



Human Resources Legal Fact Sheet: California

Updated April 2024

Disclaimer: This factsheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The factsheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This factsheet does not include all legal requirements for dairies. It was created in April 2024, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal factsheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. Additionally, employers should review the provisions of their collective bargaining agreement(s). By using this factsheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the factsheet. This factsheet should not be used as a substitute for competent legal advice from a licensed attorney.

Are there California state laws for dairy farms about the following?

Hiring

Topic	Answer	Summary
Pay Notice ¹	YES	<p>All new non-exempt employees must receive upon hire a written notice on: (A) the rate/ rates of pay and what they’re based on (hour, shift, day, week, salary, commission, etc. – plus any overtime rates); (B) allowances, if any, claimed as part of the minimum wage, like meal or lodging allowances; (C) regular payday; (D) the name of the employer, including any “doing business as” names used by the employer; (E) employer physical and mailing addresses; (F) employer phone number; (G) the name, address, and phone number of the employer’s workers’ compensation insurance carrier; (H) that an employee: may accrue and use sick leave; has a right to request and use accrued paid sick leave; may not be terminated or retaliated against for using or requesting the use of accrued paid sick leave; and has the right to file a complaint against an employer who retaliates; (I) the existence of either a federal or state emergency or disaster declaration applicable to the county or counties where the employee is to be employed and that was issued within 30 days prior to the employee’s first day of employment, that may affect their health and safety during their employment; and (J) any other information the Labor Commissioner deems material and necessary.</p> <p>A new notice has to be given within 7 days anytime the information changes, unless all charges are reflected on a timely wage statement or other writing.</p> <p>The notice needs to be in the language the employer normally uses to communicate employment-related information. Templates and some translations are available online through the Labor Commissioner.</p>
Reporting ²	YES	<p>New hires and rehires must be reported to the California New Employee Registry within 20 days.</p> <p>Beginning March 31, 2021 employers with 100 or more employees and/or 100 or more workers hired through labor contractors (with at least one employee or worker based in California), must submit an annual report of employee pay, demographic, and other workforce data to the Civil Rights Department (CRD).</p>

Wages



Human Resources Legal Fact Sheet: California

Topic	Answer	Summary
Paydays ³	YES	<p>You must have regular paydays established in advance.</p> <ul style="list-style-type: none"> For farm employees NOT living in farm-provided housing: Paydays must be at least twice a month. Work done from the 1st to the 15th of the month has to be paid out between the 16th and 22nd day of that month. And work done from the 16th to the end of the month has to be paid out between the 1st and 7th day of the next month. For employees living in farm-provided housing: Paydays must be at least once a month and cannot be more than 31 days apart.
Final Pay ⁴	YES	<p>If an employee is fired/involuntarily terminated, final wages owed (including payment for accrued, unused vacation/PTO) are due on the last day of employment.</p> <p>If an employee quits/resigns, final wages owed (including payment for accrued, unused vacation/PTO) are due within 72 hours of the employee's notice of resignation; however, if the employee has given 72 hours or more notice of resignation, final wages are due on the last day of employment.</p>
Overtime ⁵	YES	<p>For agricultural employers with 26 or more employees:</p> <ul style="list-style-type: none"> If an agricultural employee works more than 8 hours in one workday: they need to be paid overtime at 1.5 times their regular rate of pay for all hours over 8. If an agriculture employee works more than 40 hours in a week: they need to be paid overtime at 1.5 times their regular rate of pay for all hours over 40. If an agriculture employee works more than 12 hours in any workday, they must be paid overtime at double their regular rate of pay for all hours over 12. If an employee works more than 6 days in a work week, the employee must be paid overtime at 1.5 times the regular rate of pay for the first 8 hours of the 7th day, and 2 times their regular pay for anything over 8 hours on that 7th day. However, no overtime pay is required on the 7th consecutive day of work in a workweek when the total hours of employment during such workweek do not exceed 30 and the total hours of employment in any one workday do not exceed six. <p>For employers with 25 or fewer employees:</p> <ul style="list-style-type: none"> If agricultural employees works more than 8.5 hours in one workday: they need to be paid over overtime at 1.5 time their regular rate of pay for all hours worked over 9. If an agriculture employee works more than 45 hours in a week: they must need to be paid overtime at 1.5 times their regular rate of pay for all hours over 50. If an employee works more than 6 days in a work week, the employee must be paid overtime at 1.5 times the regular rate of pay for the first 8 hours worked of the 7th day, and 2 times their regular pay for anything over 8 hours worked on that 7th day. No overtime pay is required on the 7th consecutive day of work in a workweek when the total hours of employment during such



