C A L I F O R N I A
Labor Commissioner
Bulletin
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Deputy labor commissioner does double duty

If you visit the labor commissioner's office in Bakersfield, you might run into Javier Cadena.

Cadena, an 18-year state worker previously employed by the Employment Development Department as an outreach worker and an agricultural business representative, has worked as a deputy labor commissioner for the Division of Labor Standards Enforcement (DLSE) the last three years. When Cadena describes his job with DLSE's Bureau of Field Enforcement — the labor commissioner's investigative branch — he says he cites employers who pay cash, employ child labor, do not carry workers' compensation insurance or do not pay either minimum wage or overtime.

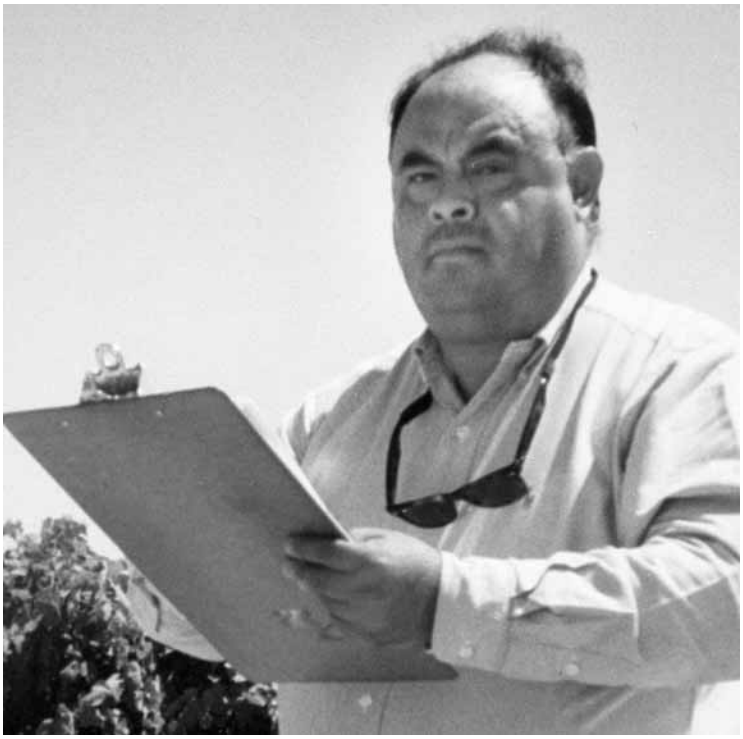
But most of what Cadena does is deal with violations of the Industrial Welfare Commission's (IWC) wage orders — those documents that are hard fought over at public hearings and that govern pay and working conditions such as hours, rest breaks and meal periods.

Cadena's work with the Bureau of Field Enforcement (BOFE) brings him into contact with industries from agriculture to manufacturing. When Cadena conducts sweeps or surprise inspections of workplaces to check on labor law compliance, his goals are two-fold.

Inspectors educate employers while checking on compliance

"At the same time we do field inspections to make sure workers are protected, we're trying to educate employers about how to stay in compliance," says Cadena. "We check to make sure they have proper postings like the payday notice and IWC orders."

If employers don't have the required postings Cadena provides them and explains they must be accessible to employees. In agricultural fields inspectors sometimes find postings are kept in a binder in the supervisor's pickup.



Deputy Labor Commissioner Javier Cadena's field interviews helped him recover $98,000 owed to nearly 300 farm workers.

Cadena informs them that postings " ... are not supposed to be under the seat, all covered in dirt. They must be posted where employees can read them."

To get an accurate picture of conditions in any workplace and verify employer reports, Cadena must interview workers. Sometimes they are willing and able to talk and sometimes they're not. How Cadena approaches them depends on the circumstances.

"We don't want them to lose their jobs because we interviewed them in front of their boss," says Cadena of a possible consequence that, while illegal, is very real for workers. "So we try to conduct interviews when their bosses won't see."

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New state law requires public schools and water districts to develop a labor compliance program for construction projects that use the recently voter-approved bond monies. Get help setting up your program by checking out information posted at **www.dir.ca.gov** or **http://www.schoolconstruction.dgs.ca.gov/1_get_started.html**. See page 7 for more information.

Worker rights flyers help break the ice

Workers may be suspicious of inspectors or may be paid on a piece rate that doesn't afford the opportunity to stop and talk. Cadena hands out workers' rights flyers, which are printed in English, Spanish, Chinese and other languages, and which Cadena believes help ease possible tensions between workers and investigators.

