

## **Internship Class Week #3 Assignments (9/14-9/19)**

### **Assignment #1**

Go to the Department of Fair Employment and Housing ([www.dfeh.ca.gov](http://www.dfeh.ca.gov)) and search sexual harassment. Read through the sexual harassment section and fill out the sexual harassment worksheet. Turn in your worksheet on Tuesday, September 27th and be ready to discuss this topic.

### **Assignment #2:**

Take the Labor Laws Quiz home and finish it. Bring it back to class complete on Tuesday, September 20<sup>th</sup> so that we can correct it as a group.

Name:

Date:

### Sexual Harassment Assignment Week #3

Look through the sexual harassment page on [www.dfeh.ca.gov](http://www.dfeh.ca.gov) and answer the following questions in your own words.

1. Definition of sexual harassment \_\_\_\_\_

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2. Employer Liability \_\_\_\_\_

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3. Employer Obligations \_\_\_\_\_

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4. Enforcement of the Law \_\_\_\_\_

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5. Complaint Procedure:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Name \_\_\_\_\_

## "Labor Laws" Quiz

(All questions 2 pts. Each)

1. In California, what agency would you call first if you had questions about wages, breaks, uniforms, etc.  
\_\_\_\_\_
2. What is the name of the insurance that all employers in California must have to cover all employees in case they are injured on the job? \_\_\_\_\_
3. The maximum number of hours a 16 - 17 year old student enrolled in Work Experience may work any day of the week is? \_\_\_\_\_
4. The California minimum wage currently is how much per hour? \_\_\_\_\_
5. If you work a split shift (2 shifts in a day) how many extra hours at \$8.00 an hour) of pay does the employer owe you? \_\_\_\_\_
6. If you report to work and are told you are not needed, don't clock in, go back home. The employer will owe you how many hours of pay anyway?  
\_\_\_\_\_  
\_\_\_\_\_
7. You should get a paid 10 minute rest break at work when you are scheduled to work how many hours in a day? \_\_\_\_\_
8. When are employers required to pay for and provide uniforms for employees?  
\_\_\_\_\_
9. Can minors under age 18 sell alcohol in closed containers to customers to consume off the property?  
 Yes     No
10. Give 1 example of occupations or specific equipment that minors under age 18 are prohibited from doing:  
\_\_\_\_\_  
\_\_\_\_\_

# Hours Minors Are Allowed To Work

(California & Federal)

## **UNDER AGE 12:**

Prohibited except for entertainment industry

## **AGES 12-13:**

Prohibited in firms subject to Federal FSLA

## **AGES 14 -15: School in Session**

3 hours max. per day / Mon. - Fri.

8 hours max. per day / Sat. - Sun.

(18 hours max. per week)

7 a.m. - 7 p.m.

## **Summer (June 1<sup>st</sup> to Labor Day)**

8 hours max. per day / 40 hours max. per week

7 a.m. - 9 p.m.

## **AGES 16 -17: School in Session**

4 hours max. per day / Mon. - Thur.

8 hours max. per day / Fri. - Sun.

(48 hours max. per week)

5 a.m. - 10:00 p.m. evenings before school days

5 a.m. - 12:30 a.m. if no school next day

## **Summer (June 1st to Labor Day)**

8 hours max. per day / 48 hours per week

5 a.m. - 12:30 a.m.

## **AGES 16 -17: School in session**

### **ENROLLED IN WORK EXPERIENCE PROGRAM**

8 hours max. per day / any day of the week

48 hours max. per week

5 a.m. - 10:00 p.m. evenings before school days (12:30 a.m. if permission is granted)

5 a.m. -12:30 a.m. if no school next day

*Students enrolled in Work Experience may work after 10 p.m. any day of the week with permission of parent and Work Experience Teacher. Signed after 10p.m. form submitted with work permit application.*

