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**LEGAL ISSUES FOR FAMILY CHILD CARE PROVIDERS IN CALIFORNIA:  
EMPLOYING AN ASSISTANT**

**By the Staff of the Child Care Law Center**

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## **INTRODUCTION**

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Family child care providers in California care for a small number of children in the providers' homes. Small family child care providers may care for up to six (6) or eight (8) children, and large family child care providers may care for up to twelve (12) or fourteen (14) children.

Some child care providers need to hire an assistant or a substitute to help out from time to time or every day. One reason family child care providers may need to hire assistants is that they will be temporarily absent from their child care for a period of time. Another reason is that California licensing requirements mandate certain ratios of providers to children. The required ratios are slightly complicated because they depend on the age of the children (see the licensing chapter of Child Care Law Center's Family Child Care in California Manual for more information about required ratios). It is important to be familiar with the required ratios, and to hire an assistant if needed.

Hiring and supervising persons caring for children is a big responsibility that you should take seriously. When you hire an assistant, you may become an employer, and the person you hire may become your employee. In most circumstances when you hire an assistant, your assistant would be considered your employee, and you would be considered the employer of your assistant; your assistant would not be your independent contractor. As an employer, you are required to comply with many federal and state laws. It is important for you to understand your responsibilities.

This article provides an overview many of the issues that affect you in your position as an employer of one employee or a small number of employees, but it is provided with the understanding that it does not give legal advice. For legal advice about a particular matter, please consult the services of a competent attorney or other professional. Where appropriate, this chapter states the following:

- What the law requires and you therefore **MUST** do,
- What the law encourages, and you therefore **SHOULD** do, and
- What the law prohibits you from doing and you therefore **MAY NOT** do.

## **WHAT SHOULD I FOCUS ON WHEN I HIRE AN ASSISTANT?**

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Throughout the hiring process, you must comply with a number of legal obligations. You must ensure that the hiring process is fair and uniform, and you should take steps to ensure that it will result in a sound hiring decision. The hiring process generally involves circulating a job description, reviewing applications or resumes, interviewing candidates, conducting reference checks, and making an offer.

### **Job Description and Applications or Resumes**

You should carefully review your job description or job announcement to make sure that it accurately reflects the job and the skills that an ideal candidate should possess. More information is provided below about the process that you should go through to ensure that your job description does not violate any laws.

### **Questions You May Ask**

You may either develop an application or solicit resumes. Here are some questions that you might include:

- Current and Previous employment
- Current and Previous addresses
- References
  - Personal: non-related persons who have known the applicant a substantial period of time;
  - Employer: former employers; and/or
  - Co-workers or parents of children for whom they have provided care
- Verification of education credentials.

### **Criminal Record Background Check**

You should explain that California licensing law requires that family child care employees submit to a criminal records background check.<sup>1</sup> Your employees must provide their fingerprints to the Department of Justice and the Federal Bureau of Investigation. If you wish, you may also ask directly about convictions for a crime other than a minor traffic violation; explain that this information will come up in the licensing criminal records check. You may **not** ask questions about prior arrests.<sup>2</sup>

### **No Discrimination**

Your job description and application should not discriminate against classes of people.<sup>3</sup> For example, employers generally should not make inquiries which discriminate as to race, national origin, or ancestry; age, religious creed; physical and mental disability or medical condition; political affiliation; military service; marital status; pregnancy; sex; or sexual orientation.<sup>4</sup>

In developing the job description in order to avoid discriminating against individuals with disabilities, you should describe the job by *essential functions*, that is, the tasks necessary to accomplish the job. You should avoid characterizing the job according to physical attributes or abilities, such as being able to lift 20 pounds. Instead you should describe the function that might require someone to lift 20 pounds, such as the need to diaper toddlers. You may not screen applicants for disabilities, including HIV/AIDS.<sup>5</sup>

You should ask whether the employee can perform the essential functions of the job with or without a reasonable accommodation.

