



January 11, 2012

Agency Action Required

Re: California Wage & Theft Prevention Act

Dear Valued Client,

Effective January 1, 2012, the California Wage Theft Prevention Act (Act) imposed several new requirements on employers. The new law is modeled on a similar New York law, with the most significant provision requiring employers to provide employees with a written notice **at the time of hire** containing specified wage and employer information. The notice requirements do not apply to employees covered by valid collective bargaining agreements (i.e., SAG/AFTRA) provided they earn at least 30% more than the state minimum wage (the current California minimum wage is \$8.00 per hour.) However, the notice requirements do apply to all **non-union, non-exempt employees** including that of print models.

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Pursuant to the new Labor Code § 2810.5, employers must, at the time of hiring, provide each employee (except those who are specifically exempted from the requirement) with a **written notice** which provides a specific list of information, including:

- (A) The rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or otherwise, including any rates for overtime, as applicable.
- (B) Allowances, if any, claimed as part of the minimum wage, including meal or lodging allowances.
- (C) The regular payday designated by the employer in accordance with the requirements of the Labor Code.
- (D) The name of the employer, including any "doing business as" names used by the employer.
- (E) The physical address of the employer's main office or principal place of business, and a mailing address, if different.
- (F) The telephone number of the employer.
- (G) The name, address, and telephone number of the employer's workers' compensation insurance carrier.
- (H) Any other information the Labor Commissioner deems material and necessary.



Additionally, if changes affect any of the required information, you must notify the employee(s) of the changes within seven calendar days, either by providing a new notice reflecting said changes or identifying changes on a timely wage statement furnished in accordance with Labor Code Section 226.

California's Labor Commissioner has developed a template that is compliant with the requirements of the new law as well as FAQs regarding this new Act.

http://www.dir.ca.gov/dlse/Governor_signs_Wage_Theft_Protection_Act_of_2011.html

Using the DOL form as a guide, we developed the attached industry-specific document for your convenience.

As a service to our clients, Talent Partners will retain copies of these forms to document compliance. You need only forward copies of each completed form to us at the same time you submit their contracts and any additional production paperwork. Please note: forms are required for each non-union performer or print model hired to work in California (regardless of performer's state of residence).

You can find additional copies of the document on our website at www.talentpartners.com. Click on the *Resources* tab and scroll down to the *Forms/Contracts/Agreements* section.

Should you have any questions regarding this new provision, please do not hesitate to reach out to your Client Service Manager.

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CALIFORNIA WAGE THEFT PREVENTION ACT OF 2011
Notice to Employee and Acknowledgment of Pay Rate and Payday
Under Section 2810.5 of the California State Labor Law Employer Information

Effective January 1, 2012, California Labor Code section 2810.5(a) requires that the following information be provided to each employee at the time of hire in the language the employer normally uses to communicate employment-related information.

1. Employer Information:	
Name: Talent Partners	Workers' Compensation Carrier: Ace Insurance Claims Administrator ESIS Please Report Injuries to Brad Cheehy 312-923-7574 bcheehy@talentpartners.com
Physical Mailing Address: 541 N Fairbanks Ct. Suite 2800 Chicago, IL 60611	
Phone: 312-923-7900	

2. Notice Given:
At Hiring At Time of Change in Pay Rate(s), Allowances Paid or Payday

3. Allowances included in hourly rate:
None Tips ___ per hour Meals ___ per meal Lodging Other _____

4. Pay is:
Work Day Fee Usage Fee Other _____

5. Employment Agreement is (check box):
Oral Written

6. Employee's Rate of Pay: (State Basis)
On a Daily or Other Basis \$ _____ Basis _____

7. Regular Payday: At the Conclusion of the Employment Period
8. Overtime Pay Rates: \$ _____

9. Employee Acknowledgment:	
On this day, I have been notified of my pay rate, overtime, allowances and designated payday.	
Employee Name: _____	Project Name: _____
Employee Address: _____	Agency Name: _____
Employee Email: _____	
Employee Phone Number: _____	
Employee Signature: _____	Date: _____
Preparer's Name & Title: _____	
The employee must receive a signed copy of this form.	

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 require by law within seven days of the changes. This Notice is not required if (a) you are directly employed by the state or any political subdivision thereof, (b) you are an employee who is exempt from the payment of overtime wages by statute or wage order, or (c) you are covered by a collective bargaining agreement that expressly provides for wages, hours of work and working conditions, and provides for premium wage rates for all overtime worked, provided they earn at least 30% more than the state minimum wage (the current California minimum wage is \$8.00 per hour.)
The full text of Labor Code section 2810.5 may be found at www.leginfo.ca.gov/calaw.html. Check "Labor Code" and search for "2810.5" in quotes.
The employee's signature on this notice merely constitutes acknowledgement of receipt. In accordance with an employer's general recordkeeping requirements under the law, it is the employer's obligation to ensure that the employment and wage-related information provided on this notice is accurate and complete. Furthermore, the employee's signature acknowledging receipt of this notice 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.