

# OFFICIAL NOTICE

## INDUSTRIAL WELFARE COMMISSION

### Summary of Amendments to Wage Order 14

To employers and representatives of persons working in industries and occupations in the State of California:

TAKE NOTICE that on April 24, 2001, the Industrial Welfare Commission (hereinafter the IWC), having proceeded according to its authority in the Labor Code and the Constitution of California, Article 14, Section 1, promulgated amendments to Sections 1, 2, 4, 7, 10, and 18 of Wage Order 14-2001. The other sections of Wage Order 14-2001 have not been changed.

#### SUMMARY

This summary must be made available to employees in accordance with the IWC's wage orders.

This is a summary. Copies of the full text of the amended wage orders may be obtained at [www.dir.ca.gov/IWC](http://www.dir.ca.gov/IWC) or by mail from the IWC.

#### Applicability of Order

Sections 3, 4(A)-(D), 5, 6, 9, 11, 12, and 13 do not apply to anyone working as a "shepherd" as that term is defined in Section 2(N). Otherwise, this order applies to any workweek during which anyone employed as a shepherd is engaged in any non-shepherding agricultural or other work.

#### Definitions

The IWC added definitions for the terms "non-shepherding work" and "open range shepherding." The IWC also added language to the definition of "shepherd" relating to the federal Immigration and Nationality Act, 8 U.S.C. Section 1101, *et seq.*, guest worker visa program, commonly referred to as the "H-2A" program.

#### Minimum Wages/Meals and Lodging

The IWC established a monthly minimum wage for shepherders in the amount of \$1,050.00 effective July 1, 2001, and \$1,200.00 effective July 1, 2002. The minimum meal and lodging requirements that employers must supply to all shepherders in California are the monthly meal and lodging benefits required to be provided under the provisions of the H-2A program in effect as of July 1, 2001. When a shepherd is on the open range the employer must provide mobile housing that complies with the standards and requirements for such housing by the U.S. Department of Labor. An employer must provide fixed site housing whenever the shepherding employee is not on the open range. Such fixed site housing must include heating, refrigeration, indoor lighting, toilets and bathing facilities, potable hot and cold water, and cooking facilities and utensils. All housing must be inspected annually by the Employment Development Department.

## **Records**

In addition to the records requirements applicable to other employers covered by this order, the IWC adopted provisions requiring employers to keep accurate information showing applicable rates of pay for shepherding and any non-shepherding work, all deductions, dates of pay periods, name and social security number (if any) of the employee, and name of the employer. In addition, employers are required to notify the shepherders annually of their rights and obligations under state and federal law.

## **Penalties**

The IWC adopted penalties for any employer who requires a shepherder to engage in non-shepherding work. An initial violation will result in payment of one week's salary based on Wage Order 14's 60-hour workweek; a second violation results in payment of one month's salary based on a 252-hour month; and third and subsequent violations result in a payment equivalent to the entire contract.

## **Other Working Conditions Applicable to Shepherders**

Employers must provide shepherders with regular mail service; an appropriate form of communication, including but not limited to a radio and/or telephone, to allow them to communicate with employers, health care providers, and government regulators; and visitor access to fixed site housing and, when practical, to mobile housing.

## **Hours and Days of Work, Reporting Time Pay, Cash Shortage and Breakage, Uniforms and Equipment, Meal and Rest Periods, and Seats**

There have been no changes to these provisions of Wage Order 14.

**These amendments to Wage Order 14 shall be in effect as of July 1, 2001.**

Questions about enforcement of this wage order should be directed to the [Division of Labor Standards Enforcement](#). Consult the white pages of your telephone directory under CALIFORNIA, State of, [Industrial Relations](#) for the address and telephone number of the office nearest you. The Division has offices in the following cities: Bakersfield, El Centro, Eureka, Fresno, Long Beach, Los Angeles, Oakland, Redding, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Barbara, Santa Rosa, Stockton, and Van Nuys.