

CEGP Grantee Guidance on Employee Hiring, File Management and Labor Law Notices

Employee Hiring Documentation and File Management

The following is a list of recommended or required on-boarding documentation of a new employee.

To ensure the organization is meeting CA and federal labor law requirements, and if they do not have an HR Manager, it is recommended that they engage an HR company to assist in ensuring their hiring practices follow the labor laws.

On-Boarding Documents should be maintained in a separate file for each employee. Employee file organization should be consistent. Employee files should always be maintained in a locked cabinet to maintain confidentiality.

Employee files should include:

1. Job Application completed, signed and dated by the employee.
2. Employment Offer Letter: An offer letter is a formal document sent to a potential employee after a verbal job offer, confirming details like;
 - a. The company name
 - b. Position title
 - c. Start date
 - d. Employment status (e.g. part-time, full-time)
 - e. Duties and responsibilities
 - f. Work schedule
 - g. Compensation, including benefits if applicable
 - h. Supervisor's Name
 - i. Terms of Employment (e.g. at-will, probationary period)
 - j. Adherence to company policies. Recommend including the employee handbook for review
 - k. Notification that employment is contingent upon a successful background check and verification of eligibility to work in the United States (Form I-9).

If a potential employee accepts the offer, they must return a signed copy of the letter.

3. Consent to Background and Reference Checks: To learn more about an applicant's past and required by CDSS.
4. Employment Contract: Makes the new hire official and restates duties, responsibilities and work hours.
5. Employee certifications required by CDSS.
6. [Form I-9](#) - Employment Eligibility Verification and [Instructions](#).

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- a. **Ensure the latest version of Form I-9 and corresponding instructions is provided to the new employee. Visit the [USCIS](#) website for the latest version.**
 - b. **Form I-9 is to be completed after acceptance of the position, but no later than the first day of employment.**
 - c. **Completed I-9s are to be filed in a locked cabinet, separate from the employee files.**
7. Copies of Federal and State Withholding forms: Both federal [W-4](#) and [CA DE 4](#).
8. Although not required, it is recommended that you obtain a Receipt of Employee Handbook and policy acknowledgments. Policies may include but not limited to:
 - a. Acknowledgement of At-Will employment
 - b. Acknowledgement of Non-Harassment policy
 - c. Mutual arbitration agreement
 - d. Confidentiality/Non-Disclosure Agreement

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CA and Federal Labor Law Posting Requirements

1. Posting Requirements and notices:

[California](#) and [federal](#) labor laws require the posting of the latest version of labor law posters in a conspicuous place for employees. Due to changes in laws, the posters must often be replaced annually.

If English is the 2nd language of many employees, it is highly recommended to obtain posters in specific languages.

2. At time of hire, the following notices need to be delivered to the employee.

- a. [Time of Hire Notice on Workers Compensation](#)
- b. [Wage and Employment Notice to Employees. Required for non-exempt employees](#)
- c. [State Disability Insurance Provisions](#)

3. Additional Notices

- a. State of California Employment Development Department (EDD) For Your a. Benefit: [Unemployment Insurance \(UI\), State Disability Insurance \(SDI\), and Paid Family Leave \(PFL\)](#).
- b. [Sexual Harassment Pamphlet](#) (Employers with 50+ employees are required to provide sexual harassment training every two years to supervising employees and each new employee within 6 months of hire.)
- c. [Rights of Victims of Domestic Violence, Sexual Assault and Stalking](#) (25+ employees)
- d. [Health Insurance Marketplace Coverage Options and Health Coverage Form](#)
- e. [Consolidated Omnibus Budget Reconciliation Act \(COBRA\) - continuation of health coverage](#) (20+ employees)
- f. [Cal-COBRA](#) (2-19 employees)