

Chapter 1 : California Employment Forms, Contract, Agreements | US Legal Forms

To assist the State of California in its commitment to Equal Employment Opportunity, applicants are asked to voluntarily provide the following information. This questionnaire will be separated from the application prior to the examination.

For Nowâ€¦ By Kristina M. California Governor Jerry Brown spent his last day to sign bills in this Legislative Session, October 15, approving and rejecting a number of employment-related bills. Below is our annual summary of those bills that will haveâ€”or would have hadâ€”the greatest impact on California employers. All approved bills become effective January 1, , unless stated otherwise. Watch this blog for in-depth pieces on the bills below that will pose the most challenges for employers. The employer may consider prior salary information the applicant voluntarily and without prompting discloses, in setting pay. Read our in-depth piece on AB , and practical implications, here. More on that bill below. Prior Conviction History of Applicants. With the approval of AB , the Governor and California Legislature have created yet another protected class of individuals entitled to sue employers under the Fair Employment and Housing Act: Adds Section to the Government Code, and repeals Section An employer employing both parents who both are entitled to leave for the same child does need not give more than 12 weeks of leave total to the employees which may be granted simultaneously if the employer chooses. Beginning January 1, and ending January 1, , the DFEH, after receiving funding from the Legislature, will create a parental leave mediation pilot program under which an employer may request all parties to participate in mediation within 60 days of receiving a right-to-sue notice. This bill prohibits an employee from pursuing any civil action under these provisions and tolls the statute of limitations until the mediation is complete, meaning when either party elects not to participate, withdraws from mediation, or notifies the DFEH that further mediation would be fruitless. That injunctive relief, however, would not prohibit an employer from disciplining or firing an employee for conduct that is unrelated to the retaliation claim. The bill also authorizes the Labor Commissioner to issue citations directing specific relief to persons determined to be responsible for violations and to create certain procedural requirements. The bill grants exclusive authority to the Labor Commissioner or Attorney General to enforce these provisions and requires that any penalty recovered be deposited in the Labor Enforcement and Compliance Fund. Penalties for failure to satisfy these prohibitions and for failure to provide the required notices are: Stay tuned for a detailed analysis of AB coming soon. The new content must include practical examples to address harassment based on gender identity, gender expression, and sexual orientation. Employers must also post a DFEH-developed poster regarding transgender rights. The bill also makes changes to the Unemployment Insurance Code. Amends Sections and AB would as of July have required employers with at least California employees to collect information on differences in pay between male and female exempt employees and between male and female Board members. The bill would have required the Secretary to publish the information on a public website if the Legislature provided it with sufficient funding. Indeed, I am worried that this ambiguity could be exploited to encourage more litigation than pay equity. I believe those types of claims should remain within the jurisdiction of the [DFEH]. This bill would have prohibited employers from attempting to contract out of these requirements, by making null and void any express or implied agreement waiving these requirements. The bill would have required employers to include a notice of these employee rights and remedies in their handbooks. Injury and Illness Prevention Program. A representative would have included a recognized or certified collective bargaining agent, attorney, health and safety professional, nonprofit organization, or immediate family member. AB would have allowed an employer to take reasonable steps to verify the identity or the person making the written request and authorized an employer to assert impossibility of performance as an affirmative defense against allegations of violations of these provisions. This bill piggy-backed on the San Jose voter-approved Opportunity to Work Ordinance that, effective March , would have required employers to offer part-time employees additional hours before hiring new or temporary employees. AB would have created an exception to Labor Code section The bill would have allowed EMS employers to require their employees to monitor and respond to emergency response calls during rest or recovery periods without penalty, so long as the rest period is rescheduled. The bill would have required

