

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**FEBRUARY 12, 2018
Board Meeting**

**Department of Consumer Affairs
1747 North Market Blvd
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834**



P.O. Box 944226, Sacramento, CA 94244-2260
P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov

MEMBERS OF THE BOARD

Dr. Kari Williams, President
Andrew Drabkin, Vice President
Bobbie Jean Anderson
Polly Codorniz
Jacquelyn Crabtree
Joseph Federico
Coco LaChine
Lisa Thong
Steve Weeks

BOARD MEETING
February 12, 2018

Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

*Action may be taken on any item
listed on the agenda.*



AGENDA

10:00 A. M.

UNTIL COMPLETION OF BUSINESS

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum (**Dr. Kari Williams**)
2. Board President's Opening Remarks (**Dr. Kari Williams**)
3. Annual Election of Officers
4. Board Member Remarks – Informational only
5. Public Comment on Items Not on the Agenda
Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))
6. Department of Consumer Affairs Report on Departmental Activities (**Christopher Castrillo, Deputy Director, Office of Board and Bureau Services**).
7. Executive Officer's Report (**Kristy Underwood**)
 - a. Licensing Statistics
 - b. Examination Statistics
 - c. Disciplinary Review Committee Statistics
 - d. Enforcement Statistics
 - e. Budget Updates
 - f. Outreach Updates
 - g. Practice Status Survey Results
8. Approval of Board Meeting Minutes

October 22, 2017

9. Discussion and Possible Action Regarding the 2018 Board Member Guidelines and Procedures Manual
10. Appointment of Committee Members to Standing Committees for 2018-19
 - Disciplinary Review Committee
 - Education and Outreach Committee
 - Enforcement and Inspection Committee
 - Legislative and Budget Committee
 - Licensing and Examination Committee
11. Update on the 2017 Health and Safety Advisory Committee and Appointment of 2018 Committee Members (BPC§7314.3)
12. Discussion and Possible Action Approving Edits of the 2018 Health and Safety Course (BPC§7389)
13. Report on the January 22, 2018 Enforcement and Inspections Committee Meeting **(Chairperson)**
14. Report on the January 22, 2018 Legislative and Budget Committee Meeting **(Chairperson)**
15. Report on the January 22, 2018 Licensing and Examination Committee Meeting **(Chairperson)**
16. Report on the January 22, 2018 Education and Outreach Committee Meeting **(Chairperson)**
17. Discussion and Possible Action Relating to Certification of Student Hours
18. Discussion and Possible Action Regarding Proposed Changes to the Board's *Know Your Workers' Rights* Publication.
19. Legislative Update:

Implementation Update on Chaptered Legislation

- a. AB 326 (Salas) – Domestic Violence/Sexual Assault Awareness Training
- b. AB 1516 (Cunningham) – Maintenance of the Codes
- c. AB 1615 (Garcia) – Gender Discrimination
- d. SB 490 (Bradford) – Commission wages for Employees licensed under the Barbering and Cosmetology Act
- e. SB 547 (Hill) – Apprentice Supervision

Discussion and Possible Action on Proposed Bills:

- a. AB 767 (Quirk-Silva) – Master Business License Act
- b. AB 1575 (Kalra) – Cosmetic Labeling Requirements
- c. SB 296 (Nguyen) – Manicure Scope of Practice
(Addition of Waxing Services)
- d. SB 715 (Newman) – Removal of Board Member from
Office (applies to all state boards)

20. Proposed Regulations - Discussion and Possible Action of Proposed Changes:

Status Updates:

- a. Title 16, CCR Section 905 (Health and Safety Poster)
- b. Title 16, CCR Section 950.10 (Transfer of Credit or Training)
- c. Title 16, CCR Section 961 (National Interstate Council (NIC)
Translation Guides)
- d. Title 16, CCR Section 974 (Administrative Fine Schedule)
- e. Title 16, CCR Section 974.1 (Disciplinary Review Committee)

Action Needed:

- f. Title 16, CCR Section 904 (Definition of Access)
- g. Title 16, CCR Section 972 (Disciplinary Guidelines)
- h. Title 16, CCR Section 974.3 (Citation of Establishments, Individuals
for Same violation)
- i. Title 16, CCR Section 974.4 (Installment Payment Plan for Fines)
- j. Title 16, CCR Sections 978, 979, 980, 980.4, 981, 982, 984 and 989
(Health and Safety Regulations)

21. Agenda Items For the Next Meeting

22. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).*

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

No Attachment

**Quarterly Barbering and Cosmetology
Licensing Statistics
Fiscal Year 17-18**

Applications Received

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Establishment	1,882	1,758			3,640
Mobile Unit	2	1			3
Barber					
Pre-App	277	256			533
Initial Application	404	400			804
Re-Exam	481	399			880
<u>Sub-Total</u>	<u>1,162</u>	<u>1,055</u>			<u>2,217</u>
Reciprocity	50	40			90
Apprentice	210	221			431
Cosmetology					
Pre-App	1,069	886			1,955
Initial Application	1,112	996			2,108
Re-Exam	1,617	1,428			3,045
<u>Sub-Total</u>	<u>3,798</u>	<u>3,310</u>			<u>7,108</u>
Reciprocity	470	288			758
Apprentice	203	162			365
Electrology					
Pre-App	4	5			9
Initial Application	1	1			2
Re-Exam	4	3			7
<u>Sub-Total</u>	<u>9</u>	<u>9</u>			<u>18</u>
Reciprocity	1	1			2
Apprentice	1	-			1
Manicuring					
Pre-App	588	393			981
Initial Application	1,014	763			1,777
Re-Exam	681	647			1,328
<u>Sub-Total</u>	<u>2,283</u>	<u>1,803</u>			<u>4,086</u>
Reciprocity	135	108			243
Esthetician					
Pre-App	699	805			1,504
Initial Application	586	392			978
Re-Exam	466	386			852
<u>Sub-Total</u>	<u>1,751</u>	<u>1,583</u>			<u>3,334</u>
Reciprocity	135	90			225
Total	12,092	10,429			22,521

Licenses Issued FY 2017-2018

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Establishment	1,942	1,816			3,758
Mobile Unit	-	1			1
Barber	536	565			1,101
Barber Apprentice	190	214			404
Cosmetology	1,680	1,909			3,589
Cosmetology Apprentice	204	140			344
Electrology	7	8			15
Electrology Apprentice	1	-			1
Manicuring	959	731			1,690
Esthetician	1,051	1,022			2,073
Totals	6,570	6,406			12,976

License Population

Barber	29,554
Barber Apprentice	1,271
Cosmetology	314,552
Cosmetology Apprentice	1,355
Electrology	1,802
Electrology Apprentice	1
Manicuring	130,238
Esthetician	83,984
Establishment	50,980
Mobile Unit	42
Total	613,779

Licenses Issued Last 5 Years

License Type	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18
Establishment	6,537	6,654	6,996	6,875	3,758
Mobile Unit	4	8	7	7	1
Barber	1,671	1,715	1,950	2,189	1,101
Barber Apprentice	383	397	511	665	404
Cosmetology	11,750	12,702	10,813	8,389	3,589
Cosmetology Apprentice	482	543	650	793	344
Electrology	33	34	35	26	15
Electrology Apprentice	1	-	-	-	1
Manicuring	5,324	5,876	6,298	6,550	1,690
Esthetician	4,986	5,059	4,747	4,818	2,073
Totals	31,171	32,988	32,007	30,312	12,976

*Fiscal year 2017/2018 (FY 17/18) only includes July-December 2017

Examination Results

(October 1, 2017-December 31, 2017)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate
Barber	585	151	736	79%
Cosmetologist	1,772	592	2,364	75%
Esthetician	1,063	64	1,127	94%
Electrologist	7	0	7	100%
Manicurist	752	374	1,126	67%
TOTAL	4,179	1,181	5,360	78%

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	506	220	726	70%
Spanish	59	28	87	68%
Vietnamese	9	0	9	100%
Korean	0	2	2	0%
TOTAL	574	250	824	70%

Cosmetologist	Passed	Failed	Total	Pass Rate
English	1,422	700	2,122	67%
Spanish	181	311	492	37%
Vietnamese	113	31	144	78%
Korean	32	13	45	71%
TOTAL	1,748	1,055	2,803	62%

Manicurist	Passed	Failed	Total	Pass Rate
English	303	103	406	75%
Spanish	8	9	17	47%
Vietnamese	448	243	691	65%
Korean	10	9	19	53%
TOTAL	769	364	1,133	68%

Esthetician	Passed	Failed	Total	Pass Rate
English	867	261	1,128	77%
Spanish	2	2	4	50%
Vietnamese	84	22	106	79%
Korean	32	2	34	94%
TOTAL	985	287	1,272	77%

Electrologist	Passed	Failed	Total	Pass Rate
English	8	2	10	80%
Spanish	0	0	0	0%
Vietnamese	0	0	0	0%
Korean	0	0	0	0%
TOTAL	8	2	10	80%



Business, Consumer Services, and Housing Agency – Governor Edmund G. Brown Jr.
 BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov



QUARTERLY BARBERING AND COSMETOLOGY DISCIPLINARY REVIEW COMMITTEE STATISTICS

Fiscal Year 17-18

Report Date: December 31, 2017

	October - December	YTD
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NORTHERN

Heard	105	210
Received	86	195
Pending ¹	143	143 ²

SOUTHERN

Heard	320	650
Received	208	455
Pending ¹	242	242 ²

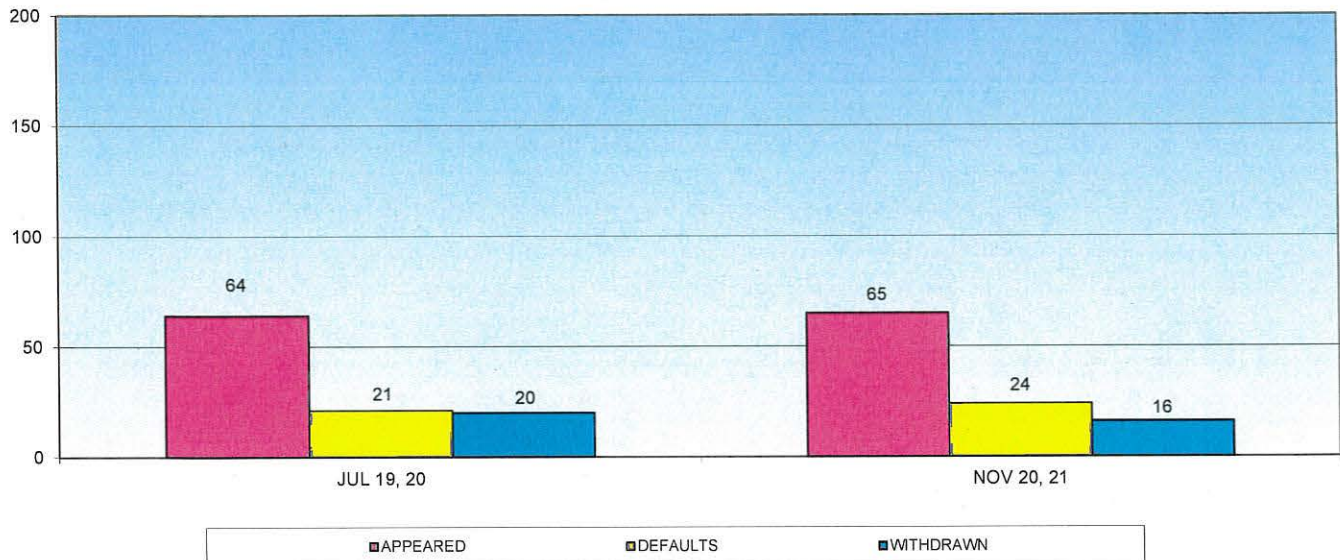
¹ Pending refers to the number of appeals received but not yet heard by DRC.

² Figure represents number of pending requests as of report date.

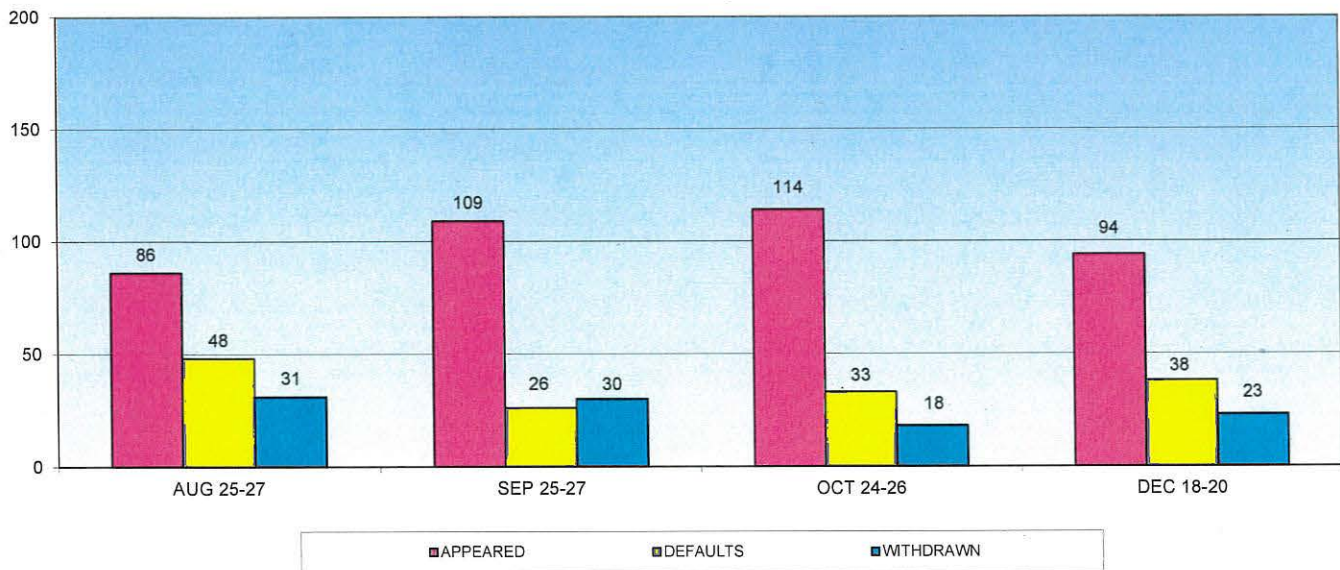
2018 SCHEDULED HEARINGS

Area	Location	Date
Northern	Sacramento	January 23, 24, 2018
Southern	San Diego	February 26-28, 2018
Southern	Riverside	March 26-28, 2018
Northern	Sacramento	April 23, 24, 2018
Southern	Los Angeles	May 22, 23, 2018

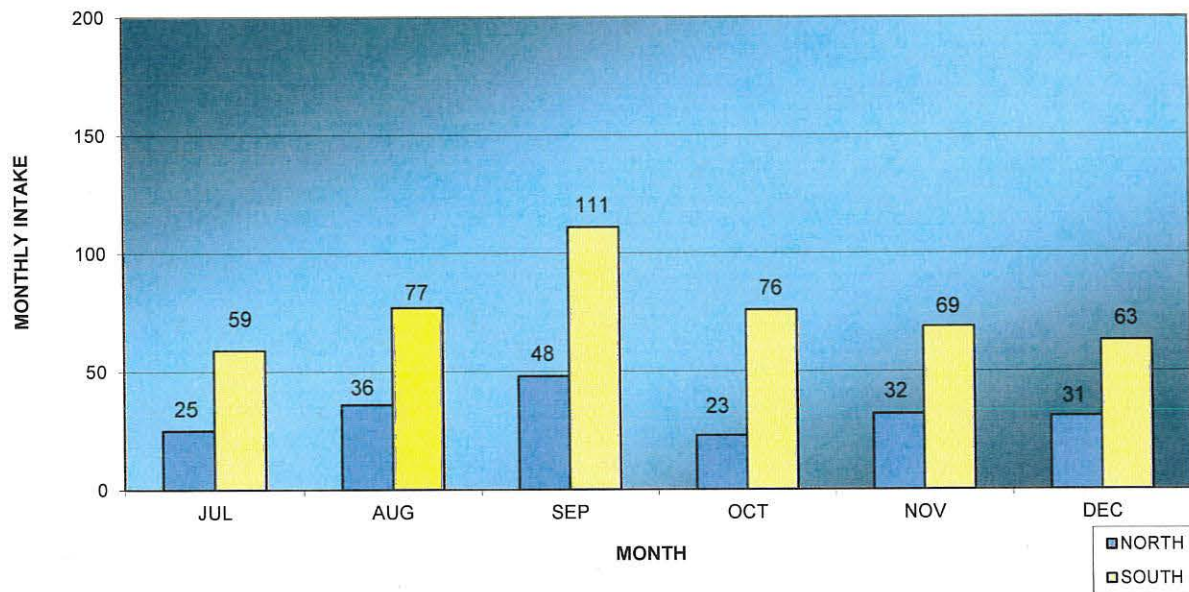
**NORTHERN APPEALS HEARD
(Fiscal Year 17-18)**



