, the employer must complete Section 2 by Thursday of that week. However, if an employer hires an individual for less than 3 business days, Section 2 must be completed no later than the first day of employment. An employer may complete Form I-9 before the first day of employment if the employer has offered the individual a job and the individual has accepted.

Employers cannot specify which document(s) employees may present from the Lists of Acceptable Documents, found on the last page of Form I-9, to establish identity and employment authorization. Employees must present one selection from List A **OR** a combination of one selection from List B and one selection from List C. List A contains documents that show both identity and employment authorization. Some List A documents are combination documents. The employee must present combination documents together to be considered a List A document. For example, a foreign passport and a Form I-94 containing an endorsement of the alien's nonimmigrant status must be presented together to be considered a List A document. List B contains documents that show identity only, and List C contains documents that show employment authorization only. If an employee presents a List A document, he or she should **not** present a List B and List C document, and vice versa. If an employer participates in E-Verify, the List B document must include a photograph.

In the field below the Section 2 introduction, employers must enter the last name, first name and middle initial, if any, that the employee entered in Section 1. This will help to identify the pages of the form should they get separated.

Employers or their authorized representative must:

1. Physically examine each original document the employee presents to determine if it reasonably appears to be genuine and to relate to the person presenting it. The person who examines the documents must be the same person who signs Section 2. The examiner of the documents and the employee must both be physically present during the examination of the employee's documents.
2. Record the document title shown on the Lists of Acceptable Documents, issuing authority, document number and expiration date (if any) from the original document(s) the employee presents. You may write "N/A" in any unused fields.

If the employee is a student or exchange visitor who presented a foreign passport with a Form I-94, the employer should also enter in Section 2:

- a. The student's Form I-20 or DS-2019 number (Student and Exchange Visitor Information System-SEVIS Number); **and** the program end date from Form I-20 or DS-2019.
3. Under Certification, enter the employee's first day of employment. Temporary staffing agencies may enter the first day the employee was placed in a job pool. Recruiters and recruiters for a fee do not enter the employee's first day of employment.
 4. Provide the name and title of the person completing Section 2 in the Signature of Employer or Authorized Representative field.
 5. Sign and date the attestation on the date Section 2 is completed.
 6. Record the employer's business name and address.
 7. Return the employee's documentation.

Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they should be made for **ALL** new hires or reverifications. Photocopies must be retained and presented with Form I-9 in case of an inspection by DHS or other federal government agency. Employers must always complete Section 2 even if they photocopy an employee's document(s). Making photocopies of an employee's document(s) cannot take the place of completing Form I-9. Employers are still responsible for completing and retaining Form I-9.

Unexpired Documents

Generally, only unexpired, original documentation is acceptable. The only exception is that an employee may present a certified copy of a birth certificate. Additionally, in some instances, a document that appears to be expired may be acceptable if the expiration date shown on the face of the document has been extended, such as for individuals with temporary protected status. Refer to the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)* or I-9 Central (www.uscis.gov/I-9Central) for examples.

Receipts

If an employee is unable to present a required document (or documents), the employee can present an acceptable receipt in lieu of a document from the Lists of Acceptable Documents on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employers cannot accept receipts if employment will last less than 3 days. Receipts are acceptable when completing Form I-9 for a new hire or when reverification is required.

Employees must present receipts within 3 business days of their first day of employment, or in the case of reverification, by the date that reverification is required, and must present valid replacement documents within the time frames described below.

There are three types of acceptable receipts:

1. A receipt showing that the employee has applied to replace a document that was lost, stolen or damaged. The employee must present the actual document within 90 days from the date of hire.
2. The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual. The employee must present the actual Permanent Resident Card (Form I-551) by the expiration date of the temporary I-551 stamp, or, if there is no expiration date, within 1 year from the date of issue.
3. The departure portion of Form I-94/I-94A with a refugee admission stamp. The employee must present an unexpired Employment Authorization Document (Form I-766) or a combination of a List B document and an unrestricted Social Security card within 90 days.

When the employee provides an acceptable receipt, the employer should:

1. Record the document title in Section 2 under the sections titled List A, List B, or List C, as applicable.
2. Write the word "receipt" and its document number in the "Document Number" field. Record the last day that the receipt is valid in the "Expiration Date" field.

