



Introduction by the California Labor Commissioner

All Workers in California Have Rights, Regardless of Immigration Status





Workers' Rights in an Emergency

Workers Have Special Rights During Emergency Conditions (Labor Code § 1139)

- Workers have the right to not go to work (or leave work) in an affected work area if they reasonably believe it is unsafe.
- Workers can use their phone to access emergency assistance, assess the safety of a situation, or to confirm the safety of others.
- Workers can not be forced to enter an area that has been closed due to dangerous conditions, including a flood, storm, fire, or other disaster if an evacuation order is in effect.
- Exception for employee of licensed residential facility





Closures Due to Power Outages

- Employee's must be paid for all hours worked, this means all time they are under the employer's control, even if they cannot work due to a power outage.
- When required to leave the premises, a worker may be eligible for standby pay, split shift premium pay or reporting time pay.
- Where an emergency leads to last minute changes in an Alternate Workweek Schedule, make-up days would not be regularly scheduled, so normal overtime provisions would apply.

Payment for Time Off in an Emergency



Employers are not required to pay workers for time off due to emergency conditions, but workers may use other sources of paid time off such as:

- Vacation
- Paid Sick Leave
- CA State Disability Insurance
- Paid Family Leave

Paid Sick Leave (PSL)

- PSL is available for use where smoke or other unhealthy conditions would harm your pre-existing health condition such as asthma under preventative care.
- If workers are eligible for paid sick leave and request to take it for an eligible reason, employers must pay workers their regular wages for the days that they take sick leave.



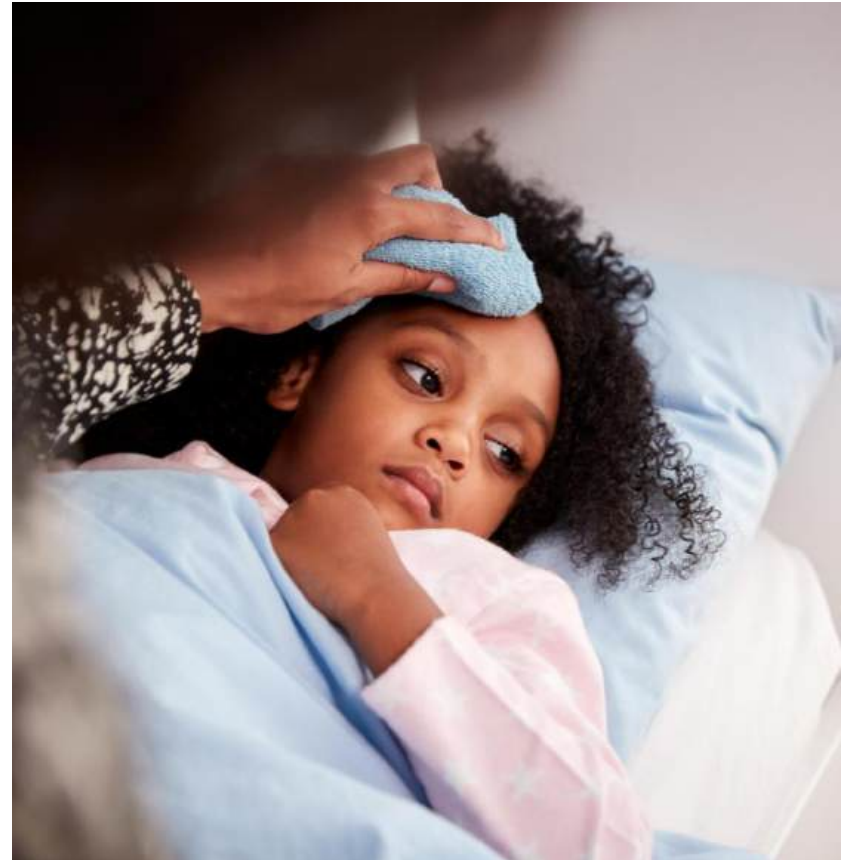
California State Disability Insurance



- All workers are eligible for California State Disability Insurance (SDI).
- Employment Development Department (EDD) website has a guide in various languages about how undocumented workers can apply for SDI
- Workers can make a claim if their doctor certifies that their disability prevents them from doing their normal or usual job duties.

Paid Family Leave

- [Paid Family Leave \(PFL\)](#) provides benefits if workers lose wages when they need to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner.
- The EDD website has information in various languages to assist non-English speakers to make a claim.



How to Handle School Closures

Workers may take up to 40 hours each year to deal with education related issues for specific purposes, which includes unexpected school closure and/or natural disasters.





Immigration in the Workplace

Right to Notice of Immigration Inspections



Employers who receive advance notice of an immigration inspection requesting I-9 forms and other records must provide notice to all employees and their collective bargaining unit within 72 hours.



The notice must be posted at the workplace and must include the name of the immigration agency, the date the employer received the notice, the nature of the inspection and a copy of the Notice of Inspection.



The notice to employees must be prepared in the language used to communicate employment-related information to the employees.