### **Keeping a permanent, Confidential Personnel File**

You must keep the job announcement, resumes, applications, and other information in a permanent, confidential file.<sup>6</sup> In addition, you must file a copy of your job application with the Division of Labor standards.<sup>7</sup>

### **Interview**

During the interview, you should establish a rapport with the prospective employee, and avoid questions that invade his or her right to privacy, such as whether s/he is married or has children.<sup>8</sup> Your goal should be to determine whether this is a person who will work well with you and the children in your care. If you have received any unverified, unfavorable information in your inquiries about the applicant, you should express your concerns to the applicant and allow him or her to respond. You may reveal information about what references say as long as you have permission from the person who provided a reference.

You may also want to have applicants spend some time with the children, under your supervision, so that you can observe them in the environment in which they will be working. You may not leave a job applicant alone with children.

### **References**

You should contact previous employers of the applicants, especially previous employers within the child care profession. It is helpful to develop a uniform set of questions to use in all your reference checks. You should try to ask questions that reveal qualities of character as well as objective qualifications. Make sure that references from previous employment worked directly with the applicant. Take notes consistently when you are talking to a reference, especially the name of the person you spoke with, the date, and the comments that s/he made.

## **AFTER I HIRE A NEW EMPLOYEE: FIRST DAYS**

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### **At Will Employment and Personnel Policies**

California has an “at-will” employment system, in which the employment relationship continues at the discretion of the employer and employee. There are some advantages to having clear, written personnel policies that explain an employee’s rights and responsibilities.

Some small family child care providers get into trouble because they do not have clear personnel policies. Although having personnel policies is not required by law, it can prevent many problems. If you choose to have written personnel policies, see the

resource section below for ideas about places to look for further information and suggestions. See the section below on progressive discipline for information about how your personnel policies could affect the “at will” employment status of your employee.

You may, at your option, provide additional employee benefits such as vacation time, sick leave, or paid holidays. Providing these benefits has a financial cost, but it may be easier to hire and retain quality employees if you do so.

### **Orientation and Training**

You may want to provide your new employee with an orientation and training, sharing your philosophies and also making sure that your employee is familiar with legal requirements.

In addition to the above considerations, you must make sure that your assistant is trained to understand universal infection control measures, daily cleaning and disinfecting, and prevention of HIV/HBV transmission,<sup>9</sup> as well as California licensing requirements.

### **Preventing and Addressing Problems**

You must supervise and observe your assistant on an ongoing basis. Many child care providers find that they have no problems with their employees. However, you should be prepared in case your employee complains about a problem, you receive parental complaints, or you have concerns about your employee’s performance.

First, you must avoid any type of harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. In California, employers with one or more employees are liable for harassment – even if it is only verbal and even if the employee does not lose any “tangible” job benefits.<sup>10</sup> The law requires you to “take all reasonable steps to prevent” it from occurring.<sup>11</sup>

Second, you should consider developing policies to respond if parents complain about your assistant in order to ensure that the rights of the parent and the rights of the employee are protected.

Third, you should adopt a “progressive disciplinary procedure” in which a first offense is met with a verbal warning, a second offense with a written warning, and so on, to deal with potential performance problems.<sup>12</sup> Such a procedure should give your employee the following information:

- What s/he did wrong.
- What s/he can do to correct the problem.
- What is the deadline for correcting it.
- What are the consequences for not correcting it.

Once you adopt such a procedure, you should follow it consistently and uniformly. You should make sure you impose similar consequences for similar performance problems. Be straightforward and honest with your assistant; listen to his or her response, and try to work together to resolve the problem. If you have to discipline or terminate an employee, take notes and make certain that you maintain clear records of all disciplinary actions. These records should be maintained in a permanent, confidential file. That way, if there is ever a legal dispute about an employment or termination decision, you will have contemporaneous documentation of the reasons for it. There are many reasons that an employer may find it necessary to let an employee go, and the law does not restrict you to terminating an assistant only for specific misconduct or performance problems.