# Wages & Labor Laws

## Wages:

1. Minimum Wage (as of Jan 1, 2009)
  - Federal Minimum \$6.55
  - California Minimum \$8.00
2. Exceptions to Minimum Wage (highest wage exception must be paid)
  - Federal-
    - Youth Sub minimum Wage - \$4.25
    - May pay employees under 20 years of age during their first 90 consecutive
    - Calendar days of employment with an employer.
  - California-
    - Learners - 85% of the State Minimum Wage
    - May pay any employee during their first 160 hours of employment in occupations
    - in which they have no previous experience.
3. Split Shift-
  - Any employee working a split shift (2 work shifts separated by more than one hour) on any day must be paid the equivalent of one additional hours pay at the minimum wage. If you earn more than the minimum wage, a formula determines if they owe you any extra pay or not. Your employer can explain how it works.
4. Reporting Time Pay-
  - Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's scheduled day's work, the employee shall be paid for half the scheduled day's work, but no less than (2) hours at no less than the minimum wage.
5. Tips-
  - Tips are the personal property of the person they were left to and intended for. Tips cannot be counted towards the minimum wage.
6. Overtime-
  - Under age 18: Paid 1 ½ times regular rate of pay for work over 40 hours in a week.
  - Age 18: Paid 1 ½ times the regular rate of pay for working over 40 hours in a week over 8 hours on any day. Paid double time for working over 12 hours in any day.
7. Alternative Workweeks:
  - A regularly scheduled alternative workweek schedule of not more than 10 hours at the regular rate of pay per day within a 40-hour workweek is permitted. Overtime is paid at the rate of 1 ½ times the regular rate of pay for all hours worked after 10 hours. Double time is paid for working over 12 hours in any day.

## Wages & Labor Laws (continued)

8. Wage Deductions for Cash Shortages, Breakages, Tool or Uniform Deposits No employer shall make any deduction from wages or require any reimbursement from an employee for any cash shortage, breakage, or loss of equipment, unless it can be shown that the shortage, breakage, or loss is caused by a dishonest or willful act, or by the gross negligence of the employee. Employers are allowed to collect a deposit from employees as security for the return of uniforms or tools/equipment issued.

9. Meals may be credited against the minimum wage by voluntary agreement of the employee. The amount credited shall not exceed the following: Breakfast - \$2.90 Lunch - \$3.97 Dinner \$5.34

### Meal Periods:

An employee must receive a (30) minute meal period for every 5 hours of work. By mutual consent by the employee and employer an employee may waive a (30) minute meal period if the day's work will be completed in no more than 6 hours.

### Rest Breaks:

Rest periods shall be in the middle of each work schedule insofar as practical. (10) paid rest minutes shall be granted per 4 hours worked.

### Uniforms:

When uniforms are required by the employer to be worn by the employee as a condition of employment, such uniforms shall be provided and maintained by the employer. The term "uniform" includes wearing apparel and accessories of distinctive design or color.

### Selling Serving Alcohol:

- Age 16 - 17 May remove alcoholic beverages when clearing tables. May sell alcohol in closed containers to customers if: (1) The business has an off-sale permit. (2) Someone 21 years of age or older is working with you. (3) Alcohol cannot be consumed on the premises.
- Age 18 - 20 May serve alcohol in an open container to customers sitting in a dining area designed not just for the consumption of alcohol.

### Polygraph Tests:

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment without their consent. Employers can administer polygraphs if there is reasonable suspicion of involvement in a workplace incident, and the employee gives written consent.

## Hazardous Occupations Minors Under Age 18

The Federal Government Under The Fair Labor Standards Act Has Listed 17 Hazardous Occupations Which Minor Under The Age Of 18 Are Prohibited.