"We introduce ourselves and tell them where we're from," says Cadena. "Sometimes they get back to us in the office and say things they're not willing to express in front of employers. The flyer is a good tool to break the ice."

Once per week Cadena works the public information counter in the Bakersfield office, a duty that rotates between Cadena and his co-workers. He says the rotation builds comraderie and supports cross training.

"You encounter issues you may not see in the field," says Cadena. "As you take a claim at the counter, you may see violations the worker isn't aware of, so you make a referral to BOFE, who will do an onsite inspection of the workplace."

Initial interview determines problem

When a worker enters a DLSE office, the deputy labor commissioner on counter duty conducts an interview to determine the problem and whether DLSE can assist that worker. If the worker's problem involves wages such as nonpayment, payment that omits overtime hours or is less than minimum wage, the worker receives a wage claim form to complete. Once the form is completed, the deputy labor commissioner reviews it with the complainant. Basic information listing the correct name and phone number of the worker and the employer, and calculations such as the amount of overtime wages due, will smooth processing of the wage claim.

The commissioner then lets the complainant know they will hear from the DLSE office in a couple weeks, that the worker will be issued a case number and a deputy labor commissioner will be specifically assigned to their case.

Cadena also gives the worker a pamphlet further explaining the wage claim process, which can end at a settlement conference or extend through an appeal if agreement isn't reached between the worker and employer. Cadena also inquires whether the worker needs an interpreter. Cadena is bilingual, as are many of his colleagues in the Bakersfield office.

No questions about legal status

" ... the process is all in English," says Cadena, "and if it gets to the point where there will be a settlement, we will have someone interpret for them at the settlement conference or hearing."

"We don't ask for their legal status," he says. "We're not an immigration office. Workers should not be afraid to contact us."

As a deputy labor commissioner, Cadena is proudest of a case that resulted in payment of over $98,000 to approximately 300 farm workers. During an onsite inspection, Cadena noticed the workers, who were harvesting table grapes in temperatures that often exceeded 100 degrees, were not receiving a second rest break during a nine-hour workday. When workers covered by the IWC orders don't receive required rest periods they are entitled to an extra hour of pay under labor code section 226.7. Cadena issued a notice to discontinue labor law violations requiring the employer to allow a second rest break. The employer complied with the notice by changing their practice and paying the additional wages owed to workers.

Cadena says the biggest satisfaction he gets from his job is helping workers with their concerns, no matter what the issues are.

"To be able to help them, and help employers who want to comply and are having to compete with employers who are cheating, is what it's all about," says Cadena. "There are good employers who've been exposed to hard working conditions out in the fields. They understand how difficult it is to make a living."

For more information about filing a wage claim or to download a wage claim from the Internet, go to **http://www.dir.ca.gov/dlse/HowToFileWageClaim.htm** or the Department of Industrial Relations' new workers' portal at **www.workitout.ca.gov** and click on currently working in the left navigation bar and then on compensation in the middle column. ■

Tips for filing a wage claim

If you notice changes at your worksite or believe your pay does not reflect your regular or overtime hours, do this:

- Document the hours you work per day on a calendar
- Note the days you work per week on a calendar
- Document how much you are paid per hour, per piece rate or by commission.

When you visit the labor commissioner's office:

- Know the correct name of your employer
- Know the correct address of your employer
- Know the telephone number of your employer
- Bring the name of a contact person working for your employer.

Lideres Campesinas provides training and support to women farmworkers

When Lideres Campesinas or Farmworker Women's Leadership Network provides training to farmworker women, they do more than expound on a subject: they cultivate leadership skills.

Lideres Campesinas are activists who focus on the workplace, health and social issues of farmworkers and have provided a unified voice for farmworker women in California since 1992. The network includes 250 members representing 12 communities throughout California, and employs a peer education model to train women organizers on subjects ranging from domestic violence to pesticide safety.

Lideres members reach out to women at jobsites, grocery stores, laundries — wherever they find women who work the fields. It can take as long as five years to convince a woman to attend a training session because it's done on her own time, often at the expense of other personal obligations. Many have to overcome fear, social and cultural barriers to participate. When the women do make a commitment to attend a training session they also make a commitment to contact 12 other women each month for a three-month period following the session to share what they've learned.