Human Resources Legal Fact Sheet: California

		<p>workweek do not exceed 30 and the total hours of employment in any one workday do not exceed six.</p> <ul style="list-style-type: none"> Agricultural workers at small employers (25 or fewer employees) will receive overtime and double time pay at the employee’s regular rate starting January 1, 2025. See Frequently Asked Questions. <p>Overtime requirements do not apply to parent, spouse, or child of employer.</p> <p>Overtime requirements also do not apply to an employee who (1) does work that is primarily intellectual, managerial, or creative (usually executive, administrative, or professional); (2) does work that requires discretion and independent judgment; AND (3) is paid double the monthly California minimum wage for full-time employees (\$5,546.67 based on the Jan. 1, 2024 minimum wage of \$16.00). Salaried employees that don’t meet these criteria are subject to overtime pay.</p> <p>Guidance on calculating the regular rate of pay is found online.</p>
Minimum Wage ⁶	YES	<p>State minimum wage: \$16.00</p> <p>Does not apply to parent, spouse, or child of employer.</p> <p>Minimum wage rate may be higher under applicable local ordinances.</p>
Hours Worked ⁷	YES	<p>California’s applicable wage order defines hours worked as the time during which an employee is subject to the control of an employer and includes all the time the employee is suffered or permitted to work, whether or not required to do so.</p> <p>If an employee is “suffered or permitted” to work, even though not instructed or requested to do so, that time is compensable working time, or hours worked. Therefore, if the employer knows or has reason to believe that an employee is working, such work is compensable.</p>
Reporting Time Pay ⁸	YES	<p>The following applies to farms with 5 or more employees, with limited exceptions:</p> <ul style="list-style-type: none"> If an employee shows up for their workday, but is not put to work OR they are sent home after working less than half of their usual/scheduled day’s work, then you have to give them ‘reporting time pay’. They must be paid for half of the usual/scheduled workday at their regular rate of pay – but the time they are paid for can’t be less than 2 hours or more than 4 hours. For example, if an employee is scheduled to work 8 hours and shows up for work, but you only need them for 3 hours, you still need to pay them for 1 additional hour (4 hours total). (See Section 5). If an employee is required to report for work a second time in any one workday and is furnished less than two (2) hours of work on the second reporting, the employee must be paid for two (2) hours at the employee’s regular rate of pay, which shall not be less than the minimum wage.
Pay Stub ⁹	YES	<p>For each payday, employees must receive a pay stub that includes:</p> <ul style="list-style-type: none"> Gross wages earned Total hours worked*



Human Resources Legal Fact Sheet: California

		<ul style="list-style-type: none"> • All deductions which must be separately itemized • Net wages earned • Pay period dates • Employee name and last four digits of SSN (or other employee ID number) • Employer name and address (if the employer is a farm labor contractor, also provide the name and address of the legal entity that secured the services of the employer) • All applicable hourly rates in effect during the pay period, and the corresponding number of hours worked at each hourly rate by the employee <p>Note: Additional information required if employee paid on a piece-rate basis</p> <p>These records are subject to inspection under the rules regarding payroll records below.</p> <p>* Employees exempt from overtime do not need to have total hours listed.</p>
<p>Taxes and Withholding¹⁰</p>	<p>YES / NO</p>	<p>Agricultural wages are not subject to California state personal income tax withholding unless the employer and employee voluntarily agree. Either way, employers must give employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R.</p> <p>California employers must withhold for State Disability Insurance from employee pay (or cover employees through a Voluntary Plan).</p> <p>Employers must pay California Unemployment Insurance taxes. Certain family employment is excluded from coverage requirements (a parent employed by their son/daughter, a person employed by their spouse, or a child under 18 employed by a parent). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to California in calculating how much you owe for federal unemployment taxes. More details about unemployment insurance. Employers are also responsible for the Employment Training Tax except under limited circumstances.</p>
<p>Deductions¹¹</p>	<p>YES</p>	<p>Deductions required by law or court order (e.g., tax withholdings) do not require written authorization from the employee. Deductions for the employee's benefit, specifically health insurance payments and benefit plan contributions, must be agreed to by the employee in advance (or authorized by wage or collective bargaining agreement). Deductions for breakage or loss of equipment are illegal unless you can prove that it was because of the worker's dishonest or willful act or gross negligence. Other unlawful deductions include the cost of uniforms or required medical/physical examinations (e.g., pre-employment exams required to get the job, or any exams required by law). More details.</p> <p>If you loan an employee money, you can have a written agreement to have the employee pay it back through installments from their paycheck. But if they quit or are terminated before it is paid off, you cannot take the remaining balance from</p>