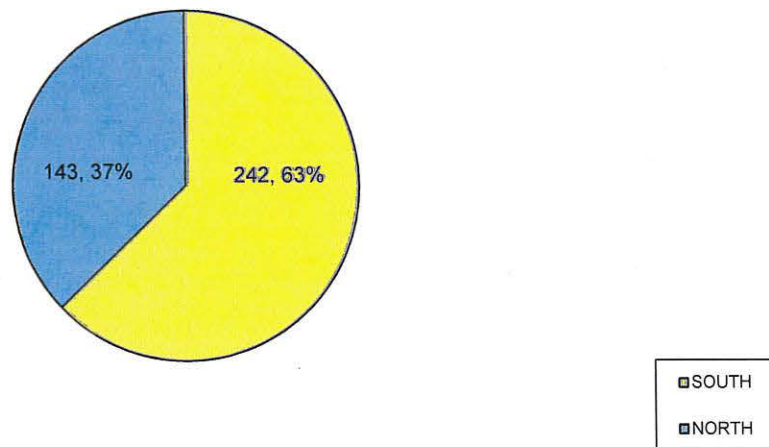
**SOUTHERN APPEALS HEARD
(Fiscal Year 17-18)**



DRC MONTHLY INCOMING APPEALS
(Fiscal Year 17-18)



DRC APPEALS WAITING TO BE HEARD/SCHEDULED
(As of December 31, 2017)



**QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 17-18**

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
COMPLAINTS					
Complaints Received	1041	833	0	0	1874
Referred to DOI	6	2	0	0	8
Complaints Closed	925	857	0	0	1782
Total Complaints Pending	1156	1123	0	0	
APPLICATION INVESTIGATIONS*					
Received	30	575	0	0	605
Pending	1	403	0	0	
Closed	34	101	0	0	135
ATTORNEY GENERAL					
Referred	27	19	0	0	46
Accusations Filed	5	9	0	0	14
Statement of Issues Filed	0	2	0	0	2
Total Pending	73	68	0	0	
DISCIPLINARY PROCESS					
Proposed Decisions	1	3	0	0	4
Default Decision	5	6	0	0	11
Stipulation	12	11	0	0	23
DISCIPLINARY OUTCOMES					
Revocation	6	10	0	0	16
Revoke, Stay, Probation	1	4	0	0	5
Revoke, Stay, Suspend/Prob	7	7	0	0	14
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	0	0
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	2	2	0	0	4
Surrender of License	6	4	0	0	10
Public Reprimands	0	0	0	0	0
License Denied	0	1	0	0	1
Other	0	0	0	0	0
Total	22	28	0	0	50
PROBATION					
Active	125	127	0	0	125
	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
CITATIONS					
Establishments	1938	1631			3569
Barber	218	195			413
Barber Apprentice	22	19			41
Cosmetologist	761	578			1339
Cosmetologist Apprentice	14	6			20
Electrologist	1	0			1
Electrologist Apprentice	0	0			0
Manicurist	515	416			931
Esthetician	77	49			126
Unlicensed Est.	84	65			149
Unlicensed Individual	115	103			218
Total	3745	3062			6807
INSPECTIONS					
Establishments w/ violations	1895	1737			3632
Establishments w/o violations	756	708			1464
Total	2651	2445			5096



Budget Updates

Constraints:

On April 26, 2011, the Governor issued Executive Order B-06-11 prohibiting in state or out-of-state travel unless it is mission critical or there is no cost to the state. The Board prepared a reduction plan for FY 2016-17. The plan included reducing the amount of staff who travel to Southern California to conduct disciplinary review hearings from three (3) staff to two (2) staff. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

1. Budget 2017/18 Fiscal Year (July 2017 - June 2018):

Attachment 1 displays projected expenditures for end of the year.

Board of Barbering and Cosmetology
Fiscal Year 2017/2018
Projected Expenditures 12/31/17

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,518,000	4,117,068	400,932
Expert Examiners	453,000	395,555	57,445
Temporary	134,000	109,406	24,594
BL 12-03 Blanket	0	197,226	(197,226)
Statutory-Exempt	104,000	119,520	(15,520)
Board Member Commission	0	19,400	(19,400)
Overtime	0	7,000	(7,000)
Total Salary & Wages	5,209,000	4,965,175	243,825
Net Salary & Wages	5,209,000	4,965,175	243,825
Staff Benefits	2,604,000	2,780,028	(176,028)
Total of Personnel Services	7,813,000	7,745,203	67,797
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,000	300,000	(109,000)
Printing	168,000	300,000	(132,000)
Communication	41,000	40,000	1,000
Postage	283,000	90,000	193,000
Insurance	4,000	18,106	(14,106)
Travel In State	83,000	134,000	(51,000)
Travel, Out-of-State	0	0	0
Training	11,000	1,126	9,874
Facilities Operations	1,289,000	907,531	381,469
Utilities	0	0	0
Consultant & Professional Svs. - Interdept.	126,000	0	126,000
Consultant & Professional Svs. - External	498,000	240,000	258,000
Depart. and Central Admin. Services	7,854,000	7,910,072	(56,072)
Consolidated Data Center	68,000	0	68,000
Information Technology	38,000	25,877	12,123
Central Admin Pro Rata	931,000	931,000	0
Examinations	1,394,000	2,505,000	(1,111,000)
Major Equipment	46,000	46,000	0
Minor Equipment	15,000	40,000	(25,000)
Other Items of Expense	5,000	1,500	3,500
Vehicle Operations	38,000	36,000	2,000
Enforcement	1,722,000	1,014,900	707,100
Special Items of Expenses	0	20,300	(20,300)
Total Operating Expenses & Equipment	14,805,000	14,561,412	243,588
Total Personal Services Expenses	7,813,000	7,745,203	67,797
Total reimbursements		(57,000)	
Total	22,561,000	22,306,615	311,385

0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition

Prepared 1/10/2018

(Dollars in Thousands)

NOTE: \$21 Million General Fund Repayment Outstanding

2018-19 Governor's Budget

	ACTUAL 2016-17	CY 2017-18	BY 2018-19
BEGINNING BALANCE	\$ 18,721	\$ 20,565	\$ 20,692
Prior Year Adjustment	\$ 628	\$ -	\$ -
Adjusted Beginning Balance	\$ 19,349	\$ 20,565	\$ 20,692
REVENUES AND TRANSFERS			
Revenues:			
4121200 Delinquent fees	\$ 1,143	\$ 1,177	\$ 1,212
4127400 Renewal fees	\$ 11,844	\$ 12,342	\$ 12,712
4129200 Other regulatory fees	\$ 5,978	\$ 6,157	\$ 6,342
4129400 Other regulatory licenses and permits	\$ 4,501	\$ 4,547	\$ 4,683
4163000 Income from surplus money investments	\$ 150	\$ 64	\$ 66
4171400 Escheat - unclaimed checks, warrants, bonds, and coupons	\$ 10	\$ 10	\$ 10
4171500 Escheat - unclaimed property	\$ 3	\$ 3	\$ 3
4172500 Miscellaneous revenues	\$ 13	\$ 13	\$ 13
Total Revenues	\$ 23,642	\$ 24,313	\$ 25,041
Total Revenues, Transfers, and Other Adjustments	\$ 23,642	\$ 24,313	\$ 25,041
Total Resources	\$ 42,991	\$ 44,878	\$ 45,733
EXPENDITURES			
Disbursements:			
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 21,343	\$ 22,561	\$ 21,923
8880 Financial Information System for California (State Operations)	\$ 31	\$ 28	\$ 2
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ -	\$ 134
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,052	\$ 1,597	\$ 1,466
Total Disbursements	\$ 22,426	\$ 24,186	\$ 23,525
FUND BALANCE			
Reserve for economic uncertainties	\$ 20,565	\$ 20,692	\$ 22,208
Months in Reserve	10.2	10.6	11.1



FY 17-18 Outreach/Industry Events

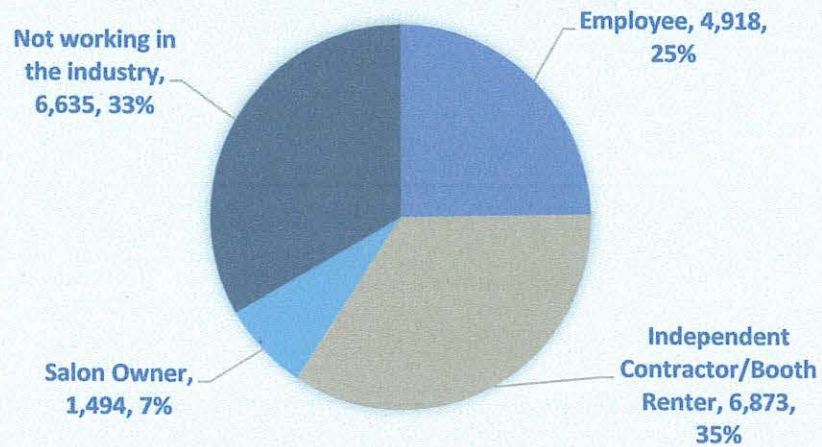
Participated:

August 26 - August 28, 2017	Face and Body Spa Conference and Expo San Jose Convention Center Attendees: Kristy Underwood and Marcene Melliza
September 17, 2017	NailPro Sacramento Convention Center Attendees: Patricia Garcia and Nina Ton
October 26-29, 2017	American Electrology Association Annual Convention and Exhibitor Showcase San Diego Convention Center Attendees: Kristy Underwood and Marcene Melliza
January 27-29, 2018	International Salon and Spa Expo (ISSE) 2018 Long Beach Convention Center Attendees: Kristy Underwood, Marcene Melliza, Tandra Guess and Theresa Raster
January 30, 2018	Assembly member Miguel Santiago Town Hall Burbank Attendees: Kristy Underwood, Marcene Melliza, Tandra Guess and Theresa Rister

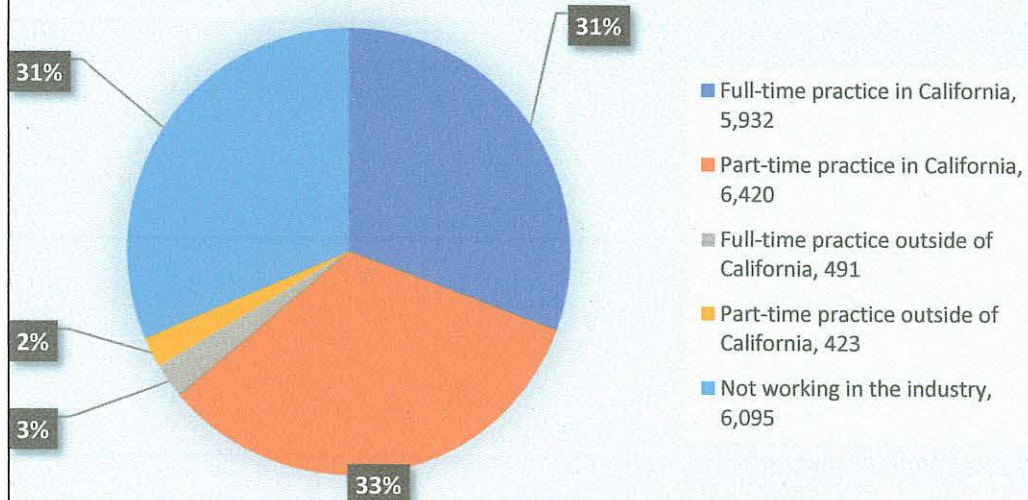
RENEWAL QUESTIONNAIRE

October 1 - December 31, 2017

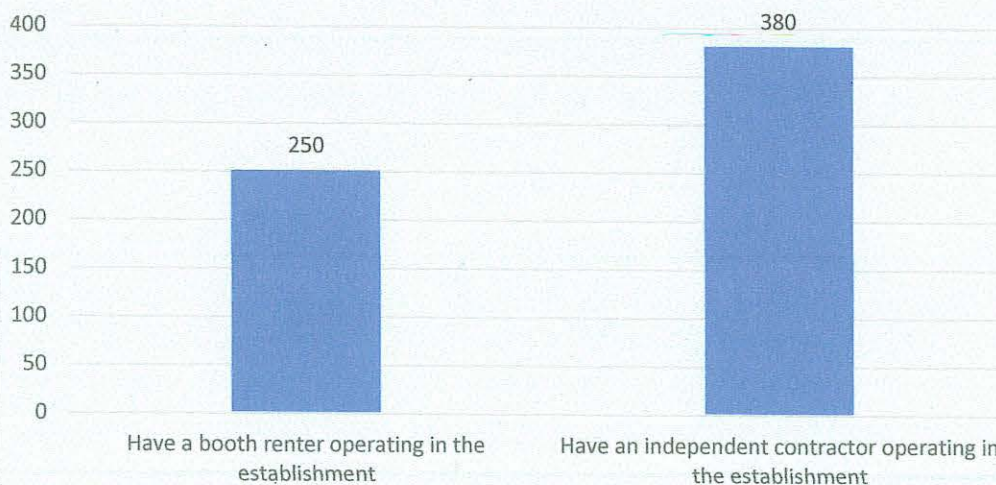
EMPLOYMENT IDENTIFICATION



PRACTICE STATUS



ESTABLISHMENTS





DRAFT
CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY
BOARD MEETING
MINUTES OF OCTOBER 22, 2017

Crowne Plaza San Diego – Mission Valley
2270 Hotel Circle North
San Diego, CA 92108

BOARD MEMBERS PRESENT

Kari Williams, President
Andrew Drabkin, Vice President
Polly Codorniz
Jacquelyn Crabtree
Joseph Federico
Coco LaChine
Lisa Thong
Steve Weeks

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Michael Santiago, Board Legal Representative
Tami Guess, Board Project Manager
Marcene Melliza, Board Analyst

BOARD MEMBERS ABSENT

Bobbie Jean Anderson

1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF A QUORUM

Dr. Kari Williams, Board President, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

2. Agenda Item #2, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Wendy Jacobs, Founder, California Aesthetic Alliance (CAA), requested an update on Assembly Bill (AB) 1322, alcoholic beverages, and whether it applies to estheticians. She stated establishments and licensees in good standing should be allowed to do the same thing that cosmologists and barbers are allowed to do. She asked for a clarification or an industry bulletin to be issued.

Ms. Jacobs stated she asked at the July meeting for a method to educate the Board on new technologies being made available, such as new products used in the skin care industry that include CO₂ cartridges. She offered to send the Board clarification on the definitions of LED and light-emitting diodes.

Mirela Marinescu, International School of Beauty, asked for clarification of a sentence in Senate Bill (SB) 490, wages, that states, "By expanding the scope of an existing crime, this bill would result in a state-mandated local program."

Ms. Marinescu stated for the past 15 years the pass rate on the state board examination could be predicted. She stated her concern that this year some stellar students failed, while some poor students passed. She asked about the Board's plans to further train the examination proctors.

Rochelle Freeman, American Electrology Association and the Electrologists' Association of California, invited the Board to the American Electrology Association's annual convention in San Diego this Thursday through Sunday.

A member of the public asked about apprenticeship programs for estheticians on how to perform services that are not taught in beauty schools, such as Brazilian waxing, because currently the burden is on salon owners to pay estheticians to train them. She suggested apprenticeship programs at salons, increasing the scope of practice for threaders, and new licenses for eyelash extensionists and hair removal, such as waxology, and apprenticeship programs for those new licenses. She stated there has been an increase in on-demand services. She suggested online education for at least technical hours.

John Moreno, Vice President, Bakersfield Barber College, stated the barber college would like to receive questionnaires that the Board distributes, including the questionnaire recently distributed to the cosmetologists. He stated the Bakersfield Barber College does not address mask peels in their curriculum, but more and more barbers are doing them. He stated the need to ensure that these products are within the barber scope of practice, specifically the Pacinos Signature Line Black Mask.

3. Agenda Item #3, BOARD PRESIDENT'S OPENING REMARKS

Dr. Williams welcomed Steve Weeks to the Board. She stated she looked forward to working with him and asked him to introduce himself.

4. Agenda Item #4, BOARD MEMBER REMARKS – INFORMATIONAL ONLY

Coco LaChine, a Board Member, reminded everyone to commemorate breast cancer awareness month and LGBT coming out day.