Training promotes trust between workers and government

"It's a system and a process," says Laura Cabellero, a Lideres founding member and assistant coordinator of the working conditions program. "We conduct the training, they go back and do outreach, so whatever they learn they keep in practice."

"Our long-term goal is to organize women and keep them involved," says Cabellero.

Lideres Campesinas often partners with social service organizations, law enforcement and other experts who contribute technical expertise. When Lideres brought a group of federal, state and local agencies together to provide child labor law training to 37 farmworker women earlier this year, they relied on Division of Labor Standards Enforcement (DLSE) Regional Manager Ysmael Raymundo. Raymundo, whose relationship with Lideres goes back several years, worked with Cabellero to incorporate child labor law information and enforcement techniques into skits, which educate attendees by asking them to identify problems, and possible solutions, in situations they face every day.

In addition to offering many of the workers a first glimpse into the basics of labor law and training on a specific topic, the two-day sessions allow government agencies to establish a rapport with workers, who they hope will feel more comfortable accessing services.

"Farmworkers trust those in the community," says Cabellero. "An agency might have their office in the city or in Sacramento, so just knowing their name doesn't mean everything is okay. If you've never seen them, you don't know what they do."

Lideres members share benefit of experience

Cabellero knows from her own experience that workers often are not able to put all the pieces of the services puzzle together. A

DLSE helped Lideres Campesinas provide training on child labor laws to 37 farmworker women in April.

farmworker for 22 years, she knew labor laws existed but they weren't protecting her from harassment or hazards in her workplace.

Cabellero, who didn't go to school in Mexico or the United States and didn't speak much English, contacted the United Farm Workers, who taught her how to protect her rights. She likens the situation she endured at work to the loss of power experienced in an abusive relationship.

"It's hard to win because the company is willing to pay," says Cabellero. "They use lawyers and know the system. The majority of the time the worker doesn't know how to put their arguments together correctly or pursue their case."

Women become resources for communities

Cabellero thinks the laws are well written but she knows workers need to use those laws, document everything that happens to them and follow up.

The women of Lideres Campesinas help fill the service gaps by acting as resources to their communities. When a worker approaches Cabellero or one of her colleagues with a problem they find someone who knows what questions to ask, can direct her to the proper agency and will tell her when she don't have a legitimate claim.

"Our long-term goal is to organize women and keep them involved," says Cabellero. "They benefit because after the frustration they've felt for so many years in the fields, they can do something for themselves and others in the community that they've never been able to do before."

Recognized in 1995 by the Family Violence Prevention Fund and awarded the Marshall's Domestic Peace Prize, members of Lideres Campesinas are committed to educating others about the dangers facing farmworker women and their families. ■

On Labor Day and throughout the year, respecting California's agricultural workers means observing labor laws that protect them and provide them a decent livelihood.

Every day, 10,000 workers cross the border from Mexico into Calexico to connect with farm labor contractors who bus them to fields for a day of work. Days begin at 3 a.m. and end around 8 p.m. To be hired, many workers must use the farm labor contractor's transportation but often are not paid for time spent traveling to remote locations or waiting for sunrise to melt the frost off crops.

The men on this crew live in Santa Rosa, about 550 miles north of the Imperial Valley where they're working. They are brought in for the harvest by the farm labor contractor because of their speed and skill with a specialized crop: they cut, trim and box about eight heads of Romaine lettuce per minute.

Fieldwork is one of California's most hazardous occupations and heat stress is a common injury. Employers must provide water that's fit to drink, suitably cool and easy to get to for all employees. Drinking water must be in a clean dispenser and employees must be given disposable cups.

A 10-year old is interviewed by Ysmael Raymundo, DLSE regional manager, during a sweep to find out if she is working, or in this Stockton cherry orchard because her mother could not find daycare. Minors under 12 may not work or accompany an employed parent into an agricultural work area where they would be near moving equipment, unprotected chemicals or any water hazard, such as an irrigation ditch.

Below: Cal/OSHA regulations prohibit use of short-handled tools for hand weeding, thinning or hot-capping, but do not prohibit their use for harvesting. The Division of Labor Standards Enforcement (DLSE) and Cal/OSHA investigators combine forces on sweeps, or unannounced worksite inspections, in agriculture and other industries to check on employer compliance with wage, hour, health and safety laws.

In 2002 DLSE's investigative branch, the Bureau of Field Enforcement, collected nearly $600,000 in back wages owed to agricultural workers.

