OVERVIEW OF EMPLOYEE RIGHTS ON THE JOB

1. NATIONAL LABOR RELATIONS ACT (Federal): Provides employees the right to organize and form organizations without employer intimidation or retaliation. Establishes procedures for employee elections to select a union as their bargaining representative and requires employers to bargain in good faith. (California public employees are covered by the Public Employees Relations Board; farm workers by the Agricultural Labor Relations Board; airline and railroad workers by the Railway Labor Act and the National Mediation Board.)
   www.nlrb.gov

2. FAIR LABOR STANDARDS ACT (Federal): Requires employers to pay a minimum wage and to pay time-and-a-half for certain overtime work. Administered by the Wage and Hour Division, U.S. Department of Labor. www.dol.gov/whd

3. OCCUPATIONAL SAFETY AND HEALTH ACT (Federal & State): Provides for establishment and enforcement of standards for health and safety in the workplace. Administered by Cal/OSHA. Cal/OSHA rights include:
   - the right to safe and healthful working conditions;
   - the right to refuse to work if your working conditions pose a real and apparent hazard to your health and safety;
   - the right to ask Cal/OSHA to inspect your workplace and cite employers for standards violations.
   www.osha.gov (Federal) www.dir.ca.gov/dosh (State)

4. EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA): Establishes employer reporting and funding requirement and certain protections for employees covered by employer pension plans. www.dol.gov/ebsa

5. STATE LABOR CODE: Governs certain employer personnel Practices, such as requiring timely wage payments, employee access to personnel files. www.dir.ca.gov/dlse

6. STATE INDUSTRIAL WELFARE COMMISSION: Issues orders covering workplace issues such as requiring rest periods and meal breaks, employer payment for required uniforms, premium pay for overtime work. Administered by Division of Labor Standards Enforcement (Labor Commissioner). www.dir.ca.gov/iwc
7. SOCIAL INSURANCE PROGRAMS:

   a. Social Security (Federal) — Provides for basic retirement income and Medicare coverage, survivors and disability benefits. Paid by tax on employers and employees.

   b. Workers' Compensation (State) Provides temporary disability payments and medical expenses for employees injured on the job. Insurance required of all employers.

   c. State Disability Insurance — Provides temporary disability payments for employees whose illness or injury is not job-related. Paid by tax on employees.

   d. Unemployment Insurance (State) - Provides temporary Payments for employees who are unemployed as a result of layoff, plant closure or other cause not of their making. Generally excludes workers who quit without good cause or are fired. Paid by tax on employers.

   www.ssa.gov (Federal) www.edd.ca.gov (State)


9. AMERICANS WITH DISABILITIES ACT of 1990: (Federal) Prohibits discrimination against workers with virtually any physical or mental disability and requires employers to remove any "substantial" physical barriers to the movement of people with physical limitations. (Except if it would cause the employer "Undue hardship.") Allows affirmative action. Enforced mainly through Equal Employment Opportunities Commission. Similar laws in California, including also discrimination by reason of sexual orientation, are enforced by the State Department of Fair Housing and Employment www.eeoc.gov (Federal) www.dfeh.ca.gov (State)

10. FAMILY AND MEDICAL LEAVE ACT (Federal): Allows eligible employees up to 12 weeks of unpaid leave per year to care for a new child or a seriously ill relative or to recover from their own serious health condition. Health and Welfare benefits are to be continued during the leave. Employers may require employees to use paid vacation and sick leave as part of the 12 week leave. California law allows up to 16 weeks leave. www.dol.gov/whd (Federal) www.dfeh.ca.gov (State)

12. COBRA (CONSOLIDATED OMNIBUS BUDGET REVISION ACT) (Federal): Allows employees leaving a Job to continue their health and welfare benefits through the employer's group plan for eighteen months at employer's cost plus 2% administration charge. 

WORKER FRIENDLY LABOR CODES

1) 230.8-Time off for school activities. Provides employees with 40 hours per year (not to exceed 8 hours per month) for taking time off without penalty to participate in school activities.

2) 233-“Kin Care”: Provides employees the ability to use 50% of their accrued sick leave in a year to attend to an illness of a child, spouse, domestic partner, parent, without penalty.

3) 1198.5-Requires employers to make available personnel records for employees to inspect when requested.

4) 2810.5-Requires employers to furnish a summary of certain working conditions to employees hired after 1-1-2012.

5) 4600-Allows employees to be treated by their personal physician for workers compensation injuries. Employees must provide employers written notification in advance of injury.

MEALS AND BREAKS

1) BREAKS-Any employee who works more than 3 1/2 hours is entitled to a paid ten minute break. Additional breaks are required for every four hours worked.

2) MEALS-Any employee working 5 or more hours is entitled to a lunch period of at least thirty minutes.