Human Resources Legal Fact Sheet: California

		<p>their last paycheck – you can only take the regular installment amount agreed to (absent an agreement otherwise).</p> <p>Meals and lodging may be credited as part of the employee’s minimum wage, but there are limits to how much you can charge and this can only be done through a voluntary written agreement with the employee.</p>
Bonuses	YES	<p>Nondiscretionary bonuses are included when calculating the regular rate of pay for overtime purposes. A nondiscretionary bonus is one that is based upon hours worked, production or proficiency – for example, bonuses for meeting somatic cell count goals.</p> <p>Discretionary bonuses such as gifts at a holiday or other special occasions, which are not measured by or dependent upon hours worked, production or efficiency, are not included for purposes of determining the regular rate of pay.</p> <p>Both bonuses are considered wages under California law and must be paid timely.</p>

Recordkeeping

Topic	Answer	Summary
Payroll ¹²	YES	<p>Payroll records (copies of the paystubs described above) must be kept for at least three years (though recommended to be kept for at least four years).</p> <p>The records must be kept at the workplace or a central location within the state of California. An employer who receives a written or oral request from a current or former employee to inspect or copy his or her payroll records shall comply with the request as soon as practicable, but no later than 21 calendar days from the date of the request.</p>
Personnel File Access ¹³	YES	<p>Employers are required to retain personnel records for applicants and employees for a minimum of four years. Current and former employees (or a representative) have the right to inspect and receive a copy of the personnel files. Inspections must be allowed at reasonable times and intervals, but not later than 30 calendar days from the date the employer receives a written request. Upon a written request, the employer shall provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not less than 30 calendar days from the date the employer receives the request.</p> <p>The inspection requirements do not apply to: records on the investigation of a possible criminal offense, letters of reference, certain ratings/reports/records (for example, if they were from prior employment). You can redact the names of any nonsupervisory employees mentioned in the personnel file.</p> <p>The right to inspect personnel files does not apply to an employee covered by a valid collective bargaining agreement if the agreement expressly provides for all of the following: (1) the wages, hours of work, and working conditions of employees, (2) a procedure for the inspection and copying of personnel records, (3) premium</p>



Human Resources Legal Fact Sheet: California

		wage rates for all overtime hours worked, (4) a regular rate of pay of not less than 30 percent more than the state minimum wage rate.
Unemployment Insurance ¹⁴		<p>Employers must submit quarterly wage reports to the California Employment Development Division.</p> <p>All employers must keep records for each employee and pay period on:</p> <ul style="list-style-type: none"> • The pay period dates • Employee name and SSN • Date hired, rehired, or returned to work after temporary lay-off, and the last date when he or she performed any services; • Work address • Money paid • Cash value of all other remuneration (like meals or lodgings) • Special payments in cash or kind given in a pay period but that do not necessarily relate to the work of only that period, like: annual bonuses, gifts, prizes, etc. Describe the nature of the payments and state the start/end dates of service the payment relates to. • All disbursement records which show payments to anyone who performed services. • Any other information that would help determine the worker's total remuneration earned in each week. <p>Employers covered under the Unemployment Insurance code must keep records for at least 4 years from the time unemployment payments become due or are paid (whichever is later). For those that are exempt, keep the records for 8 years from the date the records relate to (so a rolling 8 years from each pay period date).</p>
Workers' Compensation ¹⁵		<p>The following claim file records must be kept for self-insured employers:</p> <ul style="list-style-type: none"> • Open Claims: 5 years from date of injury or last date for benefit payment, whichever is later <ul style="list-style-type: none"> ○ Please note that claim files with awards for future benefits must be maintained for two years after the date of the last provision of workers' compensation benefits. At that time, they may be converted to an inactive or closed status by the administrator, but only if there is no reasonable expectation that future benefits will be not be claimed or provided. • Closed Claims: 2 years after claim is closed • All Claims: 5 years after date of injury, whether claim is open or closed
OSHA	YES	See OSHA under 'Health and Safety' near the end of this document.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal factsheet.