The E. & J. Gallo Winery in Livingston was inducted in February 2002 as one of 30 exclusive members of the California Voluntary Protection Program (Cal/VPP), a program recognizing California businesses that have satisfied a rigorous workplace safety and health regimen under the guidance of Cal/OSHA.

Employers must have a tractor operator at the controls while the vehicle is in motion and can only use driverless tractors if very specific criteria are met.

This Fresno County roadside monument memorializes 13 tomato sorters killed Aug. 9, 1999 when the farm labor contractor van they were riding in was hit by a big rig just before dawn. The van, operated by an unlicensed driver, was transporting the workers on two benches installed along the sides of the van; seat belts were not required or installed. In response, the California Legislature passed two farm vehicle safety measures, AB 1165 and AB 555. In signing the bills into law, Governor Gray Davis said, "We all depend on farmworkers to do their jobs, and this is the least we can do for them." Since 1994, at least 63 farm workers in the Central Valley have died in vehicle-related accidents.

Below: California's commercial pomegranate cultivation is concentrated in Tulare, Fresno and Kern counties, with small plantings in Imperial and Riverside. Demand for pomegranates comes largely from eastern markets and is supplied from September through November. Orchards are color-picked beginning in August and workers usually make two picks using clippers and bags like those used to pick oranges.

State labor commissioner **partners with Mexican Consulate**

How do you turn breakfast into a partnership between California and Mexico? Invite people who care about the fate of workers to the table — like Ysmael Raymundo and Adriana Gonzalez.

Their collaboration began when the U. S. Department of Labor's wage and hour division hosted a roundtable discussion to clarify the roles of the myriad organizations governing workplaces in California for the Mexican Consulate. Gonzalez, Sacramento's deputy consul general, was eager to participate.

"Every day we direct Mexican citizens to where they can get information and services," said Gonzalez. "We needed to understand who does what."

"No matter how many times we emphasize we don't care about a worker's immigration status, there is still disbelief," says Raymundo. "It's a fact we have to contend with and we're working to overcome."

Seeing the benefit of furthering this new relationship, State Labor Commissioner Art Lujan asked Raymundo, a regional manager for the Division of Labor Standards Enforcement (DLSE), to organize training meetings for consulate staff at the local level.

Partnership implemented statewide

Mexican consulates are divisions of the Mexican Embassy, which is located in Washington D.C. Consulate offices are opened in states and localities where there is a large Mexican population, an economic or cultural need. There are 47 consulates in the United States, 10 of which are in California.

"We wanted to help the consulates address labor complaints they received by introducing them to staff at our local offices," said Raymundo. "We walked them through our process and let them know what the labor commissioner can and can't do."

Since March 2002 meetings have taken place in San Diego, Calexico, El Centro, San Bernardino, Los Angeles, Santa Barbara, Fresno, San Jose, San Francisco, Sacramento, Oakland and Redding.

Gonzalez says the local trainings have made consulate staff aware of how to refer cases to different authorities when labor rights are involved.

Initially, the emphasis at meetings was on problems faced by farm workers. But when consulate staff reported hearing just as many complaints from construction, janitorial and restaurant workers, DLSE widened the scope of their discussions. The problem of mistrust came up again and again; many Mexican immigrants don't ask DLSE for help because they fear being turned over to the federal immigration authorities.

"No matter how many times we emphasize we don't care about a worker's immigration status, there is still disbelief," says Raymundo. "It's a fact we have to contend with and we're working to overcome."

Consulates provide contact for workers

The fact that Mexicans commonly use three or four different names for cultural reasons presents another complication for DLSE when locating workers in cases where they're owed wages or are needed to provide testimony. If workers have moved and can't be found, consulates can contact them at their Mexico residence through the Metricula Consular, a system the Mexican government uses to identify its citizens.

"We don't share the confidential information about workers that's in our database," says Gonzalez. "They sign up because they understand it's for their protection."

In one case, DLSE staff was unable to find a worker owed money from a public construction job. DLSE enlisted the consulate, who located the worker in Mexico and advised him that DLSE had a check for him. DLSE arranged for check delivery to the San Diego consulate office where the worker picked it up.

Gonzalez believes the relationship between the consulates and DLSE is successful because of DLSE's comprehensive statewide approach.

"In the past each consulate had to figure out how to work with local authorities," says Gonzalez. "This way we combine efforts. We work as a team because we have the same goal." ■

When workers owed back wages have moved and can't be found by DLSE, consulates can contact them through the Metricula Consular, a system the Mexican government uses to identify its citizens.