Keep in mind that a progressive discipline policy, or other personnel policies, may in conjunction with other factors, change your employee's "at will" status, and affecting your ability to terminate the employee. If you do establish a progressive discipline policy, but you still want to reserve the right to terminate employees if necessary, you should say expressly that the employment is "at will."

## **EMPLOYER TAX OBLIGATIONS**

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If you regularly hire someone to help you care for the children, or to care for them while you take time off, you are likely an employer for purposes of state and federal tax laws and you will likely have certain legal responsibilities. Although employer tax obligations are subject to change from year to year, the basic ones are summarized here. Because these requirements are somewhat complicated, and there are in some cases penalties for violating them, some small employers choose to hire payroll services to assist them in paying their employees. Look in your telephone book under "payroll service."

**Federal Requirements**- if you pay any amount of salary to an employee, you have the following obligations under federal law, as administered by the Internal Revenue Service (IRS):

- Employer Identification Number- you must obtain a federal Employer Identification Number (EIN).<sup>13</sup> To do this, you can:
  - Download the federal form SS-4 from the Internal Revenue Service website,<sup>14</sup> or
  - Go to your local IRS office or Social Security office.<sup>15</sup> A good general reference is Publication 15, Circular E, Employer's Tax Guide which may also be downloaded from the IRS website, <<http://www.irs.gov/pub/irs-pdf/p15.pdf>><sup>16</sup>
  
- Tax Obligations:

- 1) Withholdings - you must withhold FICA (Social Security and Medicare) and income tax from the employee's wages.<sup>17</sup>
- 2) Pay Taxes - you must pay Federal Unemployment Taxes (FUTA) and your share of FICA taxes.<sup>18</sup>
- 3) Deposit Payroll Taxes - you must deposit FICA taxes and withheld income tax with an authorized financial institution or the Federal Reserve.<sup>19</sup> You will be exempt from deposit requirements if your quarterly tax liability is less than \$1,000.<sup>20</sup>
- 4) Report Taxes - you must report FICA and income taxes quarterly on IRS Form 941, and you must report annually to the IRS and to your employee all wages and withholdings on IRS Forms W-2 and W-3.<sup>21</sup>

For more information on your federal tax obligations or to obtain the necessary forms, check the IRS website or call your local IRS Information Service.

### **State Requirements**

The State of California, through its Employment Development Department (EDD), requires the following from child care providers who pay an on-going assistant more than \$100.00 in any calendar quarter:

- Employer Registration - you must file a Registration Form for Commercial Employers (EDD Form DE 1) within fifteen (15) days of paying more than \$100.00 in wages. At that time, you will be given an 8-digit EDD Employer Account Number. A good general reference is *California Employers' Guide 2003*, which may be downloaded from the EDD website, <http://www.edd.ca.gov>. To register, you can:
  - Download EDD Form DE 1 from the EDD website;<sup>22</sup> or
  - Call EDD's Employment Tax Call Center at 888-745-3866.
- Reporting New Employees to EDD – you must file EDD's Report of New Employee(s) Form (DE 34) within twenty (20) days of the employee's start-of-work date.<sup>23</sup>
- Tax Obligations:
  - 1) Withholdings- You must withhold California's Personal Income Tax (PIT) and State Disability Insurance (SDI) from your employee's wages.<sup>24</sup>
  - 2) Pay Taxes- You must pay Unemployment Insurance (UI) and Employment Training Tax (ETT).<sup>25</sup>
  - 3) Report Taxes- You must report wages paid and income tax withheld every quarter on EDD Form DE 88. You must also submit an Annual Reconciliation Statement once a year on EDD Form DE 7.<sup>26</sup>

For more information on your California tax obligations or to obtain forms, contact EDD through its website <<http://www.edd.ca.gov>> or by phoning its toll free Call Center at 888-745-3866.