Working Conditions

Topic	Answer	Summary
Bathrooms	YES	See OSHA under 'Health and Safety' near the end of this document.



Human Resources Legal Fact Sheet: California

Working Hours ¹⁶	YES	<p>Employers must give an employee one day off in each workweek, unless 1) the employee does not exceed 30 hours in the workweek, or 2) the employee never exceeds six hours on any workday of the workweek, or 3) work was performed in the protection of life or property from loss or destruction. When the nature of employment reasonably requires an employee to work seven or more consecutive days in a workweek, the employer will still be in compliance if in each calendar month the employee receives days of rest equivalent to one day's rest in seven.</p> <p>See Child Labor (below) for maximum hours for minors.</p>
Rest and Meal Breaks ¹⁷	YES	<p>Employers must give a paid 10-minute rest break for every 4 hours of work or major fraction thereof.</p> <p>An employee must also give an unpaid meal break of at least 30 minutes if the employee works more than 5 hours per work day. (The employer and employee can have a mutual agreement, in writing, that the employee will waive meal breaks if the workday is 6 hours or less.) If the employee works more than 10 hours a day, a second meal period of not less than 30 minutes needs to be provided. If the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee, in writing, if the first meal period was not waived.</p> <p>Meal and rest breaks must be uninterrupted and employees must be able to leave the premises.</p>
Labor Relations ¹⁸	YES	<p>Agricultural workers in California have the right to self-organize, collective bargaining, and to join/form/or participate in labor organizations.</p>
Whistleblower Protection ¹⁹	YES	<p>Cannot retaliate against employees for disclosing information to government or law enforcement if they reasonably believe there has been a violation of state or federal law. Cannot make a rule or policy preventing employees from doing so.</p>
Paid Vacation or Sick Leave ²⁰	YES / NO	<p>Employers are not required to provide employees vacation time. If employers choose to provide to provide earned time off, the vacation time is considered wages and cannot be forfeited. Earned but unused vacation must be paid out up on termination. An employer can place a reasonable cap on vacation benefits that prevents an employee from earning vacation over a certain amount of hours.</p> <p>California dairy farms are required to provide at least 5 days or 40 hours sick leave per year for the diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or the employee's family member, or specified purposes if an employee is the victim of domestic violence, sexual assault, or stalking.</p> <p>Employees who accrue sick leave may take said leave to care for a parent, child, spouse, registered domestic partner, grandparent, grandchild, sibling or designated person.</p>
Breaks for Nursing Mothers ²¹	YES	<p>Must allow breastfeeding mothers a reasonable amount of break time to express milk. If possible, this break time can be at the same time as their regularly</p>



Human Resources Legal Fact Sheet: California

	<p>scheduled breaktime. Generally, you must also provide a private location, other than a toilet stall, that is close by to express milk.</p> <p>Employers do not need to pay for the break time if it is outside of regular paid breaks.</p>
<p>Pregnancy and Pregnancy Related Disabilities²²</p>	<p>Employers must provide benefits for pregnancy disabilities as it would other temporary disabilities.</p> <p>Employers with five (5) or more employees cannot refuse to make reasonable accommodations for pregnant employees who are unable to perform certain tasks or job duties due to pregnancy or a pregnancy-related medical condition. Whether an accommodation is reasonable is a factual determination on a case-by-case basis. Reasonable accommodations may include, but are not limited to an employer:</p> <ul style="list-style-type: none"> • modifying work practices or policies; • modifying work duties; • modifying work schedules to permit earlier or later hours, or to permit more frequent breaks (e.g., to use the restroom); • providing furniture (e.g., stools or chairs) or acquiring or modifying equipment or devices; or • providing a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code. <p>YES</p> <p><i>Pregnancy Disability Leave</i>²³ Employees who work for an employer with at least 5 employees are eligible for up to four months of Pregnancy Disability Leave (PDL) leave if they are disabled due to pregnancy, childbirth, or a related condition. A pregnancy disability is a physical or mental condition related to pregnancy or childbirth that prevents the employee from performing essential duties of their job, or if their job would cause undue risk to them or their pregnancy's successful completion. Examples of pregnancy disability include severe morning sickness, prenatal or postnatal care, need for bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, lactation conditions such as mastitis, loss or end of pregnancy, and recovery from loss or end of pregnancy.</p> <p><i>Baby Bonding Leave</i>²⁴ California's Family Rights Act (CFRA) allows for up to 12 weeks of bonding leave within one year of the child's birth, adoption, or start of foster care. This applies to employees who have worked more than 1,250 hours in the past year for employers with 5 or more employees. This law covers both parents.</p> <p><i>Reproductive Loss Leave</i>²⁵ Employees may take up to five days of reproductive loss leave after a reproductive loss event. If an employee experiences more than one reproductive loss event in a</p>