Industrial Relations employees honor the work of Cesar Chavez

In honor of Cesar Chavez's birthday, wage, hour, safety and health experts from the Department of Industrial Relations (DIR) reached out to provide information on workplace rights to agricultural employees. Agricultural production is one of the four most hazardous industries in California and is one in which the largely Latino, immigrant workforce has historically been exploited. In spite of these facts, DIR receives few complaints from agricultural workers.

Charlie Atilano, senior deputy labor commissioner, and Esther Santiago, Cal/OSHA safety consultant, answered questions from listeners on Spanish-language Radio Bilingue in Fresno with host Sammie Rodriguez.

That's why the Division of Labor Standards Enforcement (DLSE) and Cal/OSHA, the state's premier safety and health agency, combined forces with worker advocates and media representatives to help agricultural workers understand their rights in situations they face every day. Topics covered on the radio and at local celebrations include child labor laws, minimum wage, overtime, protection from employer retaliation, safety and health on the job and filing wage or safety claims. The fact that all California workers — whether or not they are legally authorized to work in the United States — have rights, and that DIR doesn't ask questions about immigration status, was a primary topic of discussion. ■

DLSE institutes process for approving labor compliance programs

The Division of Labor Standards Enforcement (DLSE) has approved over 300 labor compliance programs established by public school districts using school construction funds from the Kindergarten-University Public Education Facilities Bond Act.

School districts are now required by the recently enacted Assembly Bill (AB) 1506 to set up and enforce their own labor compliance programs when using public construction bonds.

A labor compliance program can benefit school districts by maintaining the integrity of the bidding process, improving labor relations, increasing scrutiny of construction projects and increasing the flow of funds into the community.

The division established a unit in its Long Beach office, run by Regional Manager Susan Nakagama, to review the labor compliance programs earlier this year. Labor code requires that school districts using bond monies now pay prevailing wage rates on construction jobs. School districts also are required to hold a pre-job conference, review contractor payroll records, withhold penalties for prevailing wage violations assessed against a contractor by DLSE and conduct random onsite inspections. In addition — and unless it has contracted with a third party to administer the labor compliance program — the district must investigate worker complaints about underpayment of prevailing wages.

DLSE has posted a link to its labor compliance guidebook, sample labor compliance programs from school districts throughout the state approved by the division and a list of school district and third party administrator contact names and phone numbers on the home page of the Department of Industrial Relations Web site at **www.dir.ca.gov**.

Because AB 1506 also requires local agencies like sanitation districts, wastewater authorities and municipal water districts to set up and enforce their own labor compliance programs when using public construction bonds under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act, DLSE is beginning outreach to those agencies as well.

For more information on labor compliance programs, contact Troy Fernandez at (415) 703-5050. ■

Required workplace posters are available at no cost and must be displayed in a conspicuous place where employees can read them. Additional postings may be required at your workplace. Go to **www.dir.ca.gov/DOSH**, click on publications for other safety and health posting requirements.