5. Agenda Item #5, EXECUTIVE OFFICER'S REPORT

- a. Licensing Statistics**
- b. Examination Statistics**
- c. Disciplinary Review Committee Statistics**
- d. Enforcement Statistics**
- e. Budget Updates**
- f. Outreach Updates**
- g. Practice Status Survey Results**

Kristy Underwood, Executive Officer, presented her report. She noted that the Examination Results pages include for the first time a comparison of the past five years. Also for the first time, Apprentice and Prison Examination Results pages have been included. There are five vacant inspector positions currently. This brings down the number of inspections made, which brings down the number of citations, which brings

down the number of appeals. The data analysis for the responses to the Renewal Questionnaire was presented for the first time.

Mr. LaChine asked about the Interpreter category. Ms. Underwood stated it is the examination taken via an interpreter in languages other than the four broken out in the chart – English, Spanish, Vietnamese, or Korean.

Andrew Drabkin, Board Member, asked for a five-year comparison of the prison examination results.

Lisa Thong, Board Member, asked why inspectors are required to have criminology credits. Ms. Underwood stated staff is waiting for an answer to that question.

Steve Weeks, Board Member, asked about the sizeable difference between the projected and allotted expenditures for examinations in the Operating Expenses and Equipment of the Budget for Fiscal Year (FY) 2016-2017. Ms. Underwood stated the expenditures are standardized with the examinations. The variance is due to the budget realignment.

Mr. LaChine referred to the Employment Identification chart and asked who “not working in the industry” refers to. Ms. Underwood stated they are individuals who keep their licenses current but do not perform services.

Dr. Williams referred to the Establishments chart and asked how a booth renter is distinguished from an independent contractor. Ms. Underwood stated the law mandates that the Board ask these questions. She stated the need to review and revise the data for this chart due to the confusion between the two designations.

Mr. Drabkin agreed and stated establishment owners potentially could have answered yes to both designations due to the confusion.

Jacqueline Crabtree, Board Member, noted a discrepancy in the data. The Employment Identification chart states 24 percent are employees, but the Establishments chart indicates that the majority of the establishments are booth renter or independent contractor salons.

Ms. Thong asked if it would be worthwhile to consider canceling licenses.

Ms. Underwood stated licensees hesitate to give up their license because they can always begin using it again and they receive discounts on product purchases.

6. Agenda Item #6, APPROVAL OF BOARD MEETING MINUTES

July 17, 2017

MOTION: Mr. LaChine made a motion, seconded by Ms. Crabtree, that the Board approves the July 17, 2017, Meeting Minutes as presented. Motion carried 6 yes, 0 no, 1 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Codorniz, Crabtree, Drabkin, LaChine, Thong, and Williams.

The following Board Member abstained: Weeks.

7. Agenda Item #7, BOARD MEMBER APPOINTMENTS TO STANDING COMMITTEE VACANCIES

Dr. Williams appointed Mr. Weeks to the Enforcement and Inspections and Legislative and Budget Committees.

8. Agenda Item #8, PROPOSED BOARD MEETING DATES/LOCATIONS FOR 2018

Dr. Williams asked if there are any changes to the Board California for 2018.

Mr. Drabkin suggested moving the October 21 and 22 meeting past the election date or moving the location for the meeting to Sacramento.

Mr. Weeks suggested switching the Sacramento and San Diego locations.

Mr. LaChine asked staff to work around San Diego conventions such as Comic-Con.

9. Agenda Item #9, BOARD MEMBER APPOINTMENTS TO THE COSMETOLOGY CURRICULUM REVIEW ADVISORY COMMITTEE

Tami Guess, Board Project Manager, asked to remove the second bullet point from staff recommendation 3 on the materials provided in the meeting packet.

Dr. Williams asked for two volunteers for the Cosmetology Curriculum Review Advisory Committee. Ms. Crabtree and Dr. Williams volunteered to be Committee members; Mr. Drabkin volunteered to be an alternate.

Public Comment

Ms. Jacobs asked how estheticians will be represented on this committee.

Dr. Williams stated they will be represented by her, as a licensed barber, and Ms. Crabtree, as a cosmetologist and salon owner.

MOTION: Mr. Drabkin made a motion, seconded by Ms. Crabtree, that the Board approves the staff recommendations minus the second bullet point in recommendation 3. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Drabkin, LaChine, Thong, Weeks, and Williams.

10. Agenda Item #10, REVIEW AND ADOPTION OF THE BOARD'S PROPOSED STRATEGIC PLAN

Mr. Weeks asked if a working group will oversee implementation of the strategic plan.

Ms. Underwood stated the working group, with assistance from the California Department of Consumer Affairs (DCA), will develop an action plan and provide updates to the Board.

MOTION: Mr. Drabkin made a motion, seconded by Mr. Weeks, that the Board adopts the Strategic Plan for 2018 to 2022. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Drabkin, LaChine, Thong, Weeks, and Williams.

11. Agenda Item #11, COSMETOLOGY OCCUPATIONAL ANALYSIS REPORT

Dr. Williams stated the Cosmetology Occupational Analysis Report was completed by the DCA Office of Professional Examination Services (OPES). She deferred to Heidi Lincer, Ph.D., Chief, OPES, DCA, to review the report.

Dr. Lincer provided an overview, accompanied by a slide presentation, of the purpose; demographics; interview, focus group, and survey processes and results; and next steps of the Occupational Analysis of the Cosmetologist Profession. She noted changes in content outline domains and weights from the previous occupational analysis.

Questions and Discussion

Mr. LaChine asked for further explanation of why 48 percent for 0-5 years is a good number. He stated the number seems high. Dr. Lincer stated the number defines entry-level practice. Typically, there is 60 to 70 percent response rate to the survey from individuals licensed 20 years and more. It is important to keep the entry-level perspective for testing.

Dr. Williams asked when the previous occupational analysis was completed. Ms. Underwood stated it was in 2007 or 2008.

Mr. LaChine stated safety and sanitation in the wait area was previously 20 percent and now is 36 percent. He stated that is a good thing but asked why there was a large increase in the percentage. Dr. Lincer stated there is more public attention to safety.

Joseph Federico, Board Member, asked about the cosmetologist description of practice content and whether the different categories reflect how cosmetologists reported that they divided their time. Dr. Lincer stated it is the amount of weight that cosmetologists feel should be given to each category.

Mr. Weeks asked if there were opportunities to add new knowledge areas to the exam. Dr. Lincer stated this analysis develops a description of knowledge that practitioners currently need to know.

Ms. Underwood stated the occupational analysis will be part of the reading materials for the 1600-hour review.

12. Agenda Item #12, UPDATE ON THE HEALTH AND SAFETY ADVISORY COMMITTEE

Dr. Williams stated the update on the Health and Safety Advisory Committee is included in the meeting packet.

13. Agenda Item #13, UPDATE ON THE NAIL CARE SCOPE OF PRACTICE TASK FORCE

Dr. Williams stated the Nail Care Scope of Practice Task Force proposed report and recommendations to the Legislature is included in the meeting packet.

Ms. Underwood asked to change the second bullet under the reasons for this belief from "wax-related injuries" to "nail care and waxing-related injuries."

Public Comment

Ms. Jacobs thanked the Board for their opposition to this bill.

Fred Jones, Legal Counsel for the Professional Beauty Federation of California (PBFC), thanked staff for capturing the spirit and substance of the Task Force and for including the need for sole oversight of beauty schools.

A member of the public asked how long it has been since the Board evaluated whether these policies do more harm than good – whether consumer harm exceeds the cost it is putting on the economy in terms of manicurists who say they want to do more to potentially increase their income. That would be important to individuals on commission, self-employed individuals, or booth renters. She asked about the high exam fail rate and what students are not retaining. She suggested that the method of how they are taking in that information is not up to par. Medical students are allowed to use animations. Maybe the method of education is not assisting students to pass the exam. She suggested using disposable tools and equipment to decrease consumer harm.

Jaime Schrabek, Precision Nails, stated manicurists should adhere to their current scope of practice and not expand into waxing. She stated the occupational analysis shows that these specialties should be isolated, not merged with existing licenses.

Richard Hedges, past Board Member, stated the nail industry receives economic pressure and the cost of manicures has dropped. He stated there are many groups that do these services that do not pay attention to sanitation because it is cost-prohibitive.

MOTION: Mr. Federico made a motion, seconded by Ms. Crabtree, that the Board approves the Nail Care Scope of Practice Task Force report and recommendations, including changing the second bullet under reasons for this belief to "nail care and waxing-related injuries." Motion carried 8 yes, 0 no, 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Codorniz, Crabtree, Drabkin, Federico, LaChine, Thong, Weeks, and Williams.

14. Agenda Item #14, OVERVIEW ON THE BOARD'S CONSUMER COMPLAINT PROCESS

Ms. Underwood referred to the staff memo included in the meeting packet and provided an overview of the consumer complaint process, including historical data to see the trends that have impacted consumer harm. She stated the implementation of the DCA's BreEZe Online Services enables this information to be included in the Executive Officer's Report and will be reported at future Board meetings on a quarterly basis.

Questions and Discussion

Mr. Drabkin asked about the average time it takes to get from Step 1 to Step 4 in the consumer complaint process. Ms. Underwood stated an acknowledgement letter is sent out within five days and an inspection is requested immediately or within two months, depending on the severity of the complaint.

Mr. Drabkin asked if the acknowledgement letter is sent out in the language the complaint was received in. Ms. Underwood stated the letter is in English.

Mr. LaChine asked if staff receives fraudulent or malicious complaints, such as individuals who seek to "get back" at someone. Ms. Underwood stated those types of complaints are submitted but staff can usually tell that they are fraudulent or malicious. She stated staff looks at every complaint to ensure public safety and consumer complaints are a top priority for inspectors.

Ms. Thong asked about protocols to protect the complainant's identity during the process. Ms. Underwood stated anonymous complaints are accepted except in cases of consumer harm, where medical records are required. Consumer complaint names are not released to the public.

15. Agenda Item #15, DISCUSSION AND ACTION ON PROPOSED BILLS THAT COULD IMPACT BBC:

Ms. Underwood summarized the Bill Analysis and current status for the following bills, which was provided in the meeting packet.

a. AB 326 (Salas) – Domestic Violence/Sexual Assault Awareness Training

This bill has passed. Implementation will be discussed at the next Board meeting.

b. AB 1099 (Gonzalez) – Compensation-Gratuities

This bill did not move forward.

c. AB 1516 (Cunningham) – Healthy Nail Salon Recognition; Compliance with Article 12 commencing with Section 977 of Division 9 of the California Code of Regulations

This bill has passed. Implementation will be discussed at the next Board meeting.

d. AB 1575 (Kalra) – Cosmetic Ingredients Label

This bill did not move forward.

e. AB 1615 (Garcia) – Gender Discrimination

This bill has passed. Implementation will be discussed at the next Board meeting.

f. SB 247 (Moorlach) – Deregulation of the Barbering License and Removal of Application of Makeup from the Specialty Branch of Skincare

This bill did not move forward.

g. SB 296 (Nguyen) – Manicure Scope of Practice (Addition of Waxing Services)

This is a two-year bill; discussion will continue.

h. SB 490 (Bradford) – Commission Wages for Employees Licensed under the Barbering and Cosmetology Act

This bill has passed. Implementation will be discussed at the next Board meeting.

i. SB 547 (Hill) – Apprentice Supervision

This bill has passed. Implementation will be discussed at the next Board meeting.

j. SB 715 (Newman) – Removal of Board Members from Office (applies to all state boards)

This bill did not move forward.

Public Comment

Mr. Jones stated bills that did not pass the house of origin are still alive: AB 1099 and 1575, and SB 247 and 296. He stated SB 490 is a major change in the way salons pay their employees. He provided a brief summary of the background and details of the bill.

Ms. Schrabek stated she was glad to see AB 1615 among the bills being reviewed today. She credited Ms. Crabtree with saying “ethics has no need of rules.” She stated the industry should never charge for services based on the customer’s gender. She stated her concern that the language in the bill does not capture all licensees or establishments.

Ms. Jacobs stated often bills such as AB 1322 and AB 1615 list only beauty salons and barber shops, but estheticians also work in spas and medical establishments. She suggested that bills use the language “licensees in good standing” or “establishments in good standing.”

16. Agenda Item #16, PROPOSED REGULATIONS

Status Updates

Ms. Underwood summarized the status updates for the following proposed regulations, which were provided in the meeting packet.

a. Title 16, CCR Sections 904 and 905 (Health and Safety Poster)

This rulemaking has been filed with the Office of Administrative Law.

The following rulemaking packages are under review by the DCA:

b. Title 16, CCR Section 904 (Definition of Access)

c. Title 16, CCR Section 950.10 (Transfer of Credit or Training)

d. Title 16, CCR Section 961 (National Interstate Council (NIC) Translation Guides)

e. Title 16, CCR Section 974 (Administrative Fine Schedule)

f. Title 16, CCR Section 974.3 (Citation of Establishments, Individuals for Same Violation)

g. Title 16, CCR Section 974.4 (Installment Payment Plan for Fines)

h. Title 16, CCR Sections 978, 979, 980, 980.4, 981, 982, and 989 (Health and Safety Regulations)

17. Agenda Item #17, AGENDA ITEMS FOR THE NEXT MEETING

Mr. Federico asked for a report on the selling of hours.

18. Agenda Item #18, PUBLIC COMMENT

A member of the public asked to put technical and practical online education on the next agenda, extra licenses and apprenticeships for eyelash extensionists and waxologists, and possibility of self-employed beauticians working in clients' homes with disposable tools and equipment. She asked where to find additional information on consumer harm to learn if it exceeds the social benefits of an occupation. She stated SB 247 eliminated occupations rather than requiring additional education so individuals can enter the industry sooner. She stated her concern for the extra cost added to the small business owner to teach individuals how to do Brazilian waxing.

Ms. Schrabec asked for a flowchart of the consumer complaint process to use as a visual aid.

Mr. Jones stated the 18th Annual Welcome to Our World event is currently scheduled for Monday, April 30, 2018, from 3:00 p.m. to 6:00 p.m., with more details to follow.

Ms. Jacobs stated her group of approximately 3,000 estheticians is concerned about inconsistent responses received from staff to questions by email or the website. She requested accurate responses.

19. Agenda Item #19, ADJOURNMENT

There being no further business, the meeting was adjourned.

Board Member

2018 GUIDELINES AND PROCEDURE MANUAL



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Section 1

Chapter 1

Introduction

OVERVIEW

Both the Board of Barbering Examiners and the Board of Cosmetology were established in 1927. In 1990, legislation was enacted that merged the two boards, creating the Board of Barbering and Cosmetology. The Board was sunset in 1996 and became a Bureau within the Department of Consumer Affairs (DCA). In 2003, legislation re-established the Board of Barbering and Cosmetology (Board). The Board is one of many within the DCA, part of the State and Consumer Services Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professionals and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and regulations.

This procedure manual is provided to Board members as a ready reference of important laws, regulations, DCA policies, and Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

DEFINITIONS

Agencies:

AGO	Attorney General's Office
BBC	Board of Barbering and Cosmetology
BPPE	Bureau for Private Post-secondary and Education
DCA	Department of Consumer Affairs
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law

Codes:

B&P	Business and Professions Code
B&P	Business and Professions Code
CAC	California Administrative Code
CCR	California Code of Regulations
CGC	California Government Code

Organizations:

AACS	American Association of Cosmetology Schools
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ACT	Associated Cosmetology Teachers
AEA	American Electrology Association
CAPS	California Association of Private Post-Secondary Schools
CCC	California Community Colleges
CCA	California Cosmetology Association
CEA	Cosmetology Educators of America
NABB	National Association of Barber Boards
NACCAS	National Accrediting Commission of Cosmetology Arts and Sciences
NCA	National Cosmetology Association
NIC	National Interstate Council of State Boards and Cosmetology
PBFC	Professional Beauty Federation of California

Titles:

AG	Attorney General
ALJ	Administrative Law Judge
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer

Chapter 2

The Board

COMPOSITION

(B&P section 7303(b))

The Board is comprised of nine members. Five members shall be public members and four members shall represent the industry professions. The Governor shall appoint three of the public members and four industry professions members. The Senate Rules Committee and the Speaker of the Assembly shall each appoint one public member. Members shall be appointed for a term of four years, with the exception of the members appointed by the governor, (two public members and two professions members) these members shall be appointed for an initial term of two years. Members may not serve longer than two consecutive terms.

OFFICERS

(Board Policy-Adopted July 24, 2006)

The Board shall annually elect from its members a President and a Vice-president each of whom shall hold office for a term of one year. An officer shall not serve in a particular officer position for more than two consecutive terms.

Elections shall take place in January of each year. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a Board member.