By the end of the receipt validity period, the employer should:

1. Cross out the word "receipt" and any accompanying document number and expiration date.
2. Record the number and other required document information from the actual document presented.
3. Initial and date the change.

See the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)* at www.uscis.gov/I-9Central for more information on receipts.

Section 3. Reverification and Rehires

Employers or their authorized representatives should complete Section 3 when reverifying that an employee is authorized to work. When rehiring an employee within 3 years of the date Form I-9 was originally completed, employers have the option to complete a new Form I-9 or complete Section 3. When completing Section 3 in either a reverification or rehire situation, if the employee's name has changed, record the name change in Block A.

For employees who provide an employment authorization expiration date in Section 1, employers must reverify employment authorization on or before the date provided.

Some employees may write "N/A" in the space provided for the expiration date in Section 1 if they are aliens whose employment authorization does not expire (e.g., asylees, refugees, certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau). Reverification does not apply for such employees unless they chose to present evidence of employment authorization in Section 2 that contains an expiration date and requires reverification, such as Form I-766, Employment Authorization Document.

Reverification applies if evidence of employment authorization (List A or List C document) presented in Section 2 expires. However, employers should not reverify:

1. U.S. citizens and noncitizen nationals; or
2. Lawful permanent residents who presented a Permanent Resident Card (Form I-551) for Section 2.

Reverification does not apply to List B documents.

If both Section 1 and Section 2 indicate expiration dates triggering the reverification requirement, the employer should reverify by the earlier date.

For reverification, an employee must present unexpired documentation from either List A or List C showing he or she is still authorized to work. Employers CANNOT require the employee to present a particular document from List A or List C. The employee may choose which document to present.

To complete Section 3, employers should follow these instructions:

1. Complete Block A if an employee's name has changed at the time you complete Section 3.
2. Complete Block B with the date of rehire if you rehire an employee within 3 years of the date this form was originally completed, and the employee is still authorized to be employed on the same basis as previously indicated on this form. Also complete the "Signature of Employer or Authorized Representative" block.
3. Complete Block C if:
 - a. The employment authorization or employment authorization document of a current employee is about to expire and requires reverification; or
 - b. You rehire an employee within 3 years of the date this form was originally completed and his or her employment authorization or employment authorization document has expired. (Complete Block B for this employee as well.)

To complete Block C:

- a. Examine either a List A or List C document the employee presents that shows that the employee is currently authorized to work in the United States; and
 - b. Record the document title, document number, and expiration date (if any).
4. After completing block A, B or C, complete the "Signature of Employer or Authorized Representative" block, including the date.

For reverification purposes, employers may either complete Section 3 of a new Form I-9 or Section 3 of the previously completed Form I-9. Any new pages of Form I-9 completed during reverification must be attached to the employee's original Form I-9. If you choose to complete Section 3 of a new Form I-9, you may attach just the page containing Section 3, with the employee's name entered at the top of the page, to the employee's original Form I-9. If there is a more current version of Form I-9 at the time of reverification, you must complete Section 3 of that version of the form.

What Is the Filing Fee?

There is no fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the "USCIS Privacy Act Statement" below.

USCIS Forms and Information

For more detailed information about completing Form I-9, employers and employees should refer to the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)*.

You can also obtain information about Form I-9 from the USCIS Web site at www.uscis.gov/I-9Central, by e-mailing USCIS at I-9Central@dhs.gov, or by calling 1-888-464-4218. For TDD (hearing impaired), call 1-877-875-6028.

To obtain USCIS forms or the *Handbook for Employers*, you can download them from the USCIS Web site at www.uscis.gov/forms. You may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by contacting the USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired), call 1-800-767-1833.

Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained from the USCIS Web site at www.dhs.gov/E-Verify, by e-mailing USCIS at E-Verify@dhs.gov or by calling 1-888-464-4218. For TDD (hearing impaired), call 1-877-875-6028.

Employees with questions about Form I-9 and/or E-Verify can reach the USCIS employee hotline by calling 1-888-897-7781. For TDD (hearing impaired), call 1-877-875-6028.

Photocopying and Retaining Form I-9

A blank Form I-9 may be reproduced, provided all sides are copied. The instructions and Lists of Acceptable Documents must be available to all employees completing this form. Employers must retain each employee's completed Form I-9 for as long as the individual works for the employer. Employers are required to retain the pages of the form on which the employee and employer enter data. If copies of documentation presented by the employee are made, those copies must also be kept with the form. Once the individual's employment ends, the employer must retain this form for either 3 years after the date of hire or 1 year after the date employment ended, whichever is later.

Form I-9 may be signed and retained electronically, in compliance with Department of Homeland Security regulations at 8 CFR 274a.2.

USCIS Privacy Act Statement

AUTHORITIES: The authority for collecting this information is the Immigration Reform and Control Act of 1986, Public Law 99-603 (8 USC 1324a).

PURPOSE: This information is collected by employers to comply with the requirements of the Immigration Reform and Control Act of 1986. This law requires that employers verify the identity and employment authorization of individuals they hire for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

DISCLOSURE: Submission of the information required in this form is voluntary. However, failure of the employer to ensure proper completion of this form for each employee may result in the imposition of civil or criminal penalties. In addition, employing individuals knowing that they are unauthorized to work in the United States may subject the employer to civil and/or criminal penalties.

ROUTINE USES: This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The employer will keep this form and make it available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 35 minutes per response, including the time for reviewing instructions and completing and retaining the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529-2140; OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**



Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9

OMB No. 1615-0047
Expires 03/31/2016

► **START HERE.** Read instructions carefully before completing this form. The instructions must be available during completion of this form.
ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation <i>(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)</i>				
Last Name (Family Name)		First Name (Given Name)	Middle Initial	Other Names Used (if any)
Address (Street Number and Name)		Apt. Number	City or Town	State Zip Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	E-mail Address		Telephone Number

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- ☐ A citizen of the United States
- ☐ A noncitizen national of the United States *(See instructions)*
- ☐ A lawful permanent resident (Alien Registration Number/USCIS Number): _____
- ☐ An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) _____. Some aliens may write "N/A" in this field. *(See instructions)*

For aliens authorized to work, provide your Alien Registration Number/USCIS Number **OR** Form I-94 Admission Number:

1. Alien Registration Number/USCIS Number: _____

OR

2. Form I-94 Admission Number: _____

If you obtained your admission number from CBP in connection with your arrival in the United States, include the following:

Foreign Passport Number: _____

Country of Issuance: _____

Some aliens may write "N/A" on the Foreign Passport Number and Country of Issuance fields. *(See instructions)*

3-D Barcode
Do Not Write in This Space

Signature of Employee:	Date (mm/dd/yyyy):
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Preparer and/or Translator Certification <i>(To be completed and signed if Section 1 is prepared by a person other than the employee.)</i>

I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator:		Date (mm/dd/yyyy):	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State Zip Code



Employer Completes Next Page



Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR examine a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document title, issuing authority, document number, and expiration date, if any.)

Employee Last Name, First Name and Middle Initial from Section 1:

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title:		Document Title:		Document Title:
Issuing Authority:		Issuing Authority:		Issuing Authority:
Document Number:		Document Number:		Document Number:
Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				

3-D Barcode
Do Not Write in This Space

Certification

I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): _____ (See instructions for exemptions.)

Signature of Employer or Authorized Representative		Date (mm/dd/yyyy)	Title of Employer or Authorized Representative	
Last Name (Family Name)		First Name (Given Name)	Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)		City or Town	State	Zip Code

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable) Last Name (Family Name) First Name (Given Name) Middle Initial	B. Date of Rehire (if applicable) (mm/dd/yyyy):
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C. If employee's previous grant of employment authorization has expired, provide the information for the document from List A or List C the employee presented that establishes current employment authorization in the space provided below.

Document Title:	Document Number:	Expiration Date (if any)(mm/dd/yyyy):
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I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative:	Date (mm/dd/yyyy):	Print Name of Employer or Authorized Representative:
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LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 		<ol style="list-style-type: none"> 1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority For persons under age 18 who are unable to present a document listed above: 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of Birth Abroad issued by the Department of State (Form FS-545) 3. Certification of Report of Birth issued by the Department of State (Form DS-1350) 4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 5. Native American tribal document 6. U.S. Citizen ID Card (Form I-197) 7. Identification Card for Use of Resident Citizen in the United States (Form I-179) 8. Employment authorization document issued by the Department of Homeland Security

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274).

Refer to Section 2 of the instructions, titled "Employer or Authorized Representative Review and Verification," for more information about acceptable receipts.

MEAL AND REST PERIOD POLICY

Employees that are scheduled to work more than five (5) hours must take a thirty (30) minute uninterrupted meal period, off the clock, no later than the end of the fifth hour of work. Employees are entitled to be relieved of all their duties and free to take care of personal matters during that time. Employees that have a six (6) hour shift may voluntarily waive the meal period if they execute a Six Hour Shift Waiver Form. Please see the Human Resource Department.

The Company provides a paid ten (10) minute rest period for every four (4) hours of work or major fraction thereof. An employee who works between three and a half (3 1/2) to six (6) hours is entitled to one (1) ten minute break, an employee who works over six (6) hours is entitled to a second ten minute break. An employee that works less than three and a half (3 1/2) hours is not entitled to receive a paid ten (10) minute rest period. Please check with your supervisor for the appropriate time to take meal and rest breaks.

Meal periods and rest periods may not be waived to leave early nor may they be consolidated for a longer break or meal period.

It is against Company policy for any employee to perform work during meal or rest periods. It is against Company policy to return to work before the end of a 30 minute meal period or ten minute rest break. It is also against Company policy for employees to work "off the clock," that is, perform work without recording it as time worked on their timesheets.

Employees working more than ten (10) hours are entitled to a second meal period before end of the tenth hour of work, unless the employee voluntarily executes a Twelve Hour Shift Waiver Agreement and has taken the first meal period.

The undersigned acknowledges that he or she has read and understands the foregoing Meal and Rest Period Policy.

Employee Signature

Date

Política para Descansos y Períodos de Comida

Los empleados que están programados a trabajar mas de (5) horas deben tomar un descanso ininterrumpido de treinta (30) minutos para comer, fuera del horario de trabajo, y no mas tarde que al final de la quinta hora de trabajo. Los empleados tienen derecho a ser relevados de todas sus funciones laborales y son libres para atender sus asuntos personales durante ese tiempo. Los empleados que tienen un turno de seis (6) horas pueden renunciar voluntariamente al período de comida si ejecutan el formulario para OMITIR EL PERIODO DE COMIDA (Turno de 6 Horas). Por favor consulte con el Departamento de Recursos Humanos.

La compañía proporciona un período de descanso de diez (10) minutos pagados por cada cuatro (4) horas de trabajo o fracción mayor de la misma. Un empleado que trabaja entre tres y media (3 1/2) a seis (6) horas tiene derecho a un (1) descanso de diez minutos. Un empleado que trabaja más de seis (6) horas, tiene derecho a un segundo descanso de diez minutos. Un empleado que trabaja menos de tres horas y media (3 ½ horas) no tiene derecho a recibir un período de descanso de diez (10) minutos pagados. Por favor consulte con su supervisor(a) para el momento adecuado para tomar las comidas y los descansos.

Los períodos de descansos y de comida no pueden ser omitidos para poder salir temprano del trabajo, y tampoco pueden ser combinados para recibir un período para comer o descanso más largo.

Va en contra a la política de la empresa que algún empleado trabaje durante los períodos de descanso o durante el descanso para comer. Va en contra a la política de la empresa el regresar a trabajar antes de cumplirse los treinta (30) minutos del período de la comida, o los diez (10) minutos requeridos para el período de descanso. También va en contra a la política de la empresa que los empleados trabajen "fuera de horario", es decir, realizar funciones laborales sin registrar el tiempo como tiempo trabajado en sus hojas de horario.

Los empleados que trabajen más de diez (10) horas tienen derecho a un segundo período de comida antes del final de la décima hora de trabajo, a menos que el empleado ejecute voluntariamente el formulario para OMITIR EL PERIODO DE COMIDA (Turno de 10-12 Horas) y haya tomado su primer período de comida.

El abajo firmante reconoce que él o ella ha leído y ha entendido la Política para Descansos y Períodos de Comida precedente.

Firma del Empleado

Fecha

Full Name: _____

Address: _____

Phone No.: _____

Phone No.:

OT Approval:

Full Name: _____

Address: _____

Phone No.: _____

Phone No.:

Yo declaro que he entregado información completa y precisa al llenar este formulario de horas de trabajo. Yo entiendo que el entregar información falsa o incompleta en este formulario va contra la política de la compañía. Yo también declaro que he tenido la oportunidad de tomar mis periodos de descanso de acuerdo a la política de la compañía, y he tomado el tiempo de almuerzo requerido bajo la política de la compañía.