Poster title	Additional info	Where to get it	Who must post it
Industrial Welfare Commission (IWC) wage orders	The 17 IWC orders regulate wages, hours & working conditions and are numbered by industry or occupation group	Department of Industrial Relations: download at www.dir.ca.gov/IWC or call (415) 703-5070	All employers
Minimum wage (state)	English or Spanish	Department of Industrial Relations: download at www.dir.ca.gov/DLSE or call (415) 703-5070	All employers
Payday notice		Department of Industrial Relations: download at www.dir.ca.gov/DLSE or call (415) 703-5070	All employers
Farm labor contractor statement of pay rates	DLSE poster 445 must be displayed prominently where work is performed and on all vehicles used by the licensee for transportation of employees. The notice must be at least 12 inches high and 10 inches wide	Department of Industrial Relations: download at www.dir.ca.gov/DLSE or call (415) 703-5070	Farm labor contractors licensed by DLSE
Log and summary of occupational injuries and illnesses (Cal/OSHA form 300)	Form 300 is for logging recordable injuries, form 301 is for collecting details and form 300A is the annual summary form	Department of Industrial Relations: download at www.dir.ca.gov/DOSH (click on publications) or call (415) 703-3020	Employers with 11 or more employees in the previous year
Safety and health protection on the job (Cal/OSHA)	English or Spanish	Department of Industrial Relations: download at www.dir.ca.gov/DOSH (click on publications) or call (415) 703-5070	All employers
Emergency phone numbers		Department of Industrial Relations: download at www.dir.ca.gov/DOSH (click on publications) or call (415) 703-5070	All employers
Access to medical and exposure records	English or Spanish	Department of Industrial Relations: download at www.dir.ca.gov/DOSH (click on publications) or call (415) 703-5070	All employers using hazardous/toxic substances
Prevailing wage rate determinations	The body awarding any contract for public work or otherwise undertaking any public work shall cause a copy of the prevailing wage determination for each craft, classification or type of worker needed to execute the contract to be posted at each job site	Department of Industrial Relations: download at www.dir.ca.gov/DLSR/PW or call (415) 703-4774	Public works awarding bodies and contractors
Notice of workers' compensation carrier		Employer's workers' compensation insurance carrier	All employers
Harassment or discrimination in employment is prohibited by law	DFEH reference number 162 English or Spanish	Department of Fair Employment and Housing: www.dfeh.ca.gov call 1 (800) 884-1684	All employers
Pregnancy disability leave	Notice A English or Spanish	Department of Fair Employment and Housing: download at www.dfeh.ca.gov or call 1 (800) 884-1684	Employers of five to 49 employees
Family care and medical leave (CFRA leave) and pregnancy disability leave	Notice B English or Spanish	Department of Fair Employment and Housing: download at www.dfeh.ca.gov or call 1 (800) 884-1684	All employers with 50 or more employees and all public agencies
Notice to employees: Unemployment insurance & disability insurance	EDD reference number DE 1857A English, Spanish, Chinese	Employment Development Department: download at www.edd.ca.gov/taxform.htm or call (916) 322-2835	All employers
Notice to employees: Time off to vote		Secretary of state's election division: www.ss.ca.gov call (916) 657-2166	All employers must post for 10 days prior to statewide election
Equal employment opportunity is the law	Includes Americans with Disabilities Act (ADA) poster	U.S. Equal Employment Opportunity Commission: www.eeoc.gov call 1 (800) 669-3362	All employers
Minimum wage (federal Fair Labor Standards Act)	DOL reference number WH 1088	U.S. Department of Labor: download at www.dol.gov/esa or call (415) 744-5590	All employers
Notice: Employee Polygraph Protection Act	DOL reference number WH 1462	U.S. Department of Labor: download at www.dol.gov/esa or call (415) 744-5590	All employers
Family and Medical Leave Act (federal FMLA)	DOL reference number WH 1420	U.S. Department of Labor: download at www.dol.gov/esa or call (415) 744-5590	All employers with 50 or more employees and all public agencies

Labor Front Lines

DLSE wins settlement for Abercrombie & Fitch workers: The Division of Labor Standards Enforcement (DLSE) and clothier Abercrombie & Fitch reached a $2.2 million settlement over allegations Abercrombie forced employees to buy and wear its clothes. The settlement applies to approximately 11,000 employees who worked in California stores between Jan. 1, 1999 and Feb. 15, 2002, and results from months of investigation into Abercrombie's appearance policies and extensive talks with the company.

Under California law an employer can require employees to wear a particular style of clothing, but they must provide it or reimburse workers for its purchase. Although Abercrombie denies DLSE's assertion their appearance policy forced employees to purchase from them, they adopted a policy in February 2002 telling employees they did not have to wear Abercrombie's clothing.

Because Abercrombie offers employee discounts used to purchase more than work clothes, and because Abercrombie requires workers to stay current with the season, DLSE faced a difficult task determining what was reasonably necessary to purchase for the job. To reach the amount due workers — approximately $500 each for full-time employees and nearly $200 for part-timers — DLSE investigators and attorneys considered average time worked, number of days worked per week, average cost of all merchandise and amount of the employee discount. Workers employed during the settlement period don't need to file a claim to be compensated and should receive their checks late this summer.

Any employee who worked for Abercrombie and Fitch between January 1999 and February 2002 that does not receive a check by Oct. 1, 2003, should call 1 (800) 381-2638. And if an employee believes Abercrombie has not conformed to the new appearance policy enacted Feb. 15, 2002 they may present a claim to DLSE for invesitgation.

Division of Labor Standards Enforcement makes Web user-friendly: DLSE's new Web site at **www.dir.ca.gov/dlse** contains frequently asked questions on meal periods, overtime, paydays and independent contractors, along with wage claim and public works forms, talent agent, farm labor contractor and garment licensing information. Employers and workers can also find opinion letters issued by DLSE's legal division and access the DLSE enforcement policies and interpretations manual.