If the office of the President becomes vacant, the Vice-president shall assume the office of the President. If the office of the Vice-president becomes vacant, an election shall be held at the next scheduled Board meeting. Elected officers shall then serve the remainder of the term.

MEETINGS

(Board Policy-Adopted July 24, 2006)

The entire Board will convene four times a year and may meet more often if it is determined necessary. Only the Board President may authorize special meetings, setting the date, time and place.

The Board will endeavor when possible, to hold meetings in different geographical areas throughout the state as a convenience to the public and licensees.

BOARD MEMBER ATTENDANCE AT BOARD MEETINGS

(Board Policy Adopted July 24, 2006)

Board members shall attend each meeting of the Board. If a member is unable to attend, he/she is requested to contact the Board President or the Executive Officer.

BOARD MEMBER PARTICIPATION

(Board Policy Adopted July 24, 2006)

The Board President may ascertain from members whose level of participation is below standard and whether or not the member is no longer able to continue serving as an active member of the Board. In such a case, the President may suggest that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board his/her arguments against the resolution prior to such a resolution being adopted by the Board. A 50% or greater absence rate shall constitute below-standard participation.

QUORUM

(Board Policy-Adopted July 24, 2006)

Five members of the Board constitutes a quorum of the Board. When a quorum of the Board is not present, Board members may discuss noticed agenda items of business but may not take any action. A majority of the quorum shall constitute a majority of the entire Board.

AGENDA ITEMS

(Board Policy-Adopted July 24, 2006)

Any Board member may submit items for a Board meeting agenda to the Executive Officer 20 days prior to the meeting. The Board meeting agenda will be provided to all Board members 10 days prior to the meeting and the agenda packet will be provided no later than 7 days prior to the meeting.

The Board President, Board members, or Executive Officer may not alter or prevent agenda items from being added to the agenda by another Board member.

RECORD OF MEETINGS

(Board Policy-Adopted July 24, 2006)

Board meeting minutes are a summary and not a transcript. Minutes are prepared for every Board meeting. The minutes and assignments of Board directives shall be prepared by Board staff.

Board minutes shall be approved at the next scheduled Board meeting and serve as the official record of the meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's website within 30 days following Board approval.

RECORDING

(Board Policy-Adopted July 24, 2006)

Public Board meetings are to be recorded. Recordings shall be retained until final meeting minutes have been approved. Closed session proceedings shall be recorded at the discretion of the Board.

MEETING RULES

(Board Policy-Adopted July 24, 2006)

Board meetings will be conducted under an informal simplified version of Robert's Rules of Order (Rozenberg's Rules of Order: www.cacities.org/store) to the extent that it does not conflict with the Bagley-Keene Open Meeting Act.

COMMUNICATION

(Board Policy-Adopted July 24, 2006)

The Board President or the Executive Officer shall serve as the media spokesperson on Board actions or policies.

Any written or oral communications concerning Board matters of a sensitive nature shall be made only by the Board President or the Executive Officer.

All written communications of the Board President on behalf of the Board shall be copied to the Executive Officer and the Executive Officer shall forward the communication to all Board members.

The Board President may not represent the entire Board in any communication unless given expressed authority by the majority of the Board to do so. The Board President may speak for the Board if requested to testify to the Legislature or Administration on behalf of the Board without advance approval.

CORRESPONDENCE

(Board Policy-Adopted July 24, 2006)

Original documents of all correspondence received shall be maintained in the Board's office files. Only copies of such correspondence shall be given to the Executive Officer and/or Board members as requested.

ETHICS TRAINING

(CGC section 11146 et seq.)

(Board Policy-Adopted July 24, 2006)

Ethics training for continuing and new Board members will be accomplished in accordance with the law and DCA procedures.

BOARD MEMBER ORIENTATION

(B&P section 453)

Every Board member shall complete a training and orientation program offered by the DCA within one year of assuming office.

SEXUAL HARASSMENT POLICY TRAINING

(DCA-SHP EEO 09-02)

(Board Policy-Adopted April 8, 2013)

In accordance with the Department of Consumer Affairs (DCA) Sexual Harassment Prevention (SHP) Policy (EEO 09-02), and to ensure compliance with Assembly Bill (AB) 1825 (Reyes, Chapter 933, Statutes of 2004), all DCA employees are required to receive biennial Sexual Harassment Prevention training. The training is mandatory for Board members.

BOARD MEMBER REMOVAL

(B&P section 106)

The appropriate appointing authority (Governor, Senate Rules Committee or Speaker of the Assembly) has the power to remove from office at any time, any member of the Board, appointed by him for continued neglect of duties required by law, for incompetence or unprofessional or dishonorable conduct.

RESIGNATION OF BOARD MEMBERS

(GC section 1750)

In the event that a Board member resigns, the resigning member shall send a letter to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the director of DCA, the Board President, and the Executive Officer.

CONFLICT OF INTEREST

(GC section 87100)

No Board member may make, participate in making or in any way attempt to use his/her official position to influence a governmental decision in which he/she has a direct financial interest. Any Board member who has a direct financial interest shall disqualify him/herself from making or attempting to use his/her official position to influence the decision. Any Board member who feels he/she is entering into a situation where there is a potential for a conflict of interest should immediately consult the EO or the Board's legal counsel.

Chapter 3

The Board President

SUPERVISION OF THE EXECUTIVE OFFICER

(Board Policy-Adopted July 24, 2006)

The Board President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from Board members shall be coordinated through the Board President.

The incoming Board President shall assume all delegated duties at the close of the annual election meeting, including supervision of the Executive Officer.

PERFORMANCE APPRAISAL OF EXECUTIVE OFFICER

(Board Policy-Adopted July 24, 2006)

The Board President shall request from each Board member input to the performance appraisal and salary administration of the Executive Officer prior to his/her draft preparations.

The performance appraisal of the Executive Officer shall be presented in draft form to the Board, by the Board President, at the annual election meeting and shall be noticed on the meeting agenda.

Matters relating to the performance of the Executive Officer shall be discussed in closed session unless he or she requests that it be discussed in open session.

Chapter 4

The Executive Officer

APPOINTMENT

(B&P section 7303 (c))

The Board shall appoint an Executive Officer who is exempt from civil service and who shall serve at the pleasure of the Board. The Executive Officer shall exercise the powers and perform the duties delegated by the Board. The appointment of the Executive Officer is subject to approval of the Director of the Department of Consumer Affairs.

ROLE

(Board Policy-Adopted July 24, 2006)

The Executive Officer is the Board's chief administrative officer. He/she implements the policies developed by the Board.

RECRUITMENT OF AN EXECUTIVE OFFICER

(Board Policy-Adopted July 24, 2006)

The Board shall institute an open recruitment plan to obtain a pool of qualified candidates. The Board shall also work with the DCA's Human Resources Office for recruitment procedures.

SELECTION

(Board Policy-Adopted July 24, 2006)

The selection of an Executive Officer shall be included as an item of business, which must be included in a publically noticed agenda and transacted at a public Board meeting.

BOARD STAFF

(Board Policy-Adopted July 24, 2006)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, terminations, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is appropriate that the Board delegate all authority and responsibility of the civil service staff to the Executive Officer. No Board member may provide direction to civil service staff, unless consent of the majority of the Board is obtained during a public meeting of the Board. When consent of the majority of the Board is obtained, direction must go through the Executive Officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions or activities.

Chapter 5

Board Committees

CAPACITY

(Board Policy-Adopted July 24, 2006)

Committees are advisory and recommend actions to the Board. Recommendations and reports shall be submitted to the Board for consideration and approval.

STANDING COMMITTEE APPOINTMENTS

(Board Policy-Adopted July 24, 2006)

The Board President shall appoint, subject to approval of a majority of the Board, the members to fill positions of each standing committee. Members may volunteer to serve on a specific committee. Terms for all standing committees shall be 1 year and shall begin with the election of a new Board President. Committee member assignments shall take place immediately following the election of the Board President. The assignment of committee members may take place immediately following the election of the Board President if duly noted on the Board meeting agenda, or may take place at the next scheduled Board meeting.

The establishment of all committees shall be included as an item of business, which must be included in a written agenda and transacted at a public meeting. The Board President, or any member of the Board, may not appoint or remove any committee members unless so acted upon at an open meeting and voted on by the majority of the Board.

STANDING COMMITTEES

(Board Policy-Adopted July 24, 2006)

The Board has **six** standing committees:

- Disciplinary Review Committee
- Education and Outreach Committee
- Enforcement and Inspections Committee
- Health and Safety Advisory Committee
- Legislative and Budget Committee
- Licensing and Examination Committee

Internal organization of each committee is at its discretion except as specified in this manual.

DISCIPLINARY REVIEW COMMITTEE

(CCR section 974.1)

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine amounts. The Board President shall annually appoint members of the committee; the appointments will be made concurrently with the annual election of officers. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

EDUCATION AND OUTREACH COMMITTEE

(Board Policy-Adopted July 24, 2006)

The purpose of the Education and Outreach Committee is to provide recommendations to the Board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines and attending trade shows.

ENFORCEMENT AND INSPECTIONS COMMITTEE

(Board Policy-Adopted July 24, 2006)

The purpose of the Enforcement and Inspections Committee is to advise the Board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the Board's statutes and regulations.

HEALTH AND SAFETY ADVISORY COMMITTEE

(B&P 7314.3)

The purpose of the Health and Safety Advisory Committee is to provide the Board with advice and recommendations on health and safety issues, as well as ensuring licensees are aware of basic labor laws.

LEGISLATIVE AND BUDGET COMMITTEE

(Board Policy-Adopted July 24, 2006)

The purpose of the Legislative and Budget Committee is to review and track legislation that affects the Board. The committee shall make recommendations on what position the Board should take on legislation that could potentially affect the operation of the Board, the health and safety of consumers and the Board's licensees. In addition the committee provides information and recommendations to the Board on potential policy matters relating to the budget.

LICENSING AND EXAMINATION COMMITTEE

(Board Policy-Adopted July 24, 2006)

The purpose of the Licensing and Examination Committee is to advise the Board on policy matters relating to the examining and licensing of individuals who want to practice barbering and cosmetology in California. The committee may also provide information and recommendations to the Board on issues relating to curriculum and school approval, exam appeals, laws and regulations.

AD HOC COMMITTEES

(Board Policy-Adopted July 24, 2006)

The Board may establish ad hoc committees as needed. The establishment of an ad hoc committee must be included in a written agenda and transacted at a public meeting in which a quorum of the board is present and consent is obtained by the majority of the Board.

TASK FORCES AND WORKING GROUPS

(Board Policy-Adopted July 24, 2006)

Any Board member may request, subject to approval of the full Board, that a task force/working group be established. The task force/working group will be charged with an in depth review of a specific issue and a final recommendation to the full Board.

In an urgent situation (i.e. examination appeal) the Board President may make a recommendation on members of a two-person committee without approval of the full Board.

COMMITTEE AGENDAS

(Board Policy-Adopted July 24, 2006)

Agendas shall focus on the specific tasks assigned by the Board and include:

- Public Comment
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.
- Only those information items dealing with subjects assigned to the respective committee.

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview.

If more than two Board members will be in attendance at a Committee meeting, the agenda shall contain the statement: "Notice of Board meeting indicates that three or more members of the Board are present. While the law requires the Board to notice this also as a Board meeting, it is not the intent to take action as a Board at this meeting".

ATTENDANCE AT COMMITTEE MEETINGS

(Board Policy-Adopted July 24, 2006)

If a Board member wished to attend a meeting of a committee of which he/she is not a member, that Board member shall notify the Board President and Executive Officer.

Board members who attend a meeting of a committee of which he/she is not a member shall sit in the audience and not participate in the meeting discussion.

DUAL MEMBERSHIP

(Board Policy-Adopted July 24, 2006)

A Board member may serve on multiple committees but may not chair more than one committee.

COMMITTEE MEETING RULES

(Board Policy-Adopted July 24, 2006)

Meetings will be conducted under the Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act.

RECORD OF COMMITTEE MEETINGS

(Board Policy-Adopted July 24, 2006)

The minutes are a summary, not a transcript of each committee meeting. Committee minutes shall be prepared by Board staff and submitted for review by the committee members within 30 working days after the committee meeting.

Committee minutes shall be approved at the next scheduled committee meeting and serve as the official record of the meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's website.

STAFF ASSISTANCE

(Board Policy-Adopted July 24, 2006)

Board staff provides advice, consultation, and support to the committees. Committee members shall contact the Executive Officer to request staff assistance.

RECORD KEEPING

(Board Policy-Adopted July 24, 2006)

Public meetings are recorded. Recordings shall be retained until final meeting minutes have been approved. Closed session proceedings shall be recorded at the committee's discretion.

Chapter 6

Travel Procedures

TRAVEL

(Board Policy-Adopted July 24, 2006)

Board members notify the Board President and Executive Officer of all travel except for regularly scheduled Board, Committee and Task Force/Work Group meetings to which the Board member is assigned. The Board President shall relay any travel approvals to the Executive Officer. The Executive Officer shall report to the full Board on any additional travel conducted by Board members.

No member of the Board shall attend any function in which the member is representing the Board without approval from the Board President and the notification of the Executive Officer. This includes speaking engagements, trade shows, etc.

TRAVEL ARRANGEMENTS

(Board Policy Adopted January 12, 2015)

Board members are responsible for making their own travel arrangements with the assistance of the Cal Travel Store.

TRAVEL CLAIMS

(Board Policy Adopted January 12, 2015)

Board staff will compile (in consultation with member) and submit all travel claims to the Travel Unit. Board members must submit travel information and receipts to Board staff for the compilation of the travel claim. If a travel claim requires amending, Board staff will consult with the Board Member before making amendments and submitting corrected claims to the DCA's Travel Unit and also provide the Board member with a corrected copy.

Travel reimbursement processing times range from 4-6 weeks.

BOARD MEMBER PAY

(Board Policy-Adopted April 8, 2013)

Board members shall attempt to submit an Absence & Time Worked form (STD 634), to the Executive Officer, no later than the first day of the month following the month the time has been worked.

COMPLETING THE STD 634 FORM

(Board Policy-Adopted April 8, 2013)

As stated in the Board Member manual, chapter 6, Board members will attempt to submit an Absence & Time Worked (STD 634) form to the Executive Officer, no later than the first day of the month following the month the time has been worked.

Completing the 634 form (Please refer to the 634 form sample page found in section 4).

1. Enter the month in which the pay was earned.
2. Enter your full name.
3. Enter "Board Member" in box number four (4).
4. Place an "X" on box number 7(a) on each day you did work as a Board Member.
5. Sign and date box number nine (9).
6. Send your form to Kristy Underwood.

Upon completion of this form, please fax or email or mail your form to Kristy Underwood at Fax (916) 928-6810 email Kristy.Underwood@dca.ca.gov or mail them to:

BBC
Attn: Kristy Underwood
P.O. Box 944226
Sacramento, CA 94244-2260

Please note that at any time you may contact myself or Patricia Garcia, Board Analyst at the numbers listed below for any questions that may arise.

Kristy Underwood, Executive Officer
Office: (916) 575-7111
Email: Kristy.Underwood@dca.ca.gov

Patricia Garcia, Board Analyst
Office: (916) 575 -7102
Email: Patricia.Garcia@dca.ca.gov

Chapter 7

Security Procedures

REQUEST FOR RECORDS ACCESS

(Board Policy-Adopted July 24, 2006)

No Board member may access a licensee's or candidates file without the Executive Officer's knowledge and approval of the conditions of access. A notation of the Board member's access shall be entered in the file. Records or copies shall not be removed from the Board's office.

CONTACT WITH CANDIDATES, LICENSEES, COMPLAINTANTS, RESPONDENTS

(Board Policy-Adopted July 24, 2006)

Board members shall not intervene on behalf of a licensee for any reason. They should forward all contacts or inquiries to the Executive Officer.

Board members shall not directly participate in complaint handling and resolution or investigations, unless authorized by a majority vote of the Board at a duly called public meeting. If a Board member is contacted by a respondent, or his/her attorney, he/she shall refer the individual to the Executive Officer.

GIFTS FROM CANDIDATES

(Board Policy-Adopted July 24, 2006)

Gifts of any kind to Board members or staff from candidates for licensure with the Board shall not be permitted.