## **WHAT OTHER OBLIGATIONS DO I HAVE AS AN EMPLOYER?**

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Several other requirements apply to employers.

### **Work Authorization and Immunization**

Within three days of an employee's start date, s/he must show you documents proving his or her identity and right to work in the United States, and you must then complete the federal I-9 form to verify that you have reviewed these documents.<sup>27</sup> This form should be kept in a confidential file that you maintain for your assistant.

The California Occupational and Health Administration says that your staff must be immunized against HBV.<sup>28</sup> At a minimum, you should offer to pay for immunization to your assistant if s/he is likely to administer first aid; the immunization must be received within the first 10 days of employment. You must provide HBV vaccination, at your expense, if your employee comes in contact with blood on the job.<sup>29</sup>

### **Liability**

As an employer, you may be liable for illegal or harmful actions of your employee. This is one of many reasons to hire and supervise employees carefully, to purchase insurance if possible, and to have clear policies in place to prevent problems. For more information, please see the liability and insurance article in the Child Care Law Center's Family Child Care in California manual.

### **Wage and Hour**

You must ordinarily pay your employee at a rate equal at least to minimum wage, you must pay overtime under some circumstances, and you must meet other requirements.<sup>30</sup> Although some employees are considered to be "exempt" from minimum wage and overtime requirements, these exemptions are beyond the scope of this article; however, it is important to keep in mind that most child care assistants would not meet the legal requirements to qualify as exempt professional, executive, or administrative employees. See the resource section for information about places to look for further information.

- *Minimum Wage*- You must pay your employee at least the California minimum wage, which is higher than the federal minimum wage.<sup>31</sup> The California minimum wage is

\$6.75 per hour as of the date of publication of this manual.<sup>32</sup> You also must post the state Industrial Welfare Commission's Minimum Wage Poster at your place of employment.<sup>33</sup>

- For additional information on the federal minimum wage,
  - Check the Department of Labor's Wage-Hour website: <http://www.wagehour.dol.gov> or
  - Call its Wage-Hour toll-free information and helpline at 1-866-4USWAGE (1-866-487-9243).
- For information on the California minimum wage,
  - Check the California Division of Labor Standards Enforcement website <http://www.dir.ca.gov/dlse/dlse.html>, especially its "Frequently Asked Questions" <http://www.dir.ca.gov/dlse/DLSE-FAQs.htm> or
  - Locate the district office nearest to you: <http://www.dir.ca.gov/dlse/DistrictOffices.htm>
- Overtime Compensation: The same agencies that enforce minimum wage laws for the state also enforce overtime requirements.<sup>34</sup> You must pay overtime of 1 ½ times the regular pay under the following circumstances:<sup>35</sup>
  - any hours more than 8 that your employee works in one day;
  - any hours more than 40 that your employee works in one week; and
  - the first 8 hours on the seventh day in one week that your employee works.<sup>36</sup>In addition, you must pay two times your employee's regular rate of pay:
  - for any hours s/he works more than 12 in one day; and
  - for any hours more than 8 that s/he works on the seventh day of work in one week.<sup>37</sup>
- Rest Periods, Meal Periods: You must give your employee the following breaks:
  - Rest Periods: If your employee works more than 3½ hours in one day, you must allow a 10-minute break for every four hours worked.<sup>38</sup>
  - Meal Periods: You also must provide a meal period of at least 30 minutes if your employee works for more than 5 hours.<sup>39</sup> Your employee may choose not to take this meal period only if s/he works 6 hours or fewer in a workday, and both of you agree that s/he will not take the break. You must also provide your employee a *second* meal period of at least 30 minutes if s/he works more than 10 hours in a day.<sup>40</sup>
- Termination Pay: You must do the following:
  - If you terminate your assistant's employment for any reason, you must give him or her the final paycheck on the last day of employment.<sup>41</sup>
  - If your employee quits, you must give the final paycheck within 72 hours of the notice of quitting. However, if your employee quits after giving at least 72 hours

