



CALIFORNIA LABOR COMMISSIONER PUBLISHES MANDATORY NEW-HIRE NOTICE TEMPLATE

As we discussed in our December 6, 2011 Employment Law Alert, newly passed California Labor Code Section 2810.5 requires employers to provide a written notice with a wide range of information to new hires starting on January 1, 2012. Today, the California Labor Commissioner published its approved template for this notice. You may access the template here:

http://www.dir.ca.gov/dlse/Governor_signs_Wage_Theft_Protection_Act_of_2011.html. Employers are not required to provide the notice to employees validly classified as exempt from overtime.

We believe that the official template contains some wording that is ambiguous and problematic (e.g., ambiguity regarding how to describe commission, bonus, overtime, and other rates of pay, and reference to an “employment agreement”). Also, the template refers to information that will be irrelevant to many employees (e.g., an entire section on the identity of a “co-employer”). We recommend that employers carefully evaluate how to tailor the template for their new hires, in a way that ensures compliance and minimizes legal risks, with guidance from employment law counsel.



4655 Old Ironsides Drive, Suite 420 | Santa Clara, CA 95054

“Big firm sophistication. Small firm personal service and efficiency.”

Raymond H. Hixson
rhixson@hixsonnagatani.com
408-486-9977

Brian K. Nagatani
bnagatani@hixsonnagatani.com
408-486-9988

Mary Wang
mwang@hixsonnagatani.com
408-486-9933

This client alert is meant to assist in a general understanding of current law. It is not legal advice. Companies or individuals with particular questions should seek advice of counsel.