Chapter 8

Resources

DCA BOARD MEMBER RESOURCE CENTER

The Department of Consumer Affairs has dedicated a website to resources available to Board Members. To access information on member information, appointment information, training or publications, please see the following website:

<http://www.dcaboardmembers.ca.gov/>



Section 2



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Barbering and Cosmetology-Department of Consumer Affairs
PO Box 944226, Sacramento, CA 94244
P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



MEMORANDUM

DATE	February 12, 2018
TO	Board Members Board of Barbering and Cosmetology
FROM	Marcene Melliza Board of Barbering and Cosmetology
SUBJECT	2018 Board Meeting Dates

February 12, 2018 Board Meeting Sacramento
February 13, 2018 Reinstatement Hearing Sacramento

May 20, 2018 Board Meeting – Southern California
May 21, 2018 Reinstatement Hearing – Southern California

August 13, 2018 Board Meeting – Sacramento
August 14, 2018 Reinstatement Hearing – Sacramento

October 21, 2018 Board Meeting – San Diego
October 22, 2018 Reinstatement Hearing – San Diego



Section 3

Board Member Orientation Training:

Board Members are required to complete Board Member Orientation Training (BMOT) **within one year** of appointment **and** re-appointment to a board. This is a one-day training in Sacramento which details the functions and responsibilities of board members.

If you are in need of completing this training, please choose from the dates available and complete the online registration form at: <http://www.dcaboardmembers.ca.gov/training/orientation>.

2018 Board Member Orientation Training (BMOT) Dates

- Wednesday, March 21, 2018
- Wednesday, June 6, 2018
- Tuesday, September 18, 2018
- Wednesday, December 5, 2018

2018 BMOT Time & Location

9:00 AM – 4:30 PM

Department of Consumer Affairs
Headquarters 2 Building
SOLID Training Center
1747 North Market Blvd.
Sacramento, CA 95834

Online Training:

Ethics Training: <http://oag.ca.gov/ethics> (State Officials)

Preventing Sexual Harassment: 2107 is a mandatory SHP Training year for DCA. Board Members are required to complete this training in 2017, even if it was completed in 2016. The training is online and interactive. Training is available at <http://solid.dca.ca.gov/training.html>.

Defensive Driver Training: The Defensive Driver training is an interactive, online training which takes approximately 2.5 hours to complete. It must be completed once every four years. It is available at: <http://www.dgs.ca.gov/orim/Programs/DDTOnlineTraining.aspx>

Form 700 – Statement of Economic Interest & Conflict of Interest Filing:

To fulfill the training requirements for your Conflict of Interest training, you must file the Form 700. DCA utilizes NetFile to electronically file Form 700s directly with the Fair Political Practices Commission. For NetFile account questions, please contact Jill Johnson, the Department's Conflict of Interest Filing Officer (916) 574-8312 jill.johnson@dca.ca.gov.

Upon completion of any and all training, please provide copies of completion certificates to Kristy Underwood and DCA at MemberRelations@dca.ca.gov

BBC

Attn: Kristy Underwood

P.O. Box 944226

Sacramento, CA 94244-2260

Please note that at any time you may contact myself or Marcene Melliza, Board Analyst at the numbers listed below for any questions that may arise.

Kristy Underwood, Executive Officer

Phone: (916) 575-7111

Fax: (916) 928-6810

Email: Kristy.Underwood@dca.ca.gov

Marcene Melliza, Board Analyst

Phone: (916) 575-7121

Fax: (916) 928-6810

Email: Marcene.Melliza@dca.ca.gov



Section 4

BOARD MEMBER TRAVEL AND PER DIEM

The Travel Program

The purpose of this guide is to provide basic travel reimbursement guidelines. For an in-depth review of travel rules, please consult the Consumer Affairs Travel Guide included in section five (5) of this manual. The State provides reimbursement of actual and necessary out of pocket expenses when traveling on State business. The mode of transportation for which the State incurs expenses should be that which is in the best interest of the State. So, when determining the most economical mode of transportation, the following costs should be considered: employee's time, expenses for transportation (airline, car, train, taxi, parking, shuttle, tolls, etc.), expenses for meals, incidentals, lodging and any other State business expense, the urgency of the situation, if the employee must carry specialized equipment, the number of stops, the number of persons to be transported, driving time one-way (is it over 2 hours?), availability of transportation to and from the destination, and overtime wages.

To view the States entire travel program go to:

<http://www.dgs.ca.gov/travel/Home/StatewideTravelProgram.aspx>

Travel Arrangements

All Travel Arrangement (hotel, airfare reservations and car rental) must be made through the CalTravelStore website.

You can make/reserve your travel arrangements on the Concur CalTravelStore Government Business Travel - <http://www.caltravelstore.com> website.

For instructions on how to make a reservation is provided on the DCA Travel/CalATERS Home Page.

The "username: will be your personal email address. You can reset your password by clicking on "Forgot your password" link.



After Hours Travel Emergencies (additional fees apply) (877) 454-8785 – Press 1

All Travel Expense Claim Transmittals that require receipts to be attached must be signed by the approver, Christopher Castrillo. The original signature of the approver is required.

The Travel Store oftentimes will use Southwest Airlines for State flight business. You will want to make sure you have a Southwest Rapids Rewards card. In addition, when booking a hotel reservation, please advise the Travel Store if you participate in any hotel reward programs.

Southwest Airlines

To create a Rapid Rewards Account:

Go to: www.southwest.com

1. Scroll down to Rapid Rewards (left hand side of home page)
2. Click on Enroll Now
3. Fill requested information

Once you have completed the all the steps click Finish Now. Your Rapid Rewards Enrollment card will appear on the screen. **Print your Rapid Rewards and save the number for your records, this will be the only card you will receive.**

Car Rental

The States rule of thumb is if the trip is over 50 miles round trip, you should rent a car. Do not use your personal vehicle as the travel unit will not reimburse you for the full amount.

Do not buy gasoline from any car rental return site. You must fill up your car before you return the car to the rental office.

If you are using an Enterprise car rental, you do not have to drop your car off at the location you rented if from. You may drop the car off at the airport or any other Enterprise rental office.

Loss Damage waiver is included in the States daily rate. Additional charges for insurance will not be reimbursed by DCA.

Submit your car rental receipt, showing full payment and any gasoline receipts to Board staff.

Using your Personal Vehicle

You have the option of using your personal vehicle if you can prove that it is a cost savings for the State to do so. (Usually this includes trips that are less than 50 miles round trip) When making that determination you may wish to consult the Rental vs. Reimbursement Calculator provided at the following link.

http://www.enterprise.com/car_rental/corporateClassIntro.do

You may print the chart and include it with your justification on why you are using a personal vehicle. Rental car justification form:

http://documents.dgs.ca.gov/ofa/travel/SCO_VehicleJustificationForm.pdf

- Mileage reimbursement is currently .56 cents per mile.
- Sacramento International Airport Maximum daily economy parking lot rate is \$10.00 per day and \$2.00 per half hour or any portion thereof beginning on the second day, with a maximum daily rate of \$10.00.
- All parking while on state business require the purpose of the trip and an itemized receipt if over \$10.00.

Taxi's/Tolls

Taxis may be used for trips that are not over a 10-15 mile radius. Receipts are required for taxi expenses of \$10.00 and over. Tips are not reimbursable.

Tolls/Parking: No receipt is required for tolls or parking charges under \$10.00

Meals

Reimbursement is allowed for actual costs up to the maximum reimbursement for each meal incurred while on travel status. Board members should retain the meal receipts, for tax purposes. If no meal amounts are provided to the analyst preparing your travel claim, it will be assumed that you have used the maximum reimbursement amount, and the Board member travel claim shall reflect that assumption.

Meals & Incidental	Maximum Reimbursement	Qualifying Time Frame
Breakfast	Up to \$ 7.00	Begins before or at 6 a.m. Ends at or after 8 a.m.
Lunch	Up to \$11.00	Begins before or at 11 a.m. Ends at or after 2 p.m.
Dinner	Up to \$ 23.00	Begins before or at 5 p.m. Ends at or after 7 p.m.
Incidental	Up to \$ 5.00	Reimbursement is allowed only for a full 24 hours of travel.

Please note: Incidental expenses can include expenses for: laundering, pressing clothes, fees, tips, business phone calls, postage charges, facsimiles and emergency purchases.

Travel Claims

In an effort to make the position of Board member a little more pleasant, it has been determined that Board staff will process Board member travel claims. In order to facilitate the process please submit the following to Kristy Underwood.

- Date and time (military time) you began your trip.
- The mode of transportation. (Did you fly, use your own vehicle, use the train, etc.)
- If you used your personal vehicle, please provide your vehicle license plate number.
- Date and how many miles you traveled using your personal vehicle.
- Location if you started out if it is anywhere other than your residence.
- Receipts must be taped to a plain sheet of white paper. If it is not obvious what the receipt is for, please state in a brief note why the charges were incurred.
- Actual meal costs, if under the maximum reimbursement allowance.
- Please provide a brief note if there are any unusual circumstances regarding your trip.
- Date and time (military time) you concluded your trip.

Staff will need original receipts (except meal receipts). All hotel/vehicle receipts should show a zero balance due and hotel receipts must state a room rate and room tax amount. Staff will compile the travel claim, mail it to the Board member for review and approval and submit the travel claim to the Department of Consumer Affairs for reimbursement.

Submit Travel Claims to: Kristy Underwood
Board of Barbering & Cosmetology
P. O. Box 944226
Sacramento, CA 94244-2260

Board Member Pay

As a Board member, you will receive \$100 for each day you work on Board related matters. In order to be compensated, it is necessary that you complete an Absence & Time Worked form (STD 634) and submit it to Kristy Underwood on the last day of each month.

**Submit Board Member Pay
Request (STD 634 form) to:** Kristy Underwood
Board of Barbering & Cosmetology
P O Box 944226
Sacramento, CA 94244-2260

COMPLETING THE ABSENCE AND TIME WORKED FORM

Board members will attempt to submit an Absence & Time Worked (STD 634) form to the Executive Officer, no later than the first day of the month following the month the time has been worked.

Completing the 634 form (Please refer to the attached 634 form sample page).

1. Enter the month in which the pay was earned.
2. Enter your full name.
3. Enter "Board Member" in box number four (4).
4. Place an "X" on box number 7(a) on each day you did work as a Board Member.
5. Sign and date box number nine (9).
6. Send your form to Kristy Underwood.

Upon completion of this form, please fax or email or mail your form to Kristy Underwood at Fax (916) 928-6810 email Kristy.Underwood@dca.ca.gov or mail them to:

BBC
Attn: Kristy Underwood
P.O. Box 944226
Sacramento, CA 94244-2260

Please note that at any time you may contact myself or Patricia Garcia, Board Analyst at the numbers listed below for any questions that may arise.

Kristy Underwood, Executive Officer
Office: (916) 575-7111
Email: Kristy.Underwood@dca.ca.gov

Patricia Garcia, Board Analyst
Office: (916) 575-7102
Email: Patricia.Garcia@dca.ca.gov



**ABSENCE AND ADDITIONAL
TIME WORKED REPORT**

HR-634 (REV. 9/2017)

2. NAME (First Middle Last)		4. POSITION NUMBER
Board Member's Name		

5. ABSENCE WITH PAY

(SE) <input type="checkbox"/> SICK LEAVE SELF	(BL) <input type="checkbox"/> BEREAVEMENT LEAVE	(PT) <input type="checkbox"/> PROFESSIONAL DEV. DAY	(JD) <input type="checkbox"/> JURY DUTY
(SF) <input type="checkbox"/> SICK LEAVE FAMILY	(CT) <input checked="" type="checkbox"/> USING OVERTIME CREDIT	(ML) <input type="checkbox"/> SHORT-TERM MILITARY LEAVE (Attach Duty Orders)	<input type="checkbox"/> ATTENDANCE FEES TO BE REMITTED (Make copy for Accounting)
(FH) <input type="checkbox"/> FURLOUGH HOURS	(HC) <input type="checkbox"/> USING HOLIDAY CREDIT	(NDI) <input type="checkbox"/> NONINDUSTRIAL INJURY	<input type="checkbox"/> NO ATTENDANCE FEES RECEIVED
(HI) <input type="checkbox"/> HOLIDAY INFORMAL	(EX) <input type="checkbox"/> USING EXCESS HOURS CREDIT	INDUSTRIAL ILLNESS OR INJURY	COURT CITY
(PV) <input type="checkbox"/> VOLUNTARY PERSONAL LEAVE	(PH) <input type="checkbox"/> USING PERSONAL HOLIDAY	(TD) <input type="checkbox"/> TEMPORARY DISABILITY	(SW) <input type="checkbox"/> WITNESS (Make copy for Accounting)
(AL) <input type="checkbox"/> ANNUAL LEAVE	(EL) <input type="checkbox"/> PAID EDUCATIONAL LEAVE	(IDL) <input type="checkbox"/> INDUSTRY DISABILITY LEAVE	<input type="checkbox"/> CIVIL CASE <input type="checkbox"/> FEES TO BE REMITTED
(VA) <input type="checkbox"/> VACATION	(PL) <input type="checkbox"/> PERSONAL LEAVE	(IDL/S) <input type="checkbox"/> INDUSTRIAL DISABILITY LEAVE WITH SUPPLEMENTATION	<input type="checkbox"/> CRIMINAL CASE <input type="checkbox"/> NO FEES RECEIVED
OTHER			IN THE INTEREST OF/ON BEHALF OF THE STATE <input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> SUBPOENAED <input type="checkbox"/> EXPERT

6. ABSENCE WITHOUT PAY

(DK) <input type="checkbox"/> DOCK APPROVED	(A) <input type="checkbox"/> ABSENCE WITHOUT LEAVE (AWOL) (19996.2 OR 19572)	<input type="checkbox"/> ABSENCE WHILE SERVING A PROBATIONARY PERIOD	PAY PERIOD IS	Alternate Schedule DAY	A or B
(SDI) <input type="checkbox"/> STATE DISABILITY INSURANCE	(FM) <input type="checkbox"/> FMLA	<input type="checkbox"/> CFRA	<input type="checkbox"/> QUALIFYING	Hrs needed =	176.00
	<input type="checkbox"/> PDL		<input type="checkbox"/> NONQUALIFYING	Total Hours =	
			EXCESS		
			Hourly Employee <input type="checkbox"/>		

7. DATES OF ABSENCES AND EXTRA TIME WORKED

(Enter the leave code in the top of the box and the number of hours in the bottom of the box. If the absence is for a compensable injury waiting period, add X to other symbol.)

REPORTING		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	TOTAL
7A. HRLY INT/PTY HRS TO BE PAID																																
7B. SICK																																
7C. BEREAVEMENT																																
7D. VACATION																																
7E. ANNUAL LEAVE																																
7F. ATO, CT, EX, EL, FM, HC, HI, JD, PL, PH, PT, PV, UT																																
7G. DOCK (DK) AWOL (A) SDI (SDI) NDI (NDI)																																
7H. STRAIGHT TIME (PO) (CTO)																																
7I. PREMIUM TIME (PO) (CTO)																																

8. REASON FOR ABSENCE OR EXTRA HOURS WORKED

9. CERTIFICATION BY EMPLOYEE

*To the best of my knowledge and belief, the facts stated are accurate and in full compliance with legal requirements.*SIGNATURE OF EMPLOYEE ☐ EMPLOYEE NOT AVAILABLE FOR SIGNATURE

Date

Board Member Signs Here

Current Date

10. RECOMMENDATION AND SUBSTANTIATION OF SUPERVISOR

To the best of my knowledge and belief, the facts stated are accurate and in full compliance with legal requirements.

SIGNATURE OF SUPERVISOR

Date

Christopher Castrillo's Signature

Current Date

11. PERIOD OF DISABILITY COMPENSATION		12. DISABILITY COMPENSATION SUPPLEMENT				13. OFFICIAL DEPARTMENTAL	
FROM	TO	HOURS	SICK LEAVE	VACATION	CTO	HOLIDAY CREDIT	<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED



Section 5

DEPARTMENT OF CONSUMER AFFAIRS TRAVEL GUIDE

Office of Administrative Services Accounts Payable Travel Unit



January 2018

Disclaimer

Bargaining Contracts, California Department of Human Resource (CalHR), Departmental Policy and the State Administrative Manual (SAM) sets forth the information contained in this Travel Guide. If any of the information within is in conflict with the most recent provisions set forth by the said mentioned above then those provisions will supersede this guide. Information provided in this guide is routinely updated by various control agencies. The traveler or user of this guide must always make sure they have the most current information. Click on the web links to view the most current information.

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CHAPTER 1

INTRODUCTION AND DEFINITIONS

Introduction

The purpose of this guide is to provide and define the basic travel reimbursement rules for employees who are required to travel on official State business, methods of travel that are available, and how to use them, in accordance with the State Bargaining Contracts, California Department of Human Resources (CalHR) Travel Rules for Represented Employees sections 599.615–599.638.1 of title 2 of the California Code of Regulations, and the *State Administrative Manual* (SAM) section 700. If any of the information herein is in conflict with the most recent provisions set forth by the bargaining contract or government code sections cited above, then those provisions will supersede this guide. In addition, information provided in this guide is routinely updated by various control agencies. The traveler or user of this guide must always make sure they have the most current information.