IMPORTANT NOTICE!

The California Labor Commissioner Bulletin may only be sent out electronically and posted on the Web in the future, so if you want to continue receiving the significant news, informative features and insider view of the labor commissioner's office, send your e-mail address, name and organizational affiliation, if applicable, and that of your colleagues to **LCBulletin@dir.ca.gov.** We'll keep you posted.

Get guide to workers' compensation online: Workers can download "A Guidebook for Injured Workers" from the DIR Web site at **http://www.dir.ca.gov/CHSWC/CHSWCworkercompguidebook.pdf.** The guidebook contains easy-to-use information, tips, forms and notes for injured workers about their legal rights and steps in receiving workers' compensation. It includes information about temporary disability, vocational rehabilitation, returning to work and frequently asked questions about state and legal services.

Labor commissioner appoints new deputy chief: Sam Rodriguez was appointed deputy chief labor commissioner May 2003. Rodriguez has managerial experience in federal and state government, served the Clinton administration, was instrumental in implementing an enterprise approach and developing a project management office at the state level and aided development of the Labor and Workforce Development Agency's strategic mission. The son of immigrant parents, Rodriguez brings a commitment to social justice and worker protection to his position. Rodriguez replaces Deputy Chief Tom Grogan, who retired after 30 years with DLSE. Grogan served as a field investigator, hearing officer, manager of the Fresno wage claim office, assistant chief over Northern California wage claim offices, and finally, as deputy chief of the DLSE.

Former labor officials appointed to labor agency: John McNally, 64, of Sacramento, was appointed to the Labor and Workforce Development Agency by Governor Davis as deputy undersecretary for wage enforcement and fair employment practices. Matt McKinnon, 45, was appointed agency deputy undersecretary for employment and workforce development. McNally — now responsible for overseeing employer tax collections, wage and discrimination complaints, benefit programs and fraud investigations — was appointed by the governor to the Workforce Investment Board in December 1999. He is currently semi-retired and is a part-time consultant in labor and electric energy. McNally served 21 years as business manager and financial secretary for the International Brotherhood of Electrical Workers, Local 1245. He is a member of the board of directors of the Federal Reserve Bank of San Francisco, the California Foundation on the Environment and the Economy and the corporate board of California Delta Dental Plan.

McKinnon was appointed by Governor Davis in June 1999 to the Air Resources Board. He is executive secretary/treasurer for the California Conference of Machinists, a position he has held since 1994. Previously, Mr. McKinnon served as director of health and safety for the California Labor Federation in San Francisco, assistant COPE director for the San Diego Labor Council and business representative for the Machinists District 50 in San Diego. He is a member of the California Manufacturing Technology Center's Board of Directors, the executive committee of the California Community College Economic Development Network, the International Association of Machinists and Aerospace Workers, and the Guide Dogs of America. McKinnon oversees the Employment Development Department's job services, unemployment insurance, workforce development, apprenticeship standards, disability insurance and workers' compensation programs. ■

Keeping young Californians safe on the job

Nearly 5,000 young California workers suffered job-related injuries in 1999 and 15 young workers died in 2000. That's why the May-observed Safe Jobs for Youth month encourages young workers, their employers, educators and parents to learn more about health, safety and labor rights.

At least one-third of high school students in California work, and thousands of young workers aged 14 to 18 take summer jobs in food service or grocery stores, on construction sites and as retail cashiers. These jobs allow them to earn money and create positive work experiences. Unfortunately, these jobs also can involve injury and disability if young workers are not informed of workplace hazards.

"There were many occasions when I was asked to work longer on a school night, sometimes until midnight," says Kim Hansen, who began working as a hostess for a popular chain restaurant when she was 15. "My employer asked me to put those extra hours on the next day's timesheet. My employer knew it was illegal — they signed my work permit."

Many young workers don't question employer practices

Many young workers don't question their employer's business practices for fear of losing their jobs. "I felt I was just lucky to be working," says Hansen.

But Hansen's understanding of her rights and responsibilities changed dramatically when she enrolled in an Outside Work Experience (OWE) class at her high school, taught by career counselor Gary Genslinger, who understands the hazards.

"I saw a young man who lost his finger in a meat slicer," says Genslinger. "And another young worker who delivered construction plans to dangerous work sites."