- of notice, you must give him or her the final paycheck at the time of quitting. If your assistant requests that you mail the check, the date of *mailing* must also be within 72 hours.<sup>42</sup>
- If you give your employee vacation time, and he or she leaves without using accrued vacation time, you must cash out the vacation time in the final paycheck.<sup>43</sup>
- *Time Off*: You must give *unpaid* time off to your assistant for the following reasons (of course you *may* pay for this time; it's just that the law does not require that you do so):
    - Jury duty;<sup>44</sup>
    - Appearance in court;<sup>45</sup>
    - Getting a restraining order if your assistant is a victim of domestic violence;<sup>46</sup>
    - School visits if your assistant's child was suspended.<sup>47</sup>
    - Voting;<sup>48</sup>
    - Serving as a volunteer firefighter.<sup>49</sup>
  - *Workers' Compensation Insurance*: You must maintain Workers' Compensation insurance for your employee.<sup>50</sup> Workers' Compensation is a no-fault system, meaning that injured employees need not prove that the injury was someone else's fault in order to receive workers' compensation benefits for an on-the-job injury. The system is based on a trade-off between employees and employers -- employees are entitled to prompt payment of benefits (set by California law) for on-the-job injuries, and in return, those benefits are the exclusive remedy for injured employees against their employer, even when the employer negligently caused the injury.<sup>51</sup>
    - The California Division of Workers' Compensation (DWC) has a helpful website with general information and frequently asked questions at <<http://www.dir.ca.gov/DWC/faqs.html>>. This website includes information about where you can obtain Workers' Compensation insurance in California.
    - The Division of Workers Compensation (DWC) also publishes a good general reference, called the *Employer's Guide to Workers Compensation in California*. To get a copy, you can:
      - Order from the DWC website <<http://www.dir.ca.gov/DWC/egorder.htm>>
      - Make a written request to *Employer's Guide*, 9th floor, P.O. Box 420603, San Francisco, CA94142; or
      - Call the DWC at 800-736-7401, or
      - Download it directly from the DWC website, at <http://www.dir.ca.gov/DWC/erguide.pdf>

## **ADDITIONAL RESOURCES FOR PROVIDERS**

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Most of the following references are cited in the endnotes, but they are good general resources for family child care providers in California as well as other states:

- Nolo Online Publications, *Hiring Employees Frequently Asked Questions*, <http://www.nolo.com/lawcenter/ency/article.cfm/objectID/93B5C191-C02B-42F9-884D2561A121B95F>
- Nolo Online Publications, *Job Interviews – Stay out of legal trouble*, <http://www.nolo.com/lawcenter/ency/article.cfm/objectID/3B0C0AC5-18D6-4F1F-9D3381722920470D/catID/A353C662-F63B-4FB9-8CCC3B667D1711AE>
- Nolo Online Publications, *Personnel Policies and Practices*, <http://www.nolo.com/lawcenter/ency/category.cfm/catID/4BEF1F62-722F-435E-98AB18960A6EAB0E#30960BF5-6C25-44B9-992E83CC50D5B17A>
- Nolo Online Publications, *How can I discipline problem employees without getting into legal trouble?*, <http://www.nolo.com/lawcenter/ency/category.cfm/catID/4BEF1F62-722F-435E-98AB18960A6EAB0E#30960BF5-6C25-44B9-992E83CC50D5B17A>
- U.S. Department of Labor, Wage and Hour Division, *Questions and Answers about the [federal] Minimum Wage*, <http://www.dol.gov/esa/minwage/q-a.htm>
- California Industrial Welfare Commission, *Personal Leave of Absence*, <http://www.dir.ca.gov/dlse/PLA.pdf>
- California Industrial Welfare Commission, *Summary of California Wage* U.S. Internal Revenue Service, *Publication 15, Employer's Tax Guide – Circular E*, <http://www.irs.gov/pub/irs-pdf/p15.pdf>
- California Employment Development Department, *California Employers' Guide 2003*, <http://www.edd.ca.gov>
- California Department of Workers' Compensation, *Employer's Guide to Workers' Compensation in California*, <http://www.dir.ca.gov/DWC/faqs.html>
- I.A.T.S.E. Local 767, *Safety Bulletin #24: California OSHA Safety Requirements for Handling of Blood and Other Potentially Infectious Materials*, <http://www.iatse767.org/amtp24.htm>
- Legal Aid Society Employment Law Center, *numerous publications on California and federal employment law, including Criminal Records and Employment; Overview of Wage and Hour Law; Minimum Wage, Independent Contractor or Employee?; and several publications on*