Note: The travel reimbursement program is subject to Internal Revenue Service (IRS) requirements. There are no flat reimbursement rates. All items claimed are to be for the actual amount of the expense, up to the maximum rates allowed for all State officers, employees, and agents of the State traveling on official State business.

Who can file a claim?

All Department of Consumer Affairs (DCA/Department) employees and any agent of the State (listed below) may request a travel advance and/or travel reimbursement using the appropriate Department forms and the CalATERS Global System. Certain restrictions may apply (see reference-related section for specific requirements).

Statutory Board Members are individuals appointed to serve on boards or commissions established by law. Members are appointed by the Governor, Legislature, or Department Head. Reimbursement for necessary travel expenses is based on the rates for nonrepresented employees.

Nonstatutory Board Members are individuals appointed to serve on boards, commissions, committees, or task forces that are created by agency secretaries, department directors, executive officers, or board members on an as-needed basis to fulfill the Department's mission. Reimbursement for necessary travel expenses is based on the rates for nonrepresented employees.

Proctors are intermittent hires through the State Personnel Board. Proctors administer written or physical agility exams for civil service classification. Reimbursement for necessary travel expenses is based on the rates for nonrepresented employees.

Volunteers are individuals who voluntarily perform services for the State without pay. The volunteer must sign an Oath of Allegiance, which is kept on file at the Department with the Volunteer Service Agreement. Volunteers will be reimbursed for necessary travel expenses at the rate negotiated for State employees performing comparable duties.

Terms

Short-Term Travel: Expenses incurred at least 50 miles (one-way) from headquarters and/or residence when applicable, and is less than 31 consecutive days.

Long-Term Travel: Travel that is in excess of 30 consecutive days becomes long-term travel. Specific reimbursement rates and reporting requirements apply; contact your Travel Liaison.

Per Diem Expenses: Meals, lodging, and all appropriate incidental expenses incurred may be claimed when conducting State business while on travel status.

Transportation Expenses: Various modes of transportation used while on official State business; for example, airfare, vehicle, taxi, and shuttle expenses.

Business Expenses: Charges necessary to the completion of official State business, such as business phone calls, emergency clothing, and emergency supplies. All purchases shall be justified, and if the total business expense is more than \$25, the claim must be approved by the DCA Accounting Administrator II.

Conference or Convention: A meeting with a formal agenda of persons to discuss or consult on specific work-related subjects with the purpose of exchanging views, providing lectures or dialogue, or providing or gaining skills and/or information for the good of the State. Requires an approved conference attendance request prior to attending and must be attached to the [Travel Expense Claim \(TEC\)](#).

Non-State Sponsored Conference: Planned, arranged, and funded by an outside entity.

State-Sponsored Conference: Planned, arranged, and funded by State agencies for the benefit of the State and/or outside parties for the purpose of conducting State business.

Policies

Official Established Headquarters: Shall be designated for each State officer and employee and defined as the place where the officer or employee spends the largest portion of their regular workdays or working time, or the place to which they return upon completion of special assignments. In some instances, however, it may be in the best interest of the Department to designate either an employee's residence address or an assigned geographic area as his/her headquarters. Home-as-headquarters and geographic area designations will be based upon a determination of "economic merit" for geographic and logistical circumstances where the State benefits from such a determination, either in increased efficiencies or reduced costs.

Signature Authority: The signature of the approving officer certifies that the traveler is authorized to travel, the expenses incurred were to conduct official State business, and that the items claimed are appropriate and keeping within the rules that govern State business travel. Typically, the approving officer would be the traveling employee's immediate supervisor.

The Deputy Director of Board Relations approves Board Presidents' [TECs](#). Once they have been reviewed and initialed by the Executive Officer, the Board President shall approve the Executive Officers' and the Board Members' travel claims. In the absence of the Board President, the Board Vice President shall approve the Executive Officers' and the Board Members' travel claims.

The Deputy Director of the Office of Administrative Services approves Bureau and Board Presidents', Bureau Chiefs', Division Chiefs', and Deputy Directors' travel advances, expense claims, conference requests, and authorized signature forms. Also approves for all exception-to-travel status for board and bureau and Travel Advance Requests for nonsalaried employees. In the absence of the Board President, the Board Vice President shall approve the Executive Officers' and the Board Members' travel claims.

In the extended absence of either the Deputy Director of Board Relations or the Deputy Director of the Office of Administrative Services, either can approve the above for boards and bureaus.

All approving officers must have a signature card on file with the Accounting Office before approving a claim.

Note: See DCA policy, form, and procedures posted on the [DCA Intranet](#) regarding authorized signatures.

CHAPTER 2 PER DIEM ALLOWANCES

Introduction

The State provides for reimbursement of actual and necessary out-of-pocket expenses while traveling on State business. When determining the appropriate amount of reimbursement allowed for meals, lodging, and incidentals, two criteria need to be considered: distance and time. Employees on travel status must be at least 50 miles from home/headquarters. The most direct route determines this distance.

For short-term travel status per diem (meals, lodging, and incidentals), several factors need to be considered, such as:

- The bargaining unit of the employee (represented or excluded).
- Geographical location of travel must be at least 50 miles (one-way) from where the trip begins at headquarters and/or home. Factors include: Which is the closest distance? Is travel during normal working hours or not? Is it a second worksite?
- The timeframe in which the trip started and stopped.
- The type and location of facilities used for lodging.

Lodging Rates

Short-term reimbursement rates for lodging expenses are as follows. Please review your Bargaining Unit Contract on [California Department of Human Resources \(CalHR\)](#) website for current rates.

For Excluded/Exempt, BU 1 through BU21	
Lodging	Reimbursement
Statewide (except for those listed below.)	\$90.00 plus taxes on the entire cost of the lodging rate.
Napa, Riverside, Sacramento Counties	\$95.00 plus taxes on the entire cost of the lodging rate.
Marin County	\$110.00 plus taxes on the entire cost of the lodging rate except BU6 and BU10 remain at \$90.00.
Los Angeles, Orange, Ventura Counties and Edwards AFB	\$120.00 plus taxes on the entire cost of the lodging rate.
Monterey, San Diego	\$125.00 plus taxes on the entire cost of the lodging rate.
Alameda, San Mateo & Santa Clara Counties.	\$140.00 plus taxes on the entire cost of the lodging rate except BU6 remains at \$125.00.
City of Santa Monica	\$150.00 plus taxes on the entire cost of the lodging rate.
San Francisco County	\$250.00 plus taxes on the entire cost of the lodging rate except BU6 and BU10 remain at \$150.00.

Lodging facilities include commercial hotels and motels, and residential property—short term rental, CalHR PML2015-039 Assembly Bill 229, 1/1/16–12/31/2018 (less than 30 days). All rates for reimbursement are limited to State-contracted lodging rates.
www.calhr.ca.gov/PML%20Library/2015039.pdf

Hotel Tax Waiver

The [Hotel/Motel Transient Occupancy Tax Waiver, Form 236 \(New 9-91\)](#), is available on the [DCA Intranet](#) Travel Home Page and should be used whenever possible. This form must be completed in advance and given to the hotel for its records. In most cases, employees must ask for the exemption at time of reservation. Some hotels will not honor the tax waiver.

Acceptable Receipts

Lodging receipt must indicate the establishment's name, address, and check-in/check-out dates and times, number of occupancy, room rate, taxes, and method of payment.

In the rare event where an employee chooses to use a third-party vendor (such as Priceline.com, Expedia.com, Travelocity.com, Hotels.com, etc.) to make travel arrangements, the following instructions must be strictly adhered to:

- Employees who request reimbursement for receipts from third-party vendors for lodging expenses related to a State-approved relocation or for lodging expenses incurred while traveling on State business, must provide a valid receipt from the third-party vendor and the commercial lodging establishment where the employee stayed.

Both receipts are required in order to properly substantiate a valid business expense.

Sharing a Room

When sharing a room with another State employee, each person can claim half the room rate or one employee can claim the entire amount and reference the other person in the comment section. Both employees should file their travel expense claims ([TECs](#)) at the same time and a copy of the other's claim should be attached to their own.

Meal Rates

There are no flat reimbursement rates. All items claimed are to be for the [ACTUAL AMOUNT OF EXPENSE](#), up to the following maximum reimbursement amounts listed below. The employee (or agent of the State) shall not claim reimbursement for any meals provided by or included in the cost of the hotel stay, airfare, and conference or convention registration fee and/or provided by the terms stated in a State contract. Please review your Bargaining Unit Contract on [California Department of Human Resources \(CalHR\)](#) website for current rates.

Excluded/exempt employees and represented employees in Bargaining Units (BU) 1–21, please review your existing MOU for current rates (see following table).

Expense	Maximum Reimbursement	Expense	Maximum Reimbursement
Breakfast	\$7	Dinner	\$23
Lunch	\$11	Incidental	\$5

Less Than 24 Hours

The following table shows conditions under which a represented or nonrepresented employee may be reimbursed for meals while on travel status, if the trip is less than 24 hours:

Starts Trip on OR Before	Returns from Trip on OR After	Entitled To
6 a.m.	9 a.m.	Breakfast
4 p.m.	7 p.m.	Dinner

NOTE: Board and committee members are entitled to meals, including lunch, on a one-day trip only when attending official scheduled board or committee meetings. These meal expenses are excused from the travel status mileage requirement, but all time requirements are applicable; for example, start trip at or before 11 a.m. and end at or after 2 p.m. to claim lunch. In addition, meals on trips of less than 24 hours will be reported as a taxable fringe benefit as required by the Internal Revenue Service (IRS).

More Than 24 Hours

If a trip is more than 24 hours but less than 31 consecutive days, a represented or nonrepresented employee is entitled to breakfast, lunch, and dinner for every full 24-hour period of time while on travel status. The following table shows the meal entitlements for the last fractional period of time:

Starts Trip on OR Before	Returns from Trip on OR After	Entitled To
6 a.m.	8 a.m.	Breakfast
11 a.m.	2 p.m.	Lunch
5 p.m.	7 p.m.	Dinner

Incidentals

Incidental reimbursement is allowed for every full 24 hours of travel up to the maximum amount allowed per Bargaining Unit Contract for actual necessary expenses. Incidentals include expenses for fees and tips for services such as porters, baggage carriers, and hotel staff. No other items may be claimed as an incidental. Department of Human Resources CalHR PML 2015-003 and Internal Revenue Service (IRS) in IRS Publication 463.

Business-Related Meals

In rare instances, the cost of business-related meal expenses may be allowed. It must be clearly shown that it was impractical to conduct the State's business during working hours and that the meal took place in conditions beyond the employee's control. Justification should be provided on the TEC.

The statement must include the purpose or goal of each business-related meal and the unusual conditions that justify payment. The employee may claim expenses not to exceed the breakfast, lunch, or dinner allowance, whichever meal was consumed. The amount must be supported by a voucher or receipt for represented employees. Claims must include the establishment, the persons in attendance, and the business conducted during the meal period. No reimbursement is allowed for the meal if the employee claims per diem for that day.

Allowable meals may include: Participants from different cities hold a luncheon to allow one or more of them to make connections on a scheduled flight; an employee is required to go to lunch as a member of a group, such as a board or commission where official business is conducted; the meeting does not adjourn during the lunch and the employee has no choice of place to eat.

Non-allowable meals include: Two or more employees go to lunch together and continue their business as an incidental to the meal; the meal is strictly for public relations purposes; departments call meetings with their own and/or other department employees to conduct State business; the meeting could have taken place during regular working hours.

Receipts

Although the Department of Consumer Affairs (DCA) does not require receipts for most meals or incidentals (except as noted above), the traveler must retain all their meal and incidental receipts for IRS purposes.

Overtime Meals and Rates

Overtime meal reimbursement is allowed when the employee works two excess hours either consecutive or contiguous to regular scheduled work hours. Rates and terms are defined by each bargaining unit contract as stated below. In determining the overtime hours worked for meal compensation, do not include any breaks for meals. Only one meal allowance may be claimed each day unless the employee has worked a minimum of 16 hours. For every six additional hours worked in excess of ten hours, another meal allowance may be claimed, not to exceed three overtime meals within 24 hours.

Bargaining Unit	Rate	Consecutive*	Contiguous*
7 & 10	\$7.50	X	
1, 4, 11 & 14	\$8.00		X
2, 9, 12, 16 & 19	\$8.00	X	
Excluded & 21 (exempt FLSA)	\$8.00	X	

Definitions

Consecutive: Works either two hours before or two hours after normal work hours on a regular scheduled workday; works two hours in excess of normal work hours on weekends, holidays, or regular scheduled day off (RDO).

Contiguous: Works two or more hours in excess of the number of hours worked on regular scheduled workday.

Excluded: Work Week Group Exempt (WWGE) and Represented Employees Exempt from Fair Labor Standards Act (FLSA) are only entitled to overtime meals for extended arduous work.

Arduous Work OT Meal*

Meals for Extended Arduous Work: On those rare occasions when an employee who is in a Work Week Group other than Work Week Group 2 would be required to physically or mentally work ten hours or more (not including any breaks for meals) for an extended period of time. The employee, with approval of the appointing authority, may claim the actual cost of an arduous work meal up to \$8. Such meals should only be approved when it is clear that the work schedule is consistently in excess of a normal full-time schedule. Occasional extra hours worked, consistent with the nature of other than a Work Week Group 2 schedule, do not meet the criteria for Extended Arduous Work Meals.

Excess Lodging Policy and Procedure

Request for reimbursement of lodging expenses in excess of the State-specified rates, excluding taxes, must be received ten days prior to the trip. Approval is required from the DCA Accounting Administrator II if less than \$150 and the CalHR if more than \$150. The [Excess Lodging Rate Request \(STD 255C\)](#) form located on [DCA Intranet](#) should be completed and contain the following:

- A list of at least three hotels contacted using the [Concur CalTravel Store](#) website to obtain State rate lodging. Contact additional hotels if no State rate hotels are found within the work area.
- Supporting documentation that a reasonable effort was made to locate lodging at State-specified rates. Using only higher-rate hotels in the documentation cannot be considered reasonable efforts.
- Explain any applicable reasons for the State business need for an exception to the State's standard lodging rate.
- Obtain all required signatures and submit the request to the DCA Travel Unit at least ten working days prior to the trip, when possible.
- Employees who incur expenses in excess of standard reimbursement will be responsible for the difference if the excess lodging request is denied.

- Attach agendas for any approved conference or convention that would assist in the travel justification.

Reasonable Accommodation

Reasonable Accommodation can be obtained with supporting documentation through DCA Human Resources Health & Safety Unit when travel requirements are a hardship to the employee for medical reasons. Please obtain the Reasonable Accommodation approval prior to the trip.

Exception to Travel Status Policy

It is the policy of the DCA to adhere to the rules and regulations as defined by the CalHR regarding the approval of requests for reimbursement within 50 miles of the employee's home or headquarters when conducting official State business. Extreme acts of God and nature that place the employee in harm's way are automatic and will be approved after the fact, when fully documented ([SAM section 0715 CALHR PML 93-28](#)).

Note: All exceptions to travel status reimbursements will be reported as a taxable fringe benefit as required by the IRS.

Exception Authority, Limits and Criteria

The CalHR delegated the exception to travel status authority to the Director of DCA, who delegated the authority to the Deputy Director. There is no other allowable signature authority for this delegation. This delegation is extended with the provision that it will be administered according to the criteria, considerations, and record-keeping requirements as stated below. All exceptions are subject to audit by CalHR. Exceptions are to be granted in advance of the occurrence by the appointing power.

This delegation does not extend to the approval of meals or lodging at either the home or headquarters location. There is no allowance for any increase in the standard short-term travel reimbursement rates for meals and lodging or partial exceptions, such as lodging allowance without meals. When exceptions meet all the requirements and are granted by the Deputy Director, the employee is entitled to full short-term travel reimbursement rates. This exception is not to be used in lieu of overtime for one-day travel.

Exception requests will be considered under a limited number of circumstances when the employee is required to be away from his/her home and headquarters locations for more than a single day, but less than 50 miles. These include the nature of the work performed, the hours of work, or the apparent road/weather conditions make it impractical for the employee to return home or to the headquarters location at night.

The CalHR has guidelines for an exception approval criterion that includes reasonable commute mileage. State departments are expected to demonstrate that every consideration has been given to minimize the cost to the State through responsible planning and scheduling.

Exception Process

A written request must be submitted in advance of the occurrence to the Accounting Office for review and submission to the Deputy Director. The Executive Officer or the Division/Bureau/Program Chief must approve all exception requests. Requests must contain the following information for each attendee:

- Name and classification of employee(s) requesting exception. If the time period and reason for expense are the same, submit a group request listing each employee's name, classification, the time period, and reason.