employees to submit a written request for the flexible work schedule for approval by the employer. Executive, Administrative, or Professional Employees. Those regulations have been enjoined by a federal court. This bill would have applied only to a work experiences longer than hours and would not have applied to employers with fewer than 25 allied health professionals or a primary care clinic. Resident Apartment Manager Wages. The bills stated that the hiring preference would not have violated FEHA or any local or state equal opportunity employment law or regulation. Credit and Debit Card Gratuities. The bill would have required that the tip be paid to the worker the next regular payday following the date the customer authorized the card payment. This bill made it out of the Assembly but the author canceled its hearing in the Senate Committee on Labor and Industrial Relations so we may see this bill again next year. This bill would have made California part of the list of 28 other Right to Work states in the nation. Small Business and Microbusiness. This safe harbor would not have applied to any willful violation. SB would have allowed an employer to raise an affirmative defense that, at the time of an alleged violation, the employer was acting in good faith when relying upon a valid published DLSE opinion letter or enforcement policy. For more information on how these new Peculiarities might affect your company, read our in-depth focus blogs and contact your favorite Seyfarth attorney.

Chapter 2 : Five must-have policies for California employers | California Employment Law Report

With holiday hiring in full swing, it is a good time to review some basic rules about employment applications in California.

Posted in California Legislative Update Are you finally caught up on all of the new California laws taking effect in ? Then begin preparing for because the California legislature has been busy drafting another set of employment related laws. Here is a sneak peak of some of the more notable proposals that may be coming down the pike. For now, these are only proposed laws that have neither passed the legislature nor been signed into law. If they do become laws, their substance may ultimately change substantially. The bill also imposes notice posting and document retention requirements on employers. However, AB 5 would apply to many more employers and is more burdensome. For example, the San Jose Ordinance only applies to employers with 35 or more employees, but AB 5 would apply to employers with as few as 11 employees. Similarly, while the San Jose Ordinance allows for a hardship exemption due to impracticability, impossibility, or futility, there is no such exemption currently contemplated in AB 5. Employers would also be prohibited from considering, distributing or disseminating a background check with certain information, including an arrest without a conviction, an infraction, or a misdemeanor older than three years or felony older than seven years. An employer may inquire about or consider conviction history, but only after the applicant has received a conditional offer of employment. The bill would also expand the categories of people for whom leave can be taken, including grandparents, grandchildren, siblings, domestic partners, or parents in-law. Any such employment decisions would be deemed to not violate local or state equal opportunity laws or regulations, including the anti-discrimination provisions of the California Fair Employment and Housing Act FEHA. While FEHA currently allows employers to give preference to veterans, the preference is only allowed for Vietnam War-era veterans and with respect to decisions regarding the sex of an employee or applicant. PAGA has been met with disfavor by both employers and legislators alike and, in response, three bills have been proposed in an effort to reform PAGA: The bill would also limit recovery of civil penalties based only upon violations actually suffered by that employee, a reiteration of a standing requirement many California courts are imposing. Currently under PAGA, a civil suit may be filed for violation of any Labor Code provision which does not specifically provide for a penalty. Finally, before filing a civil suit, an aggrieved employee must provide notice to the LWDA of the alleged violations. Under AB , the LWDA would have an affirmative duty to investigate the allegations and then issue a citation or determine if there is a reasonable basis for the civil action within days. Aggrieved employees can file a civil action only if they receive a determination from the LWDA that there is a reasonable basis for a civil action or the agency fails to provide timely notification of its determination. An employer would have to show that, at the time of the violation, it was acting in good faith and: As currently drafted the law would prevent employers from contacting past employers as well as asking applicants about this information directly. Second, AB would require employers to provide the pay scale for the position upon reasonable request by the applicant. Under the bill, an individual non-exempt employee in the retail industry may request, and the employer may approve, a work schedule providing for workdays up to 10 hours a day within a 40 hour workweek, with overtime only being required after working 10 hours in a day or 40 hours in a week. Furthermore, while the bill allows employers to inform employees that they are willing to consider requests for such flexible schedules, it prohibits inducing a request through any benefit or threat. Accordingly, employers are encouraged to stay abreast of legislative updates and to consult experienced legal counsel with questions and concerns regarding the effect of and compliance with any new or existing laws. Sheppard Mullin will closely track proposed employment laws as they work their way through the legislative process, and will further report any developments.

Chapter 3 : California Application Forms laws & HR compliance analysis

California's Fair Employment and Housing Council ("FEHC") has finalized new regulations further limiting employers' ability to consider criminal history when making employment decisions. The new FEHC regulations, which are scheduled to take effect on July 1, , largely follow the EEOC's Enforcement Guidance.

While many bills did not make the final cut, Governor Brown signed several that will significantly impact California employers. The newly-enacted laws address a range of topics, including family medical leave, criminal conviction history, salary history, sanctuary immigration policy, harassment training, and retaliation claims. Unless otherwise indicated, the new laws become effective January 1, . The law also requires employers to provide applicants with the pay scale for a position, upon request. The new law covers information regarding both prior compensation and benefits. It prohibits inquiries directed to both applicants and agents, such as employment agencies. Applicants can voluntarily, and without prompting, provide their prior salary information to an employer. The Fair Pay Act provides that salary history information alone cannot justify disparity in compensation. The new law prohibits employers from including, on any pre-offer application form, any question regarding criminal conviction history. The law also limits the information an employer can consider or distribute as part of a criminal history background check. Specifically, employers may not consider arrests not resulting in conviction, with limited exceptions, or referral to or participation in a pretrial or post-trial diversion program. Employers who rely upon conviction history in denying an applicant employment will be required to conduct an individualized assessment of whether the conviction history has a direct and adverse relationship with the specific duties of the job. Employers must consider as part of this process: Employers must provide the following information to any applicant denied an offer based on conviction history: An employer must then provide an applicant at least five days to respond before finalizing its decision. If an applicant disputes the preliminary decision, the employer must provide an additional five days to respond. If the employer decides to deny the applicant employment, it must issue a final notice, which must include: AB will be codified at new Government Code section . The law contains certain exceptions, including for positions in criminal justice or when employers are legally required to conduct criminal background checks. Nine states and 15 major cities have also enacted fair chance hiring requirements. The Equal Employment Opportunity Commission has issued guidelines providing for fair chance hiring requirements as well. The law will likely create uncertainty for employers trying to comply with both federal immigration actions and state law. Under AB , employers are prohibited from voluntarily permitting a federal immigration agent from searching nonpublic areas of a worksite without a judicial warrant. It also prohibits employers from permitting a federal immigration agent from accessing or reviewing personnel records without a subpoena, court order, or, in the case of I-9 Employment Eligibility Verification forms, a Notice of Inspection. The law requires employers to provide current employees notice of any inspection of I-9 Employment Eligibility Verification forms or other employment records within 72 hours of receiving a Notice of Inspection from a federal immigration agency. Employers must provide this notice by posting a notice in the workplace, in the language the employer normally uses to communicate with its employees, and by notifying any authorized employee representative, such as a union. The bill also requires employers to provide a copy of any Federal Notice of Inspection to employees upon request. AB will be codified at new Government Code sections . New Labor Code section . The notice must be provided to each current affected employee and any collective bargaining representative within 72 hours of receipt. The bill also adds a new Labor Code section . Further, it only applies to employees with more than 12 months of service with the employer and at least 1, hours of service during the previous month period. The bill makes it an unlawful employment practice for an employer to: Although any new parent leave taken by eligible employees will be unpaid, employees will be entitled to use vacation pay, sick pay, or accrued paid time off during their leave. An employer subject to SB 63 that employs both parents entitled to bonding leave is not required to grant leave that would allow the parents leave totaling more than 12 combined weeks. In such a situation, the employer may, but is not required to, grant leave to both parents simultaneously. SB 63 also creates a parental

leave mediation pilot program. Within 60 days of receiving a right-to-sue notice, an employer may request that all parties participate in mediation. An employee may not pursue a civil lawsuit concerning the leave until the mediation is complete. Thus, a plaintiff can avoid mediation simply by sending a letter declining to participate in, or withdrawing from, mediation. However, with the ability of plaintiffs to so easily opt out of mediation, the pilot program will likely not provide much protection for employers. SB 63 will be codified at new Government Code section . Currently, the California Labor Code prohibits a person from being discharged, discriminated against, or retaliated against for engaging in certain protected conduct. An investigation by the Labor Commissioner ensues, and if the employer is found liable for a violation, an employee or applicant is entitled to reinstatement of employment and reimbursement for lost wages and benefits. The new bill makes significant changes to existing law and tilts claim reviews in favor of employees. The DLSE is now authorized to begin an investigation of an employer and obtain a preliminary injunction even without a complaint having been filed new Labor Code section . If such injunctive relief is granted, it can no longer be stayed pending appeal. Under prior law, such a petition could not occur until: Conversely, in one small benefit to employers, the bill provides that injunctive relief under the new provision does not prohibit an employer from disciplining or terminating an employee for conduct unrelated to the claim of retaliation. The law authorizes the Labor Commissioner to issue citations to violators new Labor Code section . The penalties are disbursed to the affected employee. Under the existing labor code section on retaliation, the Labor Commissioner was required to seek enforcement via a civil action. There are review procedures, including the ability to request a hearing before an officer for petitions for writ of mandate employers must post a bond. However, even this represents a significant change, as previously employers could challenge a labor commissioner action in civil court actions. SB will amend Section . The bill requires that as a component of such training, employers must also deliver training on harassment based on gender identity, gender expression, and sexual orientation. Employers with 50 or more employees are required to provide no less than two hours of training regarding sexual harassment to all supervisory and management employees every two years, under existing law. SB will now mandate that the two hours of required training include elements covering these new and additional topics. Employer posters will be developed by the DFEH. SB will amend sections and . Suggested Actions In light of these changes, California employers should consider implementing the following actions: Train managers, recruiters, human resource professionals, and other relevant staff regarding these new requirements and restrictions. Prepare forms to comply with the new immigration enforcement-related notice requirements, as employers will have only 72 hours to provide required pre- and post-inspection notices. The California Labor Commissioner will make available on its website a template that employers can use for posting such notice. The notice will be available by July 1, . Ensure that all immigration-related legal requirements, including I-9 forms, are strictly followed. Maintain I-9 forms in a file separate from personnel policies. Update application forms, candidate questionnaires, interview outlines and scripts, and other screening and hiring materials to omit inquiries regarding salary history and pre-offer inquiries regarding criminal history. Consider asking applicants about their experience level to gauge salary expectations, rather than salary history. If an employee voluntarily offers salary information, contemporaneously document that the employee introduced the information into the discussion. Prepare policies for dealing with criminal history to avoid ad hoc decision-making by managers and consider involving human resource professionals. Employers with between 20 and 49 employees should carefully review and revise family leave policies to comply with the new requirements of SB . Become familiar with the new provisions of SB and the procedures for litigating retaliation or whistleblower claims. Have an extra level of review for adverse employment decisions with potentially retaliatory impact. Educate all employees, especially supervisory employees, about laws prohibiting retaliation and about appropriate nonretaliatory conduct. Advise managers on the need to be prepared for unexpected events arising out of SB , such as field inspections or labor commissioner investigations. Ensure the mandated training required by SB includes training on harassment based on gender identity, gender expression, and sexual orientation. This training should be crafted to meet the applicable and required standards discussed above. Display the mandated poster on transgender rights to be developed by the DFEH in a prominent and accessible location in the workplace.

Chapter 4 : Forms and Publications

The long form includes space for more detailed information and employment history, and all other necessary sections. Remember that California prohibits employers from seeking criminal history information prior to a conditional job offer.

It provides financial benefits for workers who are unemployed through no fault of their own and who are ready, willing and able to actively seek work. The EDD is entirely financed by employers in the state. To meet California unemployment qualifications for benefits, when a worker loses their job, they must register with EDD as the first step in becoming eligible for unemployment insurance benefits. Continuing California unemployment claims are monitored to ensure claimants are complying with criteria set by the state. Those who do not meet compliance standards, or who attempt to defraud EDD can be subject to administrative and criminal penalties. Before you apply, make sure you meet all benefit requirements. You must meet all requirements to be eligible to collect unemployment insurance in California. If you meet all benefit requirements, then you can apply for unemployment insurance. After you apply, you will receive a Notice of Unemployment Insurance Award. This gives you information about when your claim begins and ends, what your maximum benefit amount will be, what your weekly benefit amount will be and what your highest quarterly earnings are. Understand how your unemployment benefit amount is determined. To calculate the weekly California unemployment compensation you are entitled to, the state uses one of two possible base periods. Base periods are divided into calendar quarters and the quarter you were paid the highest amount of wages determines your weekly benefit amount. Know how and when you will be paid. You will be mailed a debit card when your claim is first processed and all future benefit payments will be uploaded and processed directly on to your card, giving you immediate access to your funds. You may elect to have funds directly deposited from your debit card to a bank account of your choice. You must initiate this transaction through Bank of America. Conduct an ongoing job search. You are required to look for full-time work while drawing benefits. You are expected to find and apply to appropriate job openings on a weekly basis and will be asked to report these activities to EDD. You can file an appeal if you are denied benefits. If you are denied benefits, you can file an appeal with EDD in writing, stating the reasons why you disagree with the decision. You have 20 calendar days from the date of the decision to file your appeal. Check Your Eligibility What state are you in? I acknowledge and understand that by submitting this Contact Request form through clicking "Check Eligibility! This is the actual name of the benefit you will receive when you apply for California unemployment benefits EDD" Employment Development Department. This is the state agency that administers unemployment insurance benefits. This California unemployment department will manage your application and help you through the process. Claim Beginning Date - Your claim begins on the Sunday of the week that you file your California unemployment weekly claims, not on the date that you became unemployed. A new claim must be filed if you are still unemployed or partially unemployed at the end of this period. Your wages are subtracted from your weekly benefit amount. Maximum Benefit Amount " This is the maximum amount of money you can receive under your unemployment insurance claim. It is 26 times the weekly benefit amount or about one-half of the total base period wages, whichever is less. The amount of your UI benefit is calculated from the amount of wages earned during your base period. What California unemployment requirements must I meet to receive benefits? To be eligible to receive UI benefits, you must meet the following California unemployment eligibility requirements: You must make a reasonable effort to find suitable full-time work. To substantiate your California unemployment claim, you should keep a record of your work search dates, contacts and other pertinent efforts to validate your claim. If you find part-time work, you must still continue to look for full-time work to remain eligible to receive UI benefits. You must also remain in good standing with your union so you can be dispatched when work is available. If you do not have enough earnings to establish a claim, then you will be denied benefits. Wages that have already been used to determine your California unemployment amount of UI benefits to be paid on a claim cannot be used again to file another claim. You will be required to serve a one week unpaid waiting period. This is usually the first week that you file a California unemployment claim. You must continue to certify that you are eligible to

receive benefits at regular intervals while you are unemployed. In addition to the methods mentioned above, you can also access the EDD website or call the self-service number at 1-800-480-1331. If you do not certify for benefits in a timely manner, your benefits may be delayed. If you do not certify for benefits within 14 days after your last payment date, you may lose your benefits. To qualify, you must have lost your job through no fault of your own. You do not have childcare or transportation. This limits your availability and could impact your ability to collect benefits. You were too sick or injured to look for work. If you are not well enough to conduct a job search, you must report the number of days you could not work. Other reasons why you could not accept full-time work. To collect benefits, you must be ready and able to work in a job that matches your occupational skills. If you have personal affairs that kept you from being fully available, you will need to discuss your situation with EDD to determine your eligibility for benefits during that time. You did not look for work. Remember, if you falsify the reporting of your job search efforts, you could lose your benefits and you could face criminal charges of fraud. If you refused work, you will be contacted by EDD to determine if you are still eligible to receive benefits. You started attending school or training. If so, you will need to explain this to EDD to determine your continued eligibility. You earned money whether you were actually paid or not. If you made any kind of wages or earned money through any means bonuses, commissions, pensions, jury fees, tips, vacation pay, self-employment, etc. They will have an impact on the amount of your award for that week. How do I apply for California unemployment? After you file a state of California unemployment claim, you will be mailed a Notice of Unemployment Insurance Claim Filed statement. If you wait longer than 10 days, it may result in a delay of receiving your benefits. California unemployment laws are strict when it comes to fraud, so it is important to report mistakes as soon as possible. You will also receive a Notice of Unemployment Insurance Award as well. It will also give you instructions about your requirement to seek work each week as part of fulfilling your benefit requirements. You must review all of this information carefully, including all wage information from employers, and contact EDD immediately if the information is not correct. If you have given false information or withhold facts, you could be disqualified from receiving unemployment benefits. To challenge the wage computation or other facts on the award notice, you must contact EDD without 20 days after you receive the notice. How much money do I qualify for from unemployment? How much are my unemployment benefits each week? If you do not have enough wages in the Standard Base Period to establish a claim, you may be able to use an Alternate Base Period. It is the last four completed calendar quarters prior to the beginning of the claim. When will I get my unemployment benefits? How are California unemployment benefits paid? These are used to provide benefits electronically instead of mailing out benefit checks. Cards have a three-year life, and if you file multiple unemployment claims during that period, all benefits will continue to be paid to that card. Although cards are issued by Bank of America, you do not need to have a bank account with Bank of America or with any other banks to use your card. If your card is lost, stolen or used inappropriately, you should contact Bank of America immediately. What if I am denied California unemployment benefits? What to do if your unemployment benefit claim is denied. If you are denied benefits, you can file an appeal with EDD. You must file the appeal in writing and state the reasons why you disagree with the decision. In some cases, California unemployment extensions are granted if you can show a good cause why you were late. It is not uncommon for extensions to be granted if the California unemployment rate is high due to economic downturn. You will be under oath when you testify. After the hearing, you will be mailed a decision as to the outcome. If you disagree with that decision, you can appeal to the California Unemployment Insurance Appeals Board. For more information There are several ways to get additional information on California unemployment benefits. Before you attempt to contact EDD, it is extremely helpful if you have your Social Security Number, email address and any specific information related to your issue so that there can be a quicker resolution to your inquiry. The fastest way to get an answer is to visit the EDD website here. According to the EDD, the fastest way to get an answer is to visit its website here. After you access this California unemployment website, follow these instructions: Select the topic that most closely fits your question. EDD also provides assistance in many other languages as well English

Federal Disaster Unemployment Assistance for the December and January California Wildfires and Mudslides Provides federal Disaster Unemployment Assistance (DUA) benefits for victims who are unemployed as a direct result of the wildfires, mudslides, or debris flows and who do not qualify for regular Unemployment Insurance (UI) benefits.

Chapter 6 : California Employment Legislation

Revised Pennsylvania Gaming Control Board Candidate Voluntary Self-Identification Form Please be advised that the PGCB tracks applicants by gender and race/ethnicity for each position vacancy.

Chapter 7 : blog.quintoapp.com : Find a CA State Job

October 15th marked the deadline for Governor Jerry Brown to sign the numerous employment-related bills proposed during the California State Legislature's legislative session.

Chapter 8 : Employment Application - Careers - LCTHC Inc. | Lakeport, California

This newsletter is published quarterly by the Employment Development Department of the California Labor and Workforce Development Agency. The EDD is.

Chapter 9 : California Unemployment Eligibility

California Employment Forms California Employment Agreements, Forms, Contracts U.S. Legal Forms, Inc. provides California employment forms and contracts forms for all your employment needs, including employment agreements, policies, notices and warnings, as well as many various contracts for employment matters.