*Unemployment Insurance Benefits and on Workers' Compensation,*  
<http://www.las-elc.org/factshtinvent.html>

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<sup>1</sup> Health & Safety Code § 1596.871(a)(5); 22 California Code of Regulations §102370

<sup>2</sup> California law precludes employers from asking applicants about arrest records that did not result in convictions and about misdemeanors that have been successfully discharged. California Labor Code § 432.7(a) and 2 California Code of Regulations § 7287.4(d)(1)

<sup>3</sup> Laws governing fair employment apply only to employers with a minimum number of employees. *See* California Fair Employment and Housing Act, California Government Code §12926(c), 12940 *et. seq.*, which covers employers with five or more employees; Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e(5) *et. seq.*, which covers employers with 15 or more employees; Age Discrimination in Employment Act, 29 U.S.C. § 623 *et. seq.*, 630(b), which covers employers with 20 or more employees; Americans With Disabilities Act, 42 U.S.C. §1211(a) *et. Seq.*, 12111(5), which covers employers with 14 or more employees. However, it is good practice for all employers not to discriminate against employees or prospective employees.

<sup>4</sup> *See* footnote 1 above; *See* Nolo Online Publications, *Hiring Employees Frequently Asked Questions*, at <<http://www.nolo.com/lawcenter/ency/article.cfm/objectID/93B5C191-C02B-42F9-884D2561A121B95F>>

<sup>5</sup> California law prohibits the use of HIV test results to determine suitability for employment or insurability. Health & Safety Code § 120980

<sup>6</sup> Various documents must be retained for different periods of time. For example, names, Social Security Numbers, home addresses, and places of employment must be retained for at least four years, 29 CCR sec. 516(a)(1), (a)(2), CA Labor Code 430-434. Job notices, job announcements, ads, overtime opportunity information, job descriptions, and classifications must be retained for at least one year. 29 CCR 1627.3.

<sup>7</sup> CA Labor Code sec. 431. *See* <http://www.dir.ca.gov/dlse/dlse.html>.

<sup>8</sup> Art. 1 § 1 of the California Constitution gives all Californians an inalienable right to privacy. If you are an employer with more than four employees, you would also be subject to state and federal antidiscrimination laws which explicitly prohibit questions about the applicant's race, religion, national origin, etc. *See* Nolo Online Publications, *Job Interviews – Stay out of legal trouble*, <<http://www.nolo.com/lawcenter/ency/article.cfm/objectID/3B0C0AC5-18D6-4F1F-9D3381722920470D/catID/A353C662-F63B-4FB9-8CCC3B667D1711AE>>

<sup>9</sup> Both federal and California Occupational Safety and Health (OSH) regulations make employers responsible for such training, and they specify a variety of prevention recommendations like handwashing, use of antiseptic cleansers, receptacles for soiled articles, use of personal protective equipment like latex gloves, etc. *See* 29 CFR § 1910.1030(d) and 8 California Code of Regulations §5193. For a good summary of the California regulations, *see* IATSE-Local 767's Safety Bulletin #24, *California OSHA Safety Requirements for Handling of Blood and Other Potentially Infectious Materials* at <http://www.iatse767.org/amptp24.htm>

<sup>10</sup> California Government Code §12940(j)(1)-(4)