- Name and address of the location where expenses will be incurred.
- Name of the sponsor of the event.
- Reason(s) for the exception request; attempts made to reduce the costs.
- Amount of the anticipated expenses, including tax.
- For a conference or convention, with more than one attendee, explain why one employee could not achieve the goal and attach a training and development request with approval.

Provide copies of the agenda, conference/convention announcements, and map/mileage printouts. Once the exception request has been processed, a copy will be forwarded to the requesting office by the DCA Accounting Office. The requesting office must maintain a record of each request for the standard five-year record retention schedule.

CHAPTER 3

TRANSPORTATION

Introduction

The cost of transportation while on official State business should be accomplished by using the most economical means for the State, according to the State Administrative Manual general travel policies. All transportation costs related to State business travel should be entered on all travel expense claims TECs.

Transportation expenses consist of:

- Commercial airfares
- Private vehicle use
- Commercial rental car use
- Gasoline for State or rental cars
- Taxis, shuttles, or streetcar fares
- Transportation Network Companies (TNT) – Uber and Lyft
- Parking of State, rental, or privately owned vehicles
- Bridge and road tolls
- Emergency repairs (State cars only)
- Commuting transit/vanpool (employee benefit) use

Supervisor's Responsibility

It is the supervisor's responsibility to ensure the method chosen for travel on State business is in the best interest of the State and not for the employee's convenience.

Determining the Most Economical Mode of Travel

When determining the most economical mode of transportation, the following costs should be considered:

- Employee's time
- Expenses for transportation (airline, bus, train, parking, shuttle, tolls, etc.)
- Expenses for meals, incidentals, lodging, and any other State business expense
- Urgency of the situation
- If the employee must carry specialized equipment
- Number of stops and amount of equipment
- Number of people to be transported (is it more economical?)

- Driving time one-way (is it more than two hours?)
- Availability of transportation to and from the destination
- Overtime wages

Cost Comparison

Reimbursement will be made for the mode of transportation which is in the best interest of the State, considering direct expenses as well as the employee's time. If the employee chooses a more expensive mode of transportation, reimbursement will be for the least expensive mode of travel. Expenses incurred at the travel destination will be reimbursed based on the actual business expenses incurred while at that location. A [cost comparison](#) must:

- Be completed and attached to the [TEC](#), showing both methods of travel.
- Include the least costly methods of travel for those expenses actually being substituted.
- Include only the expenses of traveling from one location to another. Do not include any worksite expenses. Expenses incurred onsite are to be claimed separately.
- An employee choosing to use a more expensive mode of transportation will only be reimbursed for the amount it would have cost for the most economical mode of travel.
- A [cost comparison](#) showing actual cost incurred vs. the most economical mode and cost must be submitted with an employee's [TEC](#). The [cost comparison form](#) is provided in Appendix A for your convenience.

Example of Cost Comparison

The most common cost comparison is when the employee chooses to drive their personal vehicle vs. using normal air transportation. For example, when an employee drives (having obtained supervisor's prior approval) to Los Angeles from Sacramento, the comparison is computed from the point the employee would normally have left on travel status in Sacramento to the point of landing in Los Angeles. Please note all cost comparisons should be calculated using the current mileage rate and State rates for airfare if applicable.

Air Costs		Vehicle Costs	
Ticket roundtrip	\$216.00	Mileage: City-to-city roundtrip:	
Mileage to/from airport			
30 miles x 54 cents per mile=	\$16.20	720 miles x 54 cents per mile = <u>\$388.80</u>	
Parking	<u>\$10.00</u>		
Total	<u>\$242.20</u>		

Reimbursement

The least expensive method of transportation will be reimbursed on the [TEC](#).

The time requirement for meals and lodging would be allowed for the time the employee would have left and returned had they flown. Additional meal and lodging expenses incurred as a result of using an alternative method of transportation is at the employee's own expense.

Exception

An exception to the least-expensive requirement would be if an employee has a reasonable accommodation approval through the Department of Consumer Affairs (DCA/Department) Health and Safety Office, which prevents the employee from specific modes of travel, such as air travel.

Request guidance from the Accounting Office Travel Unit (calaters@dca.ca.gov) when special circumstances arise prior to commencing the trip.

Direct and Indirect Travel Arrangements

All travel arrangements for air, auto rental, and lodging for official State business must be made through the Department's approved travel agency, Concur CalTravelStore. See the [Management Memorandum](#) regarding the travel policy for all State agencies.

Air Travel

Before making airline reservations, be aware of the contract rates and where to book your flights. The State contracted rate includes airfare for origination and destination points known as city pairs for within California, out of State, and international destinations. The contract rates are unrestricted one-way fares and are not subject to limited seating.

When booking on Southwest Airlines, you should only select "Want to Get Away" and "Anytime" flights. You should never select Business Class-type flights; if selected, you will be responsible for the difference in cost.

The 2017–18 contract fares are with Alaska Airlines, Delta Air Lines, JetBlue, and Virgin America, and 2017–18 for Southwest Airlines. You must purchase your airline tickets through the CalTravelStore, the certified State travel agency, using your Department's centralized American Express Business Travel Account (BTA). The CalTravelStore website contains the online booking tool Concur Travel (formerly Cliqbook), the online booking tool for all airline travel.

All travel arrangements for official State business must be made through the Department's approved travel agency, CalTravelStore (www.caltravelstore.com).

Current Airfare Contract: www.travel.dgs.ca.gov

DGS Air Travel Services: **Air Travel Information**
www.dgs.ca.gov/travel/Programs/Airfare.aspx

State Administrative Manual (SAM) section 741: **Air Travel**
www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/741.pdf

SAM section 8422.115: **Airline Itinerary Requirements**
www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/741.pdf

California Department of Human Resources (CalHR) Policy: **Method of Travel**
www.calhr.ca.gov/employees/Pages/travel-method.aspx

Airport Parking

Employees parking at the airport must use the most economical parking available. However, if the board, bureau, or division determines that additional parking costs above the lowest-cost option are in the best interest of the State, a justification explaining the necessity for the additional cost shall be submitted with the employee's TEC. Without a receipt, reimbursement is limited to \$10. Please note: TECs submitted without the required justification may be cut by the State Controller's Office (CalHR PML 2007-024).

Agencies/departments may consider the following items when determining if additional parking costs are in the best interest of the State:

- The direct expense; and
- The officer's or employee's time.

Please contact your Department's Travel Liaison to initiate the start of your CalTravelStore profile. You must complete your registration before booking your travel.

Please use the links below for training and more information:

For security reasons, every traveler will need to contact their board or bureau Travel Liaison to initiate their CalTravelStore profile. Your user ID is your Department e-mail address. You must use your Department e-mail address as your user ID to have access to our Department's company ID. This e-mail address will be your user ID for future access to the reservation system. After you receive your temporary password, you can complete your profile and book your trips. In addition, you'll need to change the temporary password to ensure your account is secure. Once you've established a user ID and password, the system will request that you complete the profile. After you've completed the profile, you must save the information before you attempt to book a trip. The CalTravelStore has a travel reservation guide and video to help; they are provided on the website and link below.

After the initial profile setup, you'll access the reservation system at www.caltravelstore.com. Click on "Concur Login" to complete your profile.

[Concur Travel demonstration](#) (video) and [Concur Interactive Training](#).

Concur Travel FAQs:

www.caltravelstore.com/pages/concur-travel-faqs

Non-Employee Reservations

You can make reservations for non-State employees conducting State business for your program, such as subject matter experts, volunteers, witnesses, or contractors, and receive State rates when using the DCA State-contracted travel service agency. One-time travelers should be booked as a guest traveler; no profile should or needs to be established.

Frequent Flyer Programs

Employees who earn travel premiums (frequent flier miles/points) while on official State business may now use these travel premiums for their personal use. The value of these premiums will not be reimbursed to the employee if used for State business.

See Personnel Management Liaisons (PML) Memorandum 2005–051

www.calhr.ca.gov/PML%20Library/PML2005051.pdf

Receipts

Airline itinerary or passenger receipts should include the traveler's name, dates and times of travel, destination, and amount of airfare. This document must be submitted with the employee's [TEC](#). The cost should always be entered on the claim as "Commercial Airfare," and "Department Paid" should be selected for payment type.

Privately Owned Aircraft Usage SAM 0743 and 0746

www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/743.pdf

www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/746.pdf

Travel on official State business may be by privately owned/rented/leased aircraft whenever this is the least costly means or is in the best interest of the State.

Employees must first obtain supervisor and agency approval. Employee pilots shall certify at least yearly to their employing agency that they have the required liability insurance during the period of official travel. These required limits are shown on [STD 265](#). Use [STD 265](#) for certification and insurance:

http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/746.pdf.

In all cases, the aircraft must be certified in accordance with Federal Aviation Administration regulations and properly equipped for the type of flying to be performed.

State employees who pilot aircraft on official State business must meet the requirements of [CalHR Rule 599.628](#) and [SAM 0747](#).

Reimbursement: **SAM 0744**

www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/744.pdf

The reimbursement rate for employee privately owned aircraft is \$1.15 per statute mile. Mileage is computed on the shortest air route from origin to destination, using airways whenever possible. Enter "Air Miles" and mileage on the [TEC](#). For expenses other than mileage, substantiate the expense with a voucher. Landing and parking fees are paid except at the site where the aircraft is normally stored.

State-Owned, Privately Owned, and Commercially Owned Rental Vehicle Use

Agencies determine who will drive on official State business and the vehicle type to be used: State-owned, privately owned, or commercially owned vehicles. The definition of "use of a State vehicle in the conduct of State business" includes the use of State vehicles "when driven in the performance of, or necessary to, or in the course of, the duties of State employment and shall include the operation of State-owned or leased vehicles as commute vehicles in a carpool or vanpool program authorized by a State agency." ([SAM 0750 Vehicle Use](#))

State vehicles may be authorized when two or more employees are traveling together; the trip includes intermediate stops not feasible for public transportation; the schedule of public carriers does not fit the itinerary; transportation is not available at the destination; or an employee must carry specialized tools, books, etc.

Privately owned vehicles may be used by employees on official State business if this is approved by the DCA. If the use is not less costly, the supervisor may authorize the use, but the payment will be for the less-costly alternative. No agency will require an employee to use their privately owned vehicle unless this is a formal condition for employment.

The following circumstances are prohibited uses of State vehicles:

- Using the State vehicle for anything other than conducting State business.
- Carrying in the vehicle non-Departmental employees, friends, or family members.
- Using the vehicle for private or recreational use.

Commercially owned rental vehicles may be rented when a State vehicle is not available and automobile travel is essential. The employee must return the rental car at the end of each work week State business is concluded. Refer to the [Department of General Services \(DGS\) website](#) to view the rental car contract and ensure adherence to State policy. (See Appendix.)

Commercial Rental Cars

Transportation Services: SAM Section 4100

<http://sam.dgs.ca.gov/TOC/4100.aspx>

CalHR Policies for Method of Travel

www.calhr.ca.gov/employees/Pages/travel-method.aspx

DGS Fleet Handbook (Page 5)

www.documents.dgs.ca.gov/ofa/handbook.pdf

DGS Rental Car Policies and Procedures

www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx

The State contract vendor for rental vehicles is Enterprise Rent a Car. The current contract is effective January 2015, per DGS Travel Bulletin 15-01. Click on www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx for more information.

Commercial Car Rental Car Rates as of January 2015: www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx for more information.

The rental of alternative fuel vehicles is encouraged and their rental rate should be the same.

For the complete rental car contract, click on www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx.

Car Rental Reservation Information

Rental Car reservation must be made on [Concur CalTravelStore \(www.caltravelstore.com\)](http://www.caltravelstore.com).

In order to receive the contract rate, employees are required to provide a current driver license and a second form of ID to ensure a smooth delivery of service when renting a vehicle. Acceptable second forms of ID can be an employee issued identification badge, a business card, a copy of a travel itinerary booked through CALtravelstore or Concur (the online reservation tool), or an authorization letter on Department letterhead. Reservations are required to be made in advance on Concur.

Employees must NOT:

- Extend rental agreements for personal business and pay the difference. When extending business trips for personal reasons, the employee must stop the State rental agreement and initiate a new personal rental agreement. See more information regarding personal use on page XX.
- Agree to purchase insurance. Insurance is included in the State contracted rates.
- Agree to purchase the fuel service option or prepaid fuel (i.e., a flat refueling rate).
- Agree to purchase higher rate, non-economy cars.
- Carry unauthorized, non-State employees in a rental or State vehicle. If travel plans change, please cancel the reservation.

Insurance

The State contract includes insurance and employees should not accept additional insurance. Employees using a noncontracted vendor may not have insurance included in their rental rate. The employee will be personally responsible for the insurance costs when choosing to use a noncontracted vendor.

In the event an at-fault accident occurs when renting a noncontract vehicle, the employee and the Department may be legally responsible for all damages sustained by others as well as property damage to the rental vehicle. More information on SAM Insurance and Surety Bonds is available at <http://sam.dgs.ca.gov/TOC/2400.aspx>.

Receipts

DCA policy requires the final rental car receipt be attached to the expense reimbursement claim (STD 262 or CalATERS), whether charged to the Department or paid by the employee. The receipt must indicate the amount charged and payment method. Precalculations or reservation agreements are not acceptable. ([SAM section 8422.115](#), <http://sam.dgs.ca.gov/TOC.aspx>)

Forms of Payment

The contract requires use of either the Corporate Rental Business Traveler Account (CRBTA) or the travelers Corporate American Express card. Use of cash or the traveler's personal credit card will not guarantee the State contract rate or the State's insurance coverage.

The following "exceptions" will required State departments to submit to the State Controller's Office (SCO) a [Short-Term Vehicle Justification Form](#) , signed by the employee's supervisor:

- Renting a vehicle larger than the intermediate size
- Renting a vehicle from a noncontracted vendor
- Needing physical or medical accommodations
- Refueling charges incurred at rental branches

All employees are required to refuel the rental car vehicle. When refueling the rental car, the employee must submit a detailed gasoline receipt for reimbursement. Gasoline receipts must show the date of purchase, method of payment, and an expense breakdown: number of gallons, price per gallon, and extended total purchased amount. Prepaid fuel receipts are not acceptable for reimbursement.

The SCO approval form should be attached to the invoice and travel expense claim associated with the justification. State departments are no longer required to receive approval from the DGS Statewide Travel Program. The Short-Term Vehicle Justification Form is available at www.dgs.ca.gov.

Rates include unlimited mileage and are not subject to blackout dates. Contracted vehicle rates information is available at www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx. Examples of vehicles are listed in parentheses shown on the list below. The Maximum Cap Rate (MCR) includes the base rate, all fees, all charges, in addition to airport fees, vehicle license fees and, State, city and county, or local surcharges that apply to the commercial car rental industry as a whole and identified by airport. Sales tax and refueling charges are not included in the contract rate.

Short-Term Commercial Car Rental Cost Table
Base Rate with \$300,000 Insurance for Short-Term Rentals
 (Effective March 1, 2016)

Vehicle Class Type	Daily	Weekly	Max Cap Daily
Compact (Nissan Versa, Toyota Yaris)	\$33.00	\$132.00	\$50.00
Mid-Size/Intermediate (Toyota Corolla, Nissan Sentra)	\$33.00	\$132.00	\$50.00
Full-Size (Chevy Impala, Nissan Altima)	\$35.00	\$140.00	\$53.00
FWD/Sport Utility Vehicle (Ford Escape, Jeep Liberty)	\$56.00	\$224.00	\$78.00
Minivan (Chrysler Town and Country, Dodge Grand Caravan)	\$56.00	\$224.00	\$78.00
Pick-Up Trucks (Chevy Silverado, Ford F150)	\$70.00	\$280.00	\$94.00
Plug-In Hybrid Electric Vehicle/Zero Emission Vehicle	\$42.00	\$168.00	\$62.00
Hybrid Eclectic Vehicle	\$42.00	\$168.00	\$62.00

Note: The State of New York is exempt from the Base Rate listed above. Such rates are subject to open market rates quoted at time of actual car rental.

Private Vehicle Authorization and Use

The SAM requires that before any employee (including a board member) uses a privately owned vehicle to conduct State business, that employee must obtain authorization in writing from his or her supervisor and certify that the vehicle will be operated in compliance with [SAM section 0753](#).

An Authorization to Use Privately Owned Vehicle form ([STD 261](#)) should be completed and on file with the immediate supervisor. The [STD 261](#) form must be updated and re-signed annually.

