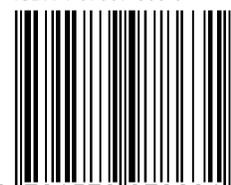




## 2019 California New Hire Instructions

**2019 English**  
NHTE

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**H**iring a competent and trustworthy workforce is a difficult task that often involves some legal risk. Our California New Hire package helps you stay in compliance, protect your at-will employment relationship and decrease your chance of mistakes during the hiring process.

Before you can actually hire someone, you must go through the recruiting process, which starts with an up-to-date job description and determining the best type of employee to hire. Choose the method of recruitment that works best for your needs — and be sure to avoid discriminatory language in your recruiting efforts. Be specific about the job's qualifications and salary range, if applicable. Offer potential candidates an employment application to provide legal protection.

Once you've got some applicants, it's time to evaluate the candidates: Look at résumés, accept and evaluate written applications, and conduct phone and/or face-to-face interviews. When you're interviewing, consider using standard questions for each interviewee to maintain consistency and avoid the potential for discrimination.

Before selecting a new employee, determine what type of background information you might need for the particular job. Start by checking references and document your attempts to obtain reference information — but remember that California and federal laws restrict the types and amounts of background information you can obtain. For instance, you may not obtain criminal conviction information prior to a conditional job offer.

After you make the hiring decision, send an offer letter to your chosen applicant that clarifies the terms of employment, including such details as the start date; at-will employment status; exempt or nonexempt status; the wage or salary (if the employee is exempt, phrase the pay rate in terms of dollars weekly, biweekly or monthly; if the employee is nonexempt, phrase the pay rate in terms of dollars per hour); benefits, if available; and whether the offer depends on the applicant passing a medical exam, drug test or reference or background check. If the offer is contingent on the applicant passing a criminal background check, you must follow the detailed notice process required by California law.



Additional paperwork may be necessary in specific situations; the list below is meant to provide the general forms required in most hiring situations, but it is not a guarantee.

## Employment Application

A sample employment application crafted specifically for California is included for your use. This application is for use in California; employers with multi-state operations should review the specific requirements of those states. Prior to use, make sure to download and read the instructions, which are included in the forms download.

- [Employment Application - Long Form](#) (also available in [Spanish](#)).
- [Employment Application - Short Form](#) (also available in [Spanish](#)).

## Checklists

Use the following checklists to help during the onboarding process:

- [Hiring Checklist](#) – Keep track of paperwork you've given to employees, including any legally-required forms and notices, as well as other items.
- [Employee Orientation Checklist](#) – Ensure that you cover all necessary topics with your new hire and distribute all required forms. Ask the new hire to initial receipt of paperwork provided and sign the checklist.

## New Hire Paperwork

Unless otherwise noted, all of the following items are legally required for each new hire.

- You must verify every new hire's employment eligibility by completing a [I-9 - Employment Eligibility Verification](#) within three business days of the employee's first day of work for pay.
- If you have 20 or more employees and offer a health plan, and your employees live and work inside California, you must provide the [General Notice of COBRA Continuation Coverage Rights - California Employees](#) to an employee or spouse within 90 days of the commencement of coverage or the first date at which the plan administrator is required to advise a qualified beneficiary of the right to elect coverage. If you have 20 or more employees and an employee who lives and work outside of California, use the [General Notice of COBRA Continuation Coverage Rights - Outside California](#).
- Under the Affordable Care Act, employers covered by the Fair Labor Standards Act must provide a notice of coverage options to employees. Depending on whether you do or do not offer a health plan, you will use one of the following forms:
  - » [New Health Insurance Marketplace Coverage Options and Your Health Coverage - for Employers That Offer a Health Plan](#) (Spanish version [available](#)).
  - » [New Health Insurance Marketplace Coverage Options and Your Health Coverage - for Employers That Do Not Offer a Health Plan](#) (Spanish version [available](#)).
- Each employee must complete the [W-4 - Employees Withholding Allowance Certificate](#) so that the employer can determine the correct federal income tax amount to withhold from an employee's paycheck. (This form is also available in [Spanish](#).)
- The [DE4 - California Employees Withholding Certificate](#) is used for state tax withholding. It is not required unless the employee wants different withholding arrangements for state taxes.
- Within 20 days of starting work, employers are required to report each newly hired or rehired employee to the EDD. This federally required information is submitted via the [New Employees Report - Form DE34](#), which is used to assist state and county agencies in locating parents who are delinquent in their child support obligations. An individual is considered a new hire on the first day in which he/she performs services for wages. In addition, any employee who is rehired after a separation of at least 60 consecutive days must also be reported within the 20 days.
- If you hire minors, you must have a [Permit to Employ and Work - Form B1-4](#) on file for each employed minor. You can obtain this permit by contacting the Office of the Superintendent of the minor's school district. To obtain the permit, you will need to have the minor and the minor's parent or guardian first complete the [Minors - Statement of Intent to Employ and Request for Work Permit - Form B1-1](#) and file that form with the school district.
- Provide the [Wage and Employment Notice to Employees \(Labor Code section 2810.5\)](#) to all nonexempt employees at the time of hire. If any change is made to the information on this form, notify employees of the change in writing within seven calendar days after the time a change was made unless notice is provided in another writing required by law within seven days of the change. (This form is also available in [Spanish](#).)

## Mandatory Pamphlets



In addition to the aforementioned forms, all California employers are required to hand out the below pamphlets to new employees upon hire.

- At the time of hire, all employees must receive a written information sheet on their right to a harassment free workplace — including the definition of harassment and an employee's right to complain about sexual harassment without fear of retaliation. CalChamber's [California Sexual Harassment Pamphlet](#) meets the state's requirement.
- You must give a [California's Workers' Compensation Pamphlet](#) to all new employees at the time of hire, no later than the end of the first pay period. This pamphlet informs your employees of their rights and obligations regarding workers' compensation. This pamphlet's content changes frequently, but includes the types of benefits available, how to pre-designate a physician who will provide treatment for work-related injuries, what to do if there's a dispute, penalties for making fraudulent claims and what to do if an employee gets injured at work. The pamphlet includes the Personal Chiropractor or Acupuncturist Designation and Personal Physician Designation forms; it must be provided in Spanish to employees whose primary language is Spanish.
- California employers must provide employees information about their rights to State Disability Insurance benefits both at the time of hire and again when an employee takes a leave of absence for a reason that is covered. The [California State Disability Insurance Pamphlet \(Form DE 2525\)](#) notifies employees of their right to state disability insurance benefits should they sustain a non-work-related injury.
- California employers must give employees information about their rights to Paid Family Leave benefits at the time of hire and when an employee takes a leave of absence for a reason that may entitle them to benefits. The [Paid Family Leave \(PFL\) Pamphlet \(Form DE 2511\)](#) describes the PFL Benefits Program, outlines what makes employees eligible or ineligible for PFL benefits, explains how to apply for the benefits, and fulfills your legal obligation to distribute PFL benefit information to all new hires and again to those becoming absent for a covered reason.
- California employers are required to give a [California Rights of Victims of Domestic Violence, Sexual Assault and Stalking Pamphlet](#) to all new employees at the time of hire and to any current employee who requests it. This pamphlet describes protections for employees who are victims of domestic violence, sexual assault and stalking to take time off for legal proceedings; a victim's right to take time off to get medical attention or services if your company has 25 or more workers; a victim's right to request reasonable accommodation to make sure they are safe at work; and protections against discrimination and retaliation.