<sup>11</sup> *Id.*

<sup>12</sup> *See* Nolo Online Publications, *How can I discipline problem employees without getting into legal trouble?*, <<http://www.nolo.com/lawcenter/ency/category.cfm/catID/4BEF1F62-722F-435E-98AB18960A6EAB0E#30960BF5-6C25-44B9-992E83CC50D5B17A>>

<sup>13</sup> *See* IRS website <<http://www.irs.gov/businesses/small/article/0,,id=97872,00.html>>

<sup>14</sup> *See* IRS website <<http://www.irs.gov/businesses/small/article/0,,id=97860,00.html>>

<sup>15</sup> Locations are posted on the IRS website <<http://www.irs.gov/localcontacts/index.html>> or listed in

local telephone directories.

<sup>16</sup> See IRS Publication 15, Employer's Tax Guide – Circular E, <<http://www.irs.gov/pub/irs-pdf/p15.pdf>>

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> <http://www.edd.ca.gov/taxform.htm#forms>

<sup>23</sup> See *California Employers' Guide 2003*, <http://www.edd.ca.gov>

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> This form is required by the new Bureau of Citizenship and Immigration Services (BCIS) (successor agency to the Immigration and Naturalization Services), and you can get information and instructions from their website: <<http://users.erols.com/astrojny>>

<sup>28</sup> 8 California Code of Regulations §5193(c) and (f)

<sup>29</sup> 8 California Code of Regulations §5193(f)

<sup>30</sup> In addition, as is indicated above, family child care assistants would generally be classified as employees, not as independent contractors.

<sup>31</sup> 8 California Code of Regulations § 11050, Industrial Welfare Commission Order No. 5-2001 Regulations Wages, Hours, and Working Conditions in the Public Housekeeping Industry,

<http://www.dir.ca.gov/iwc/IWCArticle5.html>

<sup>32</sup> 8 California Code of Regulations §11000.2

<sup>33</sup> California Labor Code § 1183(d). You can download copies of the posters from the Industrial Welfare Commission website, <<http://www.dir.ca.gov/Iwc/Minwage2001.pdf>> or you can write the Department of Industrial Relations, P.O. Box 420603, San Francisco, CA 94142, Attention: POSTERS.

<sup>34</sup> The California agency is the state Industrial Welfare Commission. See California Labor Code §1173.

See DLSE FAQs: <http://www.dir.ca.gov/dlse/DLSE-FAQs.htm>

<sup>35</sup> 8 California Code of Regulations § 11050, Industrial Welfare Commission Order No. 5-2001 Regulations Wages, Hours, and Working Conditions in the Public Housekeeping Industry,

<http://www.dir.ca.gov/iwc/IWCArticle5.html>

<sup>36</sup> Cal. Lab. Code § 510(a). See Summary of California Wage Orders issued by the Industrial Welfare Commission, see <http://www.dir.ca.gov/Iwc/Summary2000.htm>

<sup>37</sup> *Id.*

<sup>38</sup> 8 California Code of Regulations § 11050, Industrial Welfare Commission Order No. 5-2001 Regulations Wages, Hours, and Working Conditions in the Public Housekeeping Industry,

<http://www.dir.ca.gov/iwc/IWCArticle5.html>

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> California Labor Code § 201

<sup>42</sup> California Labor Code § 202

<sup>43</sup> California Labor Code § 227.3

<sup>44</sup> California Labor Code § 230(a)

<sup>45</sup> California Labor Code § 230(g)

<sup>46</sup> California Labor Code § 230(b)

<sup>47</sup> California Labor Code § 230.3

<sup>48</sup> California Labor Code § 1041, California Elections Code § 14000

<sup>49</sup> California Labor Code § 230.4

<sup>50</sup> California Labor Code §§ 110-139.6

<sup>51</sup> See Employer's Guide to Workers' Compensation in California, <http://www.dir.ca.gov/DWC/faqs.html>