Employees should be aware that the insurance maintained by the State is for the liability above the amount of the employees' policies. All employees driving on State business must carry evidence of liability insurance coverage. Mileage rates paid to employees include an amount that reimburses employees for maintaining minimum insurance coverage.

Mileage Rate Reimbursement

The following table shows the mileage reimbursement rates for privately owned vehicles:

1/1/2014–12/31/2014	56 cents per mile
1/1/2015–12/31/2015	57.5 cents per mile
1/1/2016– 12/31/16	54 cents per mile
1/1/2017–12/31/17	53.5 cents per mile
1/1/18–Current	54.5 cents per mile

Alternate Worksite Mileage

When an employee's regular work assignment requires reporting to a second location other than headquarters (e.g., a training site), mileage reimbursement is limited to the actual mileage incurred less their normal commute distance.

Airport Dropoff

When an employee is driven to a common carrier and no parking expenses are incurred during the employee's absence, they may claim mileage reimbursement at double the number of miles from headquarters or residence, whichever is less, while the employee actually rides in the vehicle.

If travel commences or terminates one hour before or after normal work hours, or on a regularly scheduled day off, mileage may be computed from the residence.

Minimal parking expenses for pickup will be allowed, with justification and/or notation on the [TEC](#).

Motor Vehicle Accident Reporting

All accidents involving a State-owned vehicle, or any vehicle being used on State business ([SAM section 0757](#)), must be reported. Report all accidents immediately to your manager and to the DCA Business Services Office. Accidents must be reported within 48 hours to the Office of Risk and Insurance Management on a [STD 270](#) form: <http://www.documents.dgs.ca.gov/ofa/CallCenter/DGSFleetFactsPamphlet.pdf>. State reporting requirements are in addition to a regular police report as required by law.

Accident reimbursement claims require special approval and processing. Therefore, contact the DCA Travel Unit for guidance.

Overtime and Callback Mileage

Callback or scheduled overtime mileage incurred on a normal day off, from your home to established headquarters, is reimbursable and the reimbursement is a reportable fringe benefit.

State Vehicle Emergency Repairs

Emergency State vehicle repairs can be reimbursed on a [TEC](#) with the appropriate receipt and written justification or explanation of the event. Repairs require Fleet Administration approval. For non-emergency car repairs, the employee should have the vendor bill the program directly.

Taxis and Shuttles

Taxis and shuttles should be used for trips within a reasonable distance (ten to 15 miles). Reimbursement can be made on a [TEC](#) for the actual cost of the expense with a receipt, or for no more than \$10 without a receipt. General Service charge cards are accepted for taxis and shuttle services within the Sacramento and Fresno areas. Tips or gratuities to drivers are not reimbursable since they are included in the incidental allowance. However, tips or gratuities for exceptional services, such as loading/unloading substantial luggage or multiple exam material, is allowable with written justification and receipt.

Uber and Lyft

Per CalHR PML2015-039 Assembly Bill 229, effective 1/1/2016–12/31/2018, Uber and Lyft are acceptable State travel modes of transportation. An original detailed receipt is required to be attached to the claim for reimbursement. www.calhr.ca.gov/PML%20Library/2015039.pdf

Zipcars are not authorized to use for State travel transportation.

Parking and Tolls ([SAM section 0755](#))

Parking and tolls in excess of \$10 require a receipt and may be paid for:

- Day parking when the trip is away from the headquarters office and residence.
- Overnight public parking when the traveler is on travel status.
- Callback or scheduled overtime on a normal day off.

Commuting Transit and Vanpool

Employees who commute to and from work via public transportation or qualifying vanpools may be eligible for up to a 75-percent discount on public transit passes up to a maximum reimbursement of \$65 per month. Reimbursement is based on actual cost supported by a receipt or proof of purchase. Visit www.calhr.ca.gov/employees/Pages/miscellaneous-programs.aspx for more information.

Part-time employees' reimbursement may be prorated to correspond to their appropriate work schedule. Daily passes may be utilized for part-time employee reimbursement.

The State will pay \$100 per month to the primary driver of a qualifying vanpool consisting of seven to 15 people in lieu of the vanpool/transit rider incentive. A qualifying vanpool must meet both Internal Revenue Service (IRS) section 132 and CalHR 599.936 criteria: www.calhr.ca.gov/employees/Pages/miscellaneous-programs.aspx.

CHAPTER 4
BUSINESS EXPENSES AND RECEIPTS

Business Expenses

Business expenses are costs that are necessary for the completion of State business. Examples:

- Phone calls more than \$1 or calls totaling more than \$5. The Department of Consumer Affairs (DCA/Department) phone log can be used for logging calls when there is no official receipt provided (see “Justification for Reimbursement for Telephone Charges” in the Appendix).
- Approved training request for all out-service courses and in-State conferences and conventions. Reimbursement for training classes will be processed after completion of the training class.
- When physical examinations are required for pre-employment or as a condition of employment, the State will provide or pay for them. The applicant must pay for any services beyond the approved level for such services. For information on the current rate, see [SAM section 0191: www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap100/191.pdf](http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap100/191.pdf).
- Excessive porter or baggage handling, such as for several boxes of exam materials, will be reimbursed with a receipt and justification.
- Professional licenses in occupational fields that may be required by the functions of a specific position, or is beneficial to the performance of an employee’s duties, for actual cost of the application or renewal fee.
- Each department, commission, board, or agency may reimburse an employee for up to the maximum allowed per BU Contract for membership dues in job-related professional societies or associations of the employee’s choice or for a job-related professional license fee, in recognition of the professional nature of employees. Both parties agree and understand that a different amount of reimbursement, if any, may be provided to employees in the same or similar situation.
- State Bar Dues – [CalHR Rule 599.921](#)
 - Employee designation: Manager, supervisor, confidential, and excluded.
 - References: [CalHR Rule 599.921](#) and PML2015-32.

Upon certification by the appointing power that the actual practice of law is required for the performance of duties of a specific position, employees shall be reimbursed for up to \$380 of the State Bar membership fee of \$430 for the cost of annual membership fees and specialty fees of the State Bar Association.
 - The State does not pay:
 - The \$10 portion that funds the State Bar’s lobbying efforts or communications with voluntary bar associations.
 - The \$40 contribution for the Legal Services Assistance option, line 23 of the State Bar coupon.
 - Optional donations to the Conference of Delegates of California Bar Associations, Foundation of the State Bar, or the California Supreme Court Historical Society.
 - Penalties resulting from late payment of dues, unless the State is responsible for the late payment.
 - For employees who work less than full time, or less than one year, the Department may prorate the reimbursement.

Valid Receipts

A valid receipt consists of the establishment's name, address, itemized expenses, including the total amount due and method of payment. When submitting a travel expense claim (TEC), the claimant is required to include original, itemized receipts for all State business expenses, unless specifically noted and accepted in another section of this *Travel Guide*.

Reimbursement requires proof of payment by the employee. If the receipt does not show the employee paid for the expense, attach other viable information such as the canceled check, bank, or credit card statement. For security purposes, blacken out all nonrelated charges and only retain the employee's name, bank name, and the specific charge you are claiming.

Required Receipts

Receipts shall be submitted for every item of expense of \$1 or more, except as noted in this chapter.

DCA policy is for all receipts to be attached to the TEC, whether paid directly (to the vendor or establishment) by the State or paid by the employee. Examples are airline itineraries, final rental car expense receipts, etc.

Receipts Not Required

The employee must retain copies of all receipts, including those original receipts not required for reimbursement by the Department, for Internal Revenue Service (IRS) purposes.

Receipts are NOT required for reimbursement of actual expenses as a result of conducting State business for the following expenses:

- Per diem meals and incidentals
- Overtime meals
- Up to the published railroad and bus fares of less than \$10 when travel is within the State
- Street car, ferry fares, bridge and road tolls, local rapid transit system, taxi shuttle or hotel bus fares, and parking fees of \$10 or less for each continuous period of parking or each separate transportation expense.

Lost Receipts

In the absence of a receipt, reimbursement will be limited to the nonreceipted amount or the published expense, when lower than the nonreceipted amount.

Odd-Size Receipts

If receipts are small, tape them to an 8 ½-inch x 11-inch sheet of paper so they will be the same size as the travel claim. More than one receipt can be on a sheet of paper as long as they do not overlap. Do not tape the receipts to both sides of the paper.

CHAPTER 5

REPORTABLE TAX ITEMS

Introduction

Various reimbursements of State business expenses and fringe benefits are subject to Federal and State income taxes and applicable Social Security and Medicare taxes. The Department of Consumer Affairs (DCA/Department) is required to report qualifying business expense reimbursements as income to the State Controller's Office each month.

Note: It is the State and Department's policy to adhere to all Internal Revenue Service (IRS) reporting requirements.

Reportable Items

The following items are the most common reportable employer-provided benefits:

- Overtime meals
- Callback mileage, including overtime mileage
- Meals on a one-day trip where there is no sleep period
- Department-approved exceptions to the 50 miles travel status radius rule
- Long-term assignments that exceed 30 consecutive days at one location for a period of more than one year. Contact the DCA Travel Unit for details when appropriate
- The personal use of State vehicles for commute miles
- Personal use of a State-provided electronic device
- Travel advances that are not cleared within 30 days of the travel date
- Relocation: Contact the DCA Travel Unit (calaters@dca.ca.gov) for details when appropriate

Note: Any nonreceipted expense, such as meals and incidentals, becomes reportable *if* the IRS conducts an audit and finds no receipts in the employee's file.

Reportable Withholdings

Below is a grid showing the percentages of taxes withheld from each agency, along with an example of the withholdings based on a \$66 reporting item. The actual total amount withheld from the \$66 item is \$26.58 for a represented employee. This amount would be deducted from the employee's next available pay warrant.

W-2s

Type of Tax	Withholding Rate	Monthly Value	Actual Withholding
Federal	25.0%	\$66	\$16.50
State	6.6%	\$66	\$4.36
*SSI	6.2%	\$66	\$4.10
Medicare	1.45%	\$66	.96
**SDI	1.0%	\$66	.66

*Supplemental Security Income: Not applicable to Safety or Peace Officer Retirement.

**State Disability Insurance: Applicable to Service Employees International Union (SEIU)-represented employees only. Click on http://SCO.ca.gov/ppsd_ppm.html for the Payroll Procedure Manual (PPM) Long Term Travel Section N141 to see most recent rates.

The reportable reimbursements will be listed under "Other Income," or will be noted as "Included in Box 1" on the employee's W-2 form.

It is the employee's responsibility to maintain all reportable receipts with their records for IRS audit purposes.

Capturing Reportable Items

There are many ways of capturing and reporting reportable items each month. Examples:

- Overtime meals, callback mileage, and meals on a one-day trip are captured at the time of the Travel Expense Claim ([TEC](#)) audit, and reimbursement is made.
- Department-approved exemptions to the "50 miles travel status radius" rule and long-term assignments that exceed 30 consecutive days are captured at the time that paperwork is submitted for approval to the Executive Office and the reimbursement of the [TEC](#) is made.
- Reporting personal mileage and/or use of a State vehicle is the responsibility of the employee. The IRS has determined that normal commute miles to and from work in a State vehicle are to be considered personal use. Only employees whose primary responsibilities are investigative law enforcement activities while they are performing law enforcement duties fit the IRS guidelines for exemption from reporting personal use of State vehicles. However, when these employees commute to and from the office for their office days or do not perform qualifying law enforcement activities on the way to or from work, the commute is reportable. All other employees who are permanently or temporarily assigned State vehicles must report personal use and/or their normal commute use. Each employee who drives a State vehicle is required to submit a monthly Employee Certification, Personal Use of State Provided Vehicles Form, to the DCA Accounting Office by the fifth day of the following month in which the personal use was incurred. Note: This requirement applies to all employees who drive a State vehicle; it is not limited to those employees whose assigned cars are stored at home or in off-site parking.

- Reporting personal use of a State-provided electronic device is the responsibility of the employee. Each employee who uses State-provided equipment for any personal use should prepare a memo stating the type of usage and the actual or estimated cost of the usage to be reported. To avoid the reporting of this type of fringe benefit, the employee can submit a personal check with the memo to reimburse the Department for their personal use.
- All travel advances are to be temporary. Any outstanding travel advances over 90 days are considered long term and should be treated as wages or compensation; therefore, reported as taxable income.
- Reporting "relocation" taxable items varies depending on the type of expenses that occur; i.e., moving of household goods, sale of residence, etc. For actual reporting requirements, contact the DCA Accounting Office's Travel Unit (calaters@dca.ca.gov) for details.
- Continuing Medical Education (CME) expense reimbursement is a taxable fringe benefit for part time, full time, and intermittent Bargaining Unit (BU) 16 represented employees. CME expense reimbursement has been considered a taxable fringe benefit by the IRS since the program was established by the California Department of Human Resource and BU 16 representatives. This program does not meet the criteria to be non-taxable business expenses under Internal Revenue Code (IRC) 127. All reimbursements made under this program will be issued in advance as payroll checks near the beginning of each fiscal year."

CHAPTER 6

OUT-OF-STATE, OUT-OF-COUNTRY, AND AMENDED CLAIMS

Introduction

There are additional requirements and/or approvals when filing out-of-State, out-of-country, or amended Travel Expense Claims ([TECs](#)).

Out-of-State Travel (OST)

Before any State employee may travel out of State on official State business, specific written approval must be given by the Director, the Agency Secretary, the Department of Finance, and the Governor's Office. Click on the link below for more information about *State Administrative Manual (SAM)* section 0710: www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/710.pdf. Approval must be obtained if either one of the following conditions exist:

1. The employee is on State time.
2. The employee is representing the State in an official capacity or is acting in such a capacity that it will be perceived that he or she is representing the State.

If either of these two criteria exist, approval is necessary regardless of whether the State is paying for the employee's travel expenses. The trips are limited to the approved number of persons, days, and funds as specified for each blanket request. Expenses exceeding the blanket limits will require an approved blanket substitution request to cover the overages prior to travel. Any cost incurred prior to the blanket approval will be at the employee's own expense.

OST expenses must be submitted separately from in-State travel and note the approved blanket number on the claim. Actual lodging expense, supported by a receipt and the standard meal and incidental reimbursement, may be claimed for travel outside of California. Contact the DCA Budget (go to [DCA Intranet](#), under Office of Administrative Services) or Accounting Office (calaters@dca.ca.gov) if you do not know the blanket number or require additional information. Refer to SAM 0760–0765 at <http://sam.dgs.ca.gov/TOC/700.aspx>.

Out-of-Country Travel

Employees will be reimbursed for actual lodging expenses, supported by a receipt, and will be reimbursed for actual meal and incidental expenses subject to maximum rates in accordance with the published government rates for foreign travel for the dates of travel. Failure to furnish lodging receipts will limit reimbursement to meals only. The government rates change monthly. Click on aoprals.state.gov for current reimbursement rates.

There is no allowance for blanket substitution of funds or authority for out-of-country trips. Any expenses that exceed the individual trip authority or funds will be at the traveler's expense. Claims must be submitted separately with the (approved) individual out-of-country trip request number written on the claim. Contact the [DCA Budget Office](#) if you do not know the trip number or require additional information.

Amended Claims

When filing an amended claim, the following steps should be taken:

1. Submit a new claim.
2. Write "AMENDED CLAIM" in uppercase letters at the top of the claim.
3. Claim only the amount not submitted on the original claim.
4. Attach a copy of the original claim to the new claim.
5. Attach any required information, receipts, or justification not submitted with the original claim.
6. Obtain all required approval signatures and submit the claim to Accounting Office Travel Unit for payment.

CHAPTER 7 TRAVEL AND EVIDENCE ADVANCES

Travel Advances

Short-term advances may be issued prior to the time travel is actually performed, to employees who must travel on State business. Refer to SAM [8116](#) and 8117.

- Submit the travel advance request on CalATERS Global. In the event of non-access to CalATERS Global, please complete the [Request for Travel Advance \(AISD-008\)](#) form and send it to the DCA Accounting Office within 10 to 15 working days prior to the date of travel. Original signatures are required.
- Per the Governor's order, all departments are to keep outstanding travel advance balances (accounts receivables) to a minimum (<http://gov.ca.gov/news.php?id=16991>). Because of this order, DCA has limited travel advance amounts to lodging, meals, and airport parking that are fixed expenses in an effort to keep the outstanding receivables amount at a minimum. The employee will receive reimbursement for other expenses after the processing of their [Travel Expense Claim \(TEC\)](#).
- If the trip is canceled, the advance must be returned immediately to the Accounting Office. If the travel advance check is cashed, a personal check or cashiers must be submitted as payment.

- For employees who are not required to travel on more than one trip per month, additional advances will not be issued for future travel unless the outstanding advances have been cleared. Departments may issue additional travