

LABOR & EMPLOYMENT

>>ALERT

CALIFORNIA DLSE RELEASES FORM WTPA NOTICE AND FAQS

The California Division of Labor Standards Enforcement (DLSE) has published a sample wage notice relating to the new California Wage Theft Prevention Act (WTPA), which went into effect on January 1, 2012.

As addressed in our recent Alert (click [here](#) to view), the California WTPA, which is in many ways similar to a recently-enacted New York law, increases employer obligations to provide information to employees regarding their pay. The California WTPA also adds and increases a number of California Labor Code penalties.

REQUIREMENTS

As previously reported, the California WTPA requires that employers provide written notice to non-exempt employees of:

- >> The employee's rate or rate of pay and basis thereof, whether the employee is paid by the hour, shift, day, week, salary, piece, commission, or otherwise;
- >> Rates for overtime, as applicable;
- >> Allowances, if any, that the employer claims as part of the minimum wage, including meal or lodging allowances;
- >> The employee's regular payday;

- >> The employer's name (including any "doing business as" names);
- >> The physical address of the employer's main office or principal place of business, and a mailing address (if different);
- >> The employer's telephone number;
- >> The name, address, and telephone number of the employer's workers' compensation insurance carrier; and
- >> Any other information the Labor Commissioner deems material.

These notices need to be provided to all new non-exempt hires and current non-exempt employees within seven days of any change to the included information.

The DLSE's recently-issued form notice is provided in both PDF and Word formats and is available in multiple languages, including Spanish, Chinese, Korean, Vietnamese and Tagalog. In accordance with the WTPA, employers must provide notices in the language it normally uses to communicate employment-related information to

THE BOTTOM LINE

As required by the recently-enacted California Wage Theft Prevention Act (WTPA), California employers must use the sample wage notice published by the California Division of Labor Standards Enforcement (DLSE), or a similar version of the notice, as of January 2012. California employers should also review the Frequently Asked Questions released by the DLSE to ensure that they are in compliance with the new law.

the employee. While employers may use the sample notice provided by the DLSE, they may also use their own forms as long as the forms include all information required by the Act.

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FAQs

The DLSE has also released a set of Frequently Asked Questions (FAQs), and answers, to provide assistance in complying with the new law. The sample notice and FAQs are available [here](#).

According to the FAQs, notices may be distributed electronically so long as the system allows for employee acknowledgement and allows the employee to print the notice if he or she desires. As with the New York WTPA, the required information may

not be incorporated into an employment agreement or offer letter - it must be in a stand-alone document, but that document may be provided to the employee along with other new-hire materials. Additionally, the DLSE notes that if the only change is a change in wage rate, which is reflected on the employee's pay stub, a notice is not required. Lastly, the FAQs make clear that employers need not provide notices to exempt employees.

FOR MORE INFORMATION

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