1. Manufacturing And Storing Explosives
2. Motor Vehicle Driving - May Not Drive On A Public Highway On Behalf Of An Employer.
3. Coal Mining
4. Logging And Sawmilling
5. Power-Driven Woodworking Machines - Minors Can Not Operate Fixed Or Portable Machines That Cut, Shape, Form, Surface, Nail, Staple, Wire, Stitch, Fasten, Or Assemble Wood Or Veneer. Minors Cannot Off-Bear Material Or Refuse From A Table Saw.
6. Exposure To Radioactive Substances - X-Ray Use.
7. Power-Driven Hoisting Apparatus - Minors Cannot Operate An Elevator, Crane, Derrick, Hoist, Lift Truck, Forklift, Or Hydraulic Auto Hoist.
8. Power-Driven Metal Forming, Punching, Shearing Machines - Minors Cannot Operate: Rolling, Pressing, Punching, Bending Press Brakes, Hammering, And Shearing (Guillotine) Machines. Minors Are Allowed To Operate Machine Tools That Remove Metal Progressively In Chips Such As: Mills, Lathes, Grinders, Drill Presses, Etc.
9. Mining
10. Slaughtering, Meat Packing, Processing Or Rendering
11. Power-Driven Bakery Machines - Minors Cannot Operate A Dough Mixer, Dough Sheeter, Or Any Electric Food Slicer.
12. Power-Driven Paper-Products Machines - Minors Cannot Operate Die Cut Presses, Punches, Saws, Paper Bailers, Or Box Crushers.
13. Manufacturing Brick, Tile And Kindred Products.
14. Power-Driven Circular Saws, Band Saws, Guillotine Shears
15. Wrecking, Demolition, And Ship-Breaking Operations.
16. Roofing Operations - Minors Cannot Apply Weather-Proofing Materials (Tar, Paper, Tile, and Shingles) To Roofs Or Construct Roofs. Minors Are Allowed To Install Rain Gutters, T.V. Antennas, Air Or Ventilating Equipment Etc.
17. Excavation Operations - Minors Cannot Work In Trenches Deeper Than 4 Feet And May Not Work In Tunnels Or Shafts.

*Note: Calif. Law prohibits working in pits below cars.*

## Prohibited Employment - Minors Under Age 16

1. Selling or serving alcoholic beverages.
2. Public messenger service.
3. In hazardous occupations.
4. In construction work.
5. In operating an auto or truck.
6. In a pool or billiard room.
7. In delivery from a motor vehicle.
8. In vicinity of moving machinery.
9. In vicinity of explosives.
10. In or about moving equipment, aircraft or vessels.
11. In or about gasoline service stations.
12. In selling to passing motorist's newspapers, candy, flowers or other merchandise or commodities.
13. In door-to-door selling of newspapers or magazine subscriptions, candy, cookies, flowers, or other merchandise/commodities unless the following conditions are met:
  - a. Minors work in pairs as a team
  - b. One adult supervisor for 10 or fewer minors
  - c. Within sight or sound of the supervisor once every 15 minutes
  - d. Returned to home or rendezvous point daily



# Sexual Harassment

## Definition:

The California Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. Further, the Equal Employment Opportunity Commission defines two types of sexual harassment:

1. Quid pro quo - occurs when an employee is subject to unwelcome sexual advances and submission to them is made the basis for firing, hiring, or advancement.
2. Environmental- occurs when any type of unwelcome sexual behavior creates a hostile, offensive, work environment.

## Policy - Complaints of Sexual Harassment at Work

1. Students should report allegations of sexual harassment at their work sites to their Work Experience Teachers or other School Administrators.
2. Students should explain the alleged incident (s), including dates and names of individuals.
3. The Work Experience Teacher will discuss steps to follow:
  - a. The teacher will notify the school principal, the school district director of pupil services and will phone the parents to discuss how to proceed.
  - b. The teacher will report the incident (s) to child protective services and/or the campus police officer for possible investigation.
  - c. The teacher will if appropriate directly contact the student's place of employment and report the allegations to a supervisor.
  - d. If a site visit is appropriate the teacher shall take a district employee or school administrator to witness the discussion.
  - e. Every effort shall be made to resolve the situation and to create an environment at the workplace where the student shall be comfortable returning to work.
  - f. The student may not wish to return to work for a while or may decide to quit. These decisions shall not immediately affect the student's grade in the Work Experience Program.
  - g. If the situation at the job site is not resolved to the satisfaction of the Work Experience Teacher an option would be to consider revocation of work permits for this student and all other students employed at the location until it is deemed that employment of minors is safe and free from potential sexual harassment.
  - h. If all student work permits are to be revoked the Work Experience Teacher shall meet with the District Director of Pupil Services who shall draft the letter of revocation.
1. At the conclusion of the investigation, the Work Experience Teacher shall submit to the school district the "Student Report of Sexual Harassment" Form