Human Resources Legal Fact Sheet: California

		12-month period, an employer must grant a total amount of reproductive loss leave of up to 20 days in a 12-month period. Reproductive loss event a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.
Family, Parental, and Medical Leave ²⁶	YES	<p>The State Disability Insurance program has several types of Paid Family Leave (PFL). PFL allows up to 8 weeks of partial pay to employees who take time off from work to care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner) or to bond with a new child entering the family through birth, adoption, or foster care placement. PFL also covers partial wage replacement for periods before and after childbirth, the exact length of time depends on the nature of the mother's medical condition. PFL is a wage replacement program and not a leave.</p> <p><i>California Family Rights Act Leave</i> California Family Rights Act (CFRA) provides eligible employees with up to 12 weeks of unpaid, job-protected leave 1) to care for a child, spouse, domestic partner, parent, grandparent, grandchild, sibling or designated person with a serious health condition, 2) for the employee's own serious health condition; 3) for the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child; or 4) for a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.</p> <p><i>Bereavement Leave</i>²⁷ Employers with five or more employees must provide eligible employees with up to five days of bereavement leave upon the death of a qualifying family member.</p>
Jury Duty and Witness Leave ²⁸	YES	Employees who are required to serve on a jury or compelled by subpoena or court order to appear in court as a witness in a judicial proceeding are entitled to unpaid leave.
Crime Victim Leave ²⁹	YES	<p>Employees who are the victim of a crime or who have an immediate family member or registered domestic partner who is a victim of a crime may take leave to attend juridical proceedings related to certain crimes.</p> <p>Employees who are victims of domestic violence, sexual assault or stalking are eligible for leave to obtain services, seek medical attention, participate in safety planning, obtain psychological counseling, and seek any other relief to help ensure their health, safety and welfare, and that of their children.</p>
Military and Military Spouse Leave ³⁰	YES	<p>Employees who are officers, warrant officers, or enlisted members of the military or naval forces of California or of the US, or members of the reserve corps of the US or of the National Guard or Naval Militia are eligible for leave.</p> <p>In addition, employees of an employer with 25 or more employees are eligible for military spouse leave, if they:</p> <ul style="list-style-type: none"> • Are the spouses of members of the US Armed Forces, the National Guard or the Reserves deployed in a combat area during a period of military conflict. • Are employed for an average of 20 hours or more per week.



Human Resources Legal Fact Sheet: California

		<ul style="list-style-type: none"> • Are not an independent contractor. • Provide their employer with notice of their intention to take leave within two business days of receiving official notice that their spouse will be on leave from deployment. • Submit proper documentation certifying their spouse's leave from deployment. <p>See also the Uniformed Services Employment and Reemployment Rights Act leave in the federal factsheet.</p>
Voting Leave ³¹	YES	All California employees who do not have sufficient time outside of working hours to vote on Election Day are eligible for up to two hours of paid leave to vote .
School Activity Leave ³²	YES	Employees who are the parent, guardian, or custodial grandparent of a child in grade school or licensed day care are eligible for leave when the child is suspended. In addition, employers with 25 or more employees at the same location must allow eligible employees to take up to 40 hours off per year to attend school activities.
Other Leave ³³	YES	<p><i>Volunteer Firefighter and Reserve Police:</i> Employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel and who require time off to perform emergency services are eligible for leave. Employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel, and who require time off for fire, law enforcement, or emergency rescue training, are eligible for this leave if their employer employs 50 or more employees.</p> <p><i>Alcohol and Drug Rehabilitation:</i> Employees who seek time off to voluntarily complete a rehabilitation program are eligible for leave if their employer employs 25 or more employees.</p> <p><i>Organ and Bone Marrow Donor:</i> Employees who work for an employer with at least 15 employees are eligible to take leave to donate bone marrow or an organ to another person if they have been employed for at least 90 days before beginning leave.</p> <p><i>Civil Air Patrol:</i> Employees who work for an employer with at least 15 employees are eligible for leave if they have been employed for at least 90 days before beginning leave, are volunteer members of the California Wing of the Civil Air Patrol; and are responding to an emergency operational mission of the California Wing of the Civil Air Patrol.</p>

Human Rights

Topic	Answer	Summary
Employment Discrimination ³⁴	YES	California law prohibits employment discrimination based on a protected category, including race, religious creed, color, national origin, age 40 and above, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, pregnancy, childbirth, and related medical conditions, breastfeeding, gender identity or expression, transitioning based on gender, sexual orientation, marital status, military or veteran status. Applies to employers with 5 or more employees.



Human Resources Legal Fact Sheet: California

		<p>Employment discrimination means bias in hiring (including during interviews), promotion, compensation, job assignments, firing, pay, and other terms of employment.</p> <p>Employers with 5 or more employees need to have a written anti-harassment and anti-discrimination policy that includes information about the law, that creates a complaint process (where employees don't have to go directly through a supervisor), that states that confidentiality will be maintained to the extent possible, and more. The policy should be translated into any language spoken by 10% or more of the employees as their spoken language.</p> <p>Employers cannot pay men and women different wages for comparable work on jobs that have virtually the same requirements in terms of skills, effort, and responsibility. Wage differences based on seniority, merit, quantity or quality of production or other factors other than sex are permitted.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint regarding employment discrimination</p>
<p>Harassment / Sexual Harassment³⁵</p>	<p>YES</p>	<p>California law prohibits workplace harassment based on a protected characteristic, including race, religious creed, color, national origin, age 40 and above, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, pregnancy, childbirth, and related medical conditions, breastfeeding, gender identity or expression, transitioning based on gender, sexual orientation, marital status, military or veteran status. Applies to all employers, regardless of the number of employees.</p> <p>Employers have to make reasonable efforts to prevent discrimination and harassment, as outlined here: California Workplace Harassment Guide.</p> <p>Employers with 5 or more employees need to provide at least one hour of training and education on sexual harassment to nonsupervisory employees and two hours of training and education on sexual harassment to all supervisors every two years and to all new supervisory employees within six months of assumption of the supervisory position.</p> <p>Harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes,



Human Resources Legal Fact Sheet: California

		<p>touching and nude posters are just part of farm life, and she should try to ignore it.</p> <ul style="list-style-type: none"> • Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.” • The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer. <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint about harassment.</p>
Forced Labor ³⁶	YES	<p>Human trafficking is illegal in California. Trafficking for labor means: labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>

Child Labor

Topic	Answer	Summary
Child Labor ³⁷	YES	<p>Work permit required if under 18, except for minors employed by their parents or guardians or if their parent or guardian owns, operates or controls the farm.</p> <p>Meal and rest break requirements are the same as the ones for adults (see above). Additionally, they are entitled to one day off in seven (see Working Hours above).</p> <p>Minimum age:</p> <ul style="list-style-type: none"> • During school hours: 18 (16 if not required to attend school) • Outside school hours: 12 <p>Max hours:</p> <ul style="list-style-type: none"> • Ages 12 and 13 <ul style="list-style-type: none"> ○ School in session: Can only work during school holidays, vacations, and weekends. Max hours stated on work permit OR cannot exceed 8 hours per day/40 hours per week. ○ School not in session: 8 hours per day, 40 hours per week– no limit if employed by their parents or guardians or if their parent or guardian owns, operates or controls the farm. ○ Limited to work hours between 7am to 7pm. From June 1 through Labor Day, can extend to 9pm. • Ages 14 and 15



Human Resources Legal Fact Sheet: California

		<ul style="list-style-type: none"> ○ School in session: 3 hours on schooldays (outside of school hours), 8 hours on non-schooldays. Max 18 hours per week. ○ School not in session: 8 hours per day, 40 hours per week – no limit if employed by their parents or guardians or if their parent or guardian owns, operates or controls the farm. ○ Limited to work hours between 7am to 7pm. From June 1 through Labor Day, can extend to 9pm. <ul style="list-style-type: none"> ● 16 and older <ul style="list-style-type: none"> ○ School in session: 4 hours on schooldays, 8 hours on non-schooldays or any day before a non-school day. Max 48 hours per week. ○ School not in session: 8 hours per day, 48 hours per week. ○ Limited to work between 5am and 10pm, or 12:30am on an evening before a non-school day <p>There are rules on restricted and prohibited occupations. More details.</p>
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Health and Safety

Topic	Answer	Summary
OSHA ³⁸	YES	<p>California has an approved state plan. Its health and safety laws are approved as “at least as affective” as federal OSHA standards. Pursuant to its state plan, California has standards specifically related to agricultural operations, as well as its general requirements. See standards for agricultural operations (8 CCR 3436, et seq.)</p> <p>California OSHA regulations apply to all farms with one or more employees. The two sets of safety orders to pay particular attention to are: (1) California’s General Industry Safety Orders, which set the minimum requirements for all employers in any industry; and, (2) the industry-specific set of safety orders for Agricultural Operations. Below are common problem areas for California farms, but this is not a comprehensive list of Cal/OSHA requirements:</p> <ul style="list-style-type: none"> ● Injury and Illness Prevention Program – All employers need a written IIPP which addresses assignment of responsibilities; the communication systems set up with employees; systems for checking compliance with safe work practices, recordkeeping; and more. ● Heat Illness Prevention Plan – Farms need to make sure employees have proper access to rest, shade and water. Employers need to have set emergency response procedures and training for employees/supervisors about heat illness in a language they can understand. And farms also need to have a written Heat Illness Prevention Plan available in English and the language understood by most employees. ● Drinking water - Must have potable water available. All sources of water need to be clean and in sanitary condition. You cannot have a common drinking cup or other similar utensils. ● Bathrooms - Must have bathrooms, which must be separate for each sex if there are more than four employees. The number needed is based on the



Human Resources Legal Fact Sheet: **California**

number of employees. Toilets need to have a door and a latch. Bathrooms need to be clean, accessible, and have running water/soap/toilet paper/hand towels or warm-air blowers.

- [First-aid](#) – If there is no clinic or hospital nearby, then someone on-site has to be trained in first aid (1 person per 20 employees). First aid kits have to be available.
- [Reporting](#) – Any serious injury, illness, or death of an employee has to be reported to the nearest Cal/OSHA district office immediately (as soon as possible, but no longer than 8 hours after the employer knows about the incident). This is in addition to the reporting discussed under Workers' Compensation.
- [Recordkeeping](#) – Employers with more than 10 employees need to keep records of work-related injury or illnesses if they result in death, days away from work, restricted work, transfer to another job, medical treatment beyond first aid, loss of consciousness, significant injury/illness diagnosed by a doctor or other healthcare professional. There are some exceptions for small employers. Consult Cal/OSHA Form 300. You must save the Cal/OSHA Form 300, the privacy case list (if one exists), the Cal/OSHA Form 300A, and the Cal/OSHA Form 301 Incident Reports for five (5) years following the end of the calendar year that these records cover. You must provide the records to an authorized government representative within 4 hours upon request.
- Farm Equipment
 - [Manure Lagoons](#): If deeper than 4 feet, and the slope/construction makes exit difficult, then there needs to be a ladder, steps, or other means of climbing out.
 - Machine-guarding rules: There are several requirements specific to agriculture ([sections 3440 to 3447](#)) and also generally applicable [to all industries](#).
 - [Lock-out tag-out \(LO/TO\)](#): requirements around training, equipment, etc.
 - [Roll over protection \(ROPS\)](#): basically, all tractors need to be equipped with (ROPS) with some specific exceptions.
- [Hazard communication](#) - Employers are required to have a safety data sheet for each hazardous chemical they use and ensure that each container of hazardous chemicals in the workplace is properly labeled. Employers are also required to develop, implement, and maintain at the workplace a written hazard communication program and provide training for their employees
- PPE – Must provide personal protective equipment required for an employee's job assignment, and training on how/when to use the PPE. The need for PPE depends on a hazard assessment. Examples include [head protection](#), [eye/face protection](#), [body protection](#), [hand protection](#), [foot protection](#), and [respiratory protection](#).
- [Workplace violence prevention](#) – Employers must establish, implement, and maintain an effective written Workplace Violence Prevention Plan,



Human Resources Legal Fact Sheet: California

		<p>conduct investigation, identify and correct workplace hazards in a timely manner, provide effective training to their employees and maintain workplace violence logs. The law goes into effect July 1, 2024.</p> <p>It is illegal for businesses to retaliate against workers for reporting an injury or health and safety hazard.</p>
Workers Compensation ³⁹	YES	<p>Employers must provide workers' compensation coverage, even for family members. More details.</p> <p>If an employee is injured, you must provide them with a claim form (DWC-1) within one working day. Once the employee fills it out, you send a copy to the insurance company.</p> <p>Within five days, you have to report to the insurance company any injury or illness that results in lost time OR requires medical treatment beyond first aid (Form 5020). If an employee dies after submission, you have to submit a new form.</p>
Housing ⁴⁰	YES	<p>Employers may be subject to the California Employee Housing Act if they provide housing where five or more employees live. Dairy farms that only have well-maintained, permanent single-family employee housing that meet the State Housing law standards can apply to be exempt from having an annual permit.</p> <p>More information is available in the link above. The full set of requirements for maintenance are found in the regulation text.</p> <p>Even if not covered under state law, employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.</p>

¹ Cal. Lab Code §2810.5

² Cal. UIC Code §1088.5; Cal. Gov't Code §12999.

³ Cal. Lab Code §204; §205; §205.5

⁴ Cal. Lab Code §201; §202

⁵ Cal. Lab Code §510; IWC Order #14-2001; Cal. Lab Code §515

⁶ Cal. Lab Code §1182.12; IWC Order #14-2001 (as amended by IWC MW-2017)

⁷ IWC Order #14-2001

⁸ IWC Order #14-2001

⁹ Cal. Lab Code §226

¹⁰ Cal. UIC Code §13009; Cal. UIC Code §611; §631; §976.6

¹¹ Cal. Lab Code §224; IWC Order #14-2001 (as amended by IWC MW-2017); *Barnhill v. Robert Saunders & Co.*, 125 Cal. App. 3d 1, 177 Cal. Rptr. 803 (Ct. App. 1981).

¹² Cal. Lab Code §226

¹³ Cal. Lab Code §1198.5

¹⁴ 22 CCR § 1085-2; § 1088-1

¹⁵ 8 CCR § 15400.2

¹⁶ Cal. Lab Code §551 to 556

¹⁷ Cal. LAB Code §512; IWC Order #14-2001

¹⁸ Cal. LAB Code §1152

¹⁹ Cal. LAB Code §1102.5

²⁰ Cal. Lab Code §245 to §249; Cal. Lab. Code § 233; 2 CCR § 11035; 2 CCR § 11087

²¹ Cal. LAB Code §1030 to 1033



Human Resources Legal Fact Sheet: **California**

²² 2 CCR § 11035; 2 CCR § 11039

²³ Cal. Gov't Code § 12945; 2 CCR § 11035; 2 CCR § 11042; 2 CCR § 11087; Cal. Gov't Code §§ 12945.1 to 12945.2 and 19702.3

²⁴ Cal. Gov't Code § 12945; 2 CCR § 11035; 2 CCR § 11042; 2 CCR § 11087; Cal. Gov't Code §§ 12945.1 to 12945.2 and 19702.3

²⁵ Cal. Gov't Code § 12945.6

²⁶ Cal. Gov't Code § 12945; 2 CCR § 11035; 2 CCR § 11042; 2 CCR § 11087; Cal. Gov't Code §§ 12945.1 to 12945.2 and 19702.3

²⁷ Cal. Gov't Code § 12945.7

²⁸ Cal. Lab. Code § 230(a) and (b)

²⁹ Cal. Lab. Code §§ 230.2 and 230.5; §§ 230.1 and 230(c)

³⁰ Cal. Mil. & Vet. Code §§ 389 to 399.5

³¹ Cal. Elec. Code §§ 14000 to 14003

³² Cal. Lab. Code §§ 230.7 and 230.8

³³ Cal. Lab. Code §§ 230.3 and 230.4; Cal. Lab. Code §§ 1025 to 1028; Cal. Lab. Code §§ 1508 to 1513; Cal. Lab. Code §§ 1500 to 1507

³⁴ Cal. GOV Code §12926; Cal. GOV Code §12940; Cal. LAB Code §1197.5; 2 CCR § 11023

³⁵ Cal. GOV Code §12940, and specifically: Cal. GOV Code §12940(j); Cal. GOV Code §12950.1

³⁶ Cal. Penal Code §236.1

³⁷ Cal. LAB Code §1299; §1391 to §1399

³⁸ Cal. LAB Code §6400; Cal. Code Regs. Tit. 8: §3203; §3395; §3363; §3364; §3365; §3366; §3439; §342; §14300-§14400; § 3940 – 4086, §3651; §3440; §3441; §3446; §3314; §5194; §3380 to §3385; §5144; §14300.33; §14300.40

³⁹ Cal. LAB Code §3200 et seq

⁴⁰ Cal. HSC Code §17000 et seq., In particular: Cal. HSC Code §17030