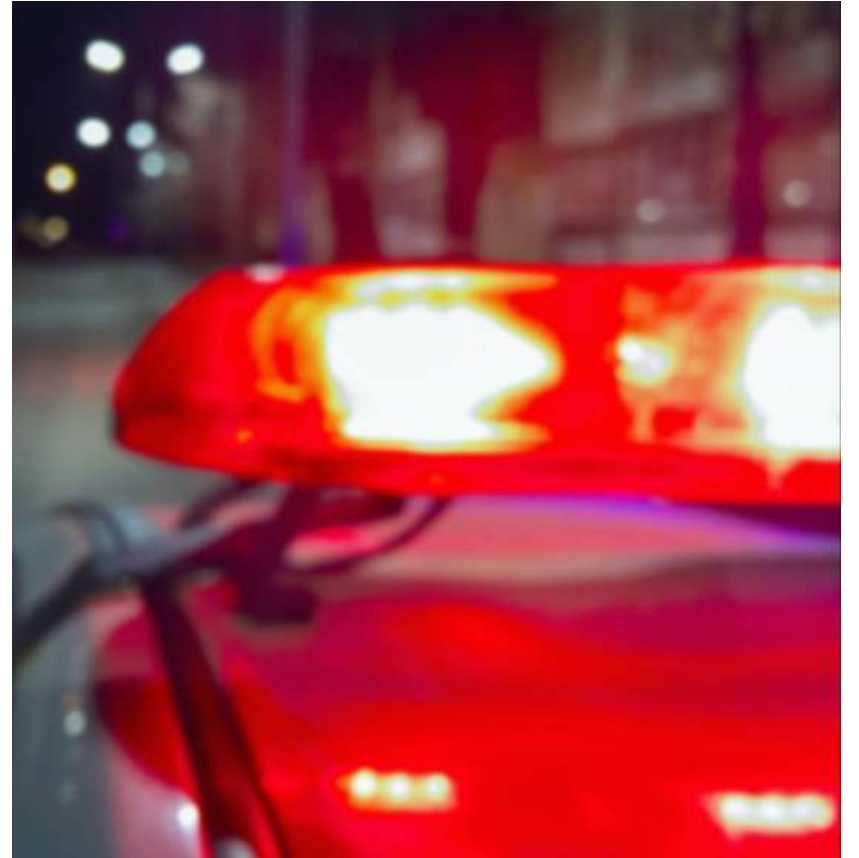
The employer must also provide affected employees the results of the immigration inspection within 72 hours of receipt. Each affected employee must be personally delivered a copy of the results of the inspection (by hand or email).



An employer who violates the notice requirement may be subject to penalties up to \$10,000.

Can Agents Enter Your Workplace?

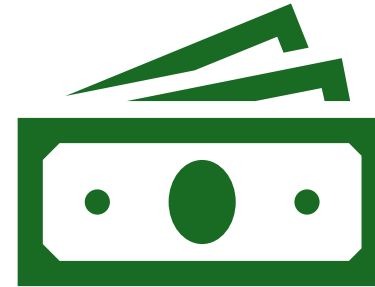
- Without a judicial warrant, immigration agents may only enter public areas of a workplace.
- A deportation order or Notice to Appear, is not a warrant.
- Nonpublic areas include employee breakrooms, record rooms, offices or other areas that are not open to the general public.
- Agents are required to have a subpoena in order to access or review employee records.



What if an Employer Asks to Re-verify an employee?



An employer may not re-verify eligibility for employment at a time or in a manner that is not required by federal law.



An employer who unlawfully re-verifies employees are subject to a penalty up to \$10,000.

Unfair Immigration Practices (LC 1019)

It is illegal for employers to:

- Request more or different documents than required by federal law.
- Refuse to honor documents that appear genuine on their face.
- Using E-Verify at a time or manner not required by federal law.
- Threatening to file or filing a false police report or false report with any state/federal agency.
- Threatening to contact or contacting immigration authorities

Violation of this prohibition subjects an employer to a civil penalty of up to \$10,000.





Retaliation

Employee Protections for Asserting Their Rights

- Employees are protected from retaliation for refusing to participate in activity that would result in violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.
- Employees are also protected from retaliation for asserting their rights under the labor code, the Government Code, or the Civil Code to a government agency





What Does Retaliation Look Like?

- Cutting an employees hours
- Sending employees home early from work
- Suspending employees from work
- Changing an employees job assignment
- Firing an employee from their job
- Threatening to report a employee's actual or perceived immigration status
- Threatening to report a worker's family members actual or perceived immigration status

Employees may be eligible for lost wages and penalty fees, as well as reinstatement of employment if an employer retaliates against them for exercising their rights.

More Information:

- [Know Your Rights Landing Page](https://www.dir.ca.gov/dlse/Know_Your_Rights.html)
(https://www.dir.ca.gov/dlse/Know_Your_Rights.html)
- [Division of Labor Standards Enforcement - District Offices](#)
- [How To File a Wage Claim](https://www.dir.ca.gov/dlse/howtofilewageclaim.htm)
(<https://www.dir.ca.gov/dlse/howtofilewageclaim.htm>)
- [Laws that Prohibit Retaliation and Discrimination](#)
- [Retaliation Complaint Forms](#)

**If you have questions, call:
1-833-LCO-INFO (833-526-4636)**