Cooley

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As we reported in our January 4, 2012 *Alert*, the California Labor Commissioner recently published a template form to comply with the Wage Theft Prevention Act of 2011 ("WTPA") (AB 469). In connection with the publication of the template, the California Division of Labor Standards Enforcement ("DLSE") posted on its website a "Frequently Asked Questions" section on AB 469. As we noted in our initial *Alert,* the "FAQ" section stated that employers should provide an initial WTPA notice to *all* current nonexempt California employees as soon as the new law takes effect. AB 469 itself, by contrast, only requires a WTPA notice to be provided at the time of hire and within 7 calendar days of any change to the relevant information.

It appears the DLSE has since reconsidered this recommendation. Its "FAQ" section has been revised to remove any reference to the purported requirement to provide a WTPA notice to current nonexempt employees.

Accordingly, employers should now feel comfortable providing WTPA notices to employees only under the circumstances specified in the statute (*i.e.,* upon hire and within 7 calendar days of any change).

If you have questions about AB 469 or about this *Alert,* please contact one of the attorneys listed on this page.

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Key Contacts

Wendy Brenner **Palo Alto**	**brennerwj@cooley.com** **+1 650 843 5371**
Leslie Cancel San Francisco	lcancel@cooley.com +1 415 693 2175
Joshua Mates San Francisco	jmates@cooley.com +1 415 693 2084
Michael Sheetz Boston	msheetz@cooley.com +1 617 937 2330

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