Lewis Hine's photographs show students from San Francisco's Galileo High School what child laborers endured before laws to protect them were passed.

Students from Oakland High School strategize prior to acting out a scene in which they've been instructed by an employer to do a hazardous job.

Genslinger teaches his students about labor law history and current workplace issues, drawing from his 28 years of experience. In Genslinger's class Hansen learned how to speak up for herself and talk to her employer when she felt unsafe or uncomfortable. Hansen was 17 and employed as a day care provider when she took Genslinger's course.

Learning about rights empowers young workers

"I was not trained in CPR," Hansen said. "And I felt anxious when my employer left me alone with 10 to 14 children during her lunch hour."

Hansen applied her communications skills and, after speaking with her employer, was never left alone with the children again.

Government plays a vital role by educating teens and providing current information on regulations to educators and employers. This year, the Department of Industrial Relations (DIR), the Commission on Health and Safety and Workers' Compensation and other members of the California Resource Network for Young Worker Health and Safety kicked off Safe Jobs for Youth month with an exhibit of historic photos called "Let Children Be Children: Lewis Wickes Hine's Crusade Against Child Labor," and a series of interactive workshops on job safety for teens taught by U.C. Berkeley labor and occupational health professionals.

Nearly 500 high school students and teachers from San Francisco, Oakland, Richmond and Stockton were given docent-guided tours of the photo exhibit (which ran through July 6 at San Francisco's City Hall) and participated in workshops on today's child labor laws. The interactive workshops helped young people identify strategies to reduce work-related injuries and illnesses and cultivate awareness and skills that help them take an active role in shaping safe work environments.

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Technology makes child labor and safety information readily available

The 55 Lewis Hine photos offered historical context for the statewide observance of Safe Jobs for Youth month and provided a springboard for group discussions of minimum wage, the Industrial Welfare Commission orders, and fair labor standards in industries like garment and agriculture.

Hine was hired in 1906 by the National Child Labor Committee to document the abject working conditions of children with the aim of enacting protective legislation, and spent 10 years photographing them. His photos were instrumental in curbing the hours of work for the nation's children — but not until 1938 when federal child labor regulations were signed into law by President Franklin D. Roosevelt.

DIR also created an e-youngworkers Web site, which outlines basic labor and safety standards, such as where to obtain work permits and age and hour restrictions, and is accessible to students, teachers and employers at **www.dir.ca.gov**. The site details seven different industries that are popular occupations for young people and provides information on three of the industries — construction, food service and agriculture — in Spanish.

Teens, parents, educators and employers can stay up to date by visiting the Safe Jobs for Youth Web site at **www.youngworkers.org** or by calling 1-888-933-TEEN (8336), downloading the Division of Labor Standards Enforcement child labor law booklet from **www.dir.ca.gov/dlse**, displaying the Safe Jobs for Youth poster — designed by young workers — in the workplace, and by distributing free fact sheets:

Courtesy George Eastman House

Lewis Hine's photographs depict the harsh working conditions of children employed in sweatshops, mining, agriculture, canneries and manufacturing in the early 20th century. Let Children be Children: Lewis Wickes Hine's Crusade Against Child Labor and its tour were organized by George Eastman House.

- Are you a working teen?
- Are you a teen working in agriculture?
- Facts for employers: Safer Jobs for Teens. ■

Hazards faced by young workers

- Powered equipment such as box crushers, bakery machines and forklifts
- Late hours—increasing the risks and vulnerability to crime
- Long hours—potential hazards when working alone and when experiencing frequent or prolonged contact with the public
- Unsafe or broken equipment
- Hot oil and cooking surfaces.

Young workers under 18 may not:

- Work past 10 p.m. on a school night
- Drive a motor vehicle on the job
- Operate power driven machinery: meat slicers, box crushers, circular saws.

Young workers under 16 may not:

- Work past 7 p.m. on a school night
- Work in construction or dry cleaning
- Bake or cook on the job (except at a serving counter)
- Work on a ladder or scaffold
- Load or unload trucks
- Dispense gas or oil
- Clean, wash or polish cars.

The minimum wage is $6.75 per hour. Except in limited circumstances, all minors under 18 must have a permit to work, issued by the school district, whether or not school is in session. Employers must have the work permit on file and available for inspection by school and labor officials at all times. Permits are issued for specific employment at a specified address and contain the maximum hours a minor can work, the range of hours a minor can work, and any occupational limitations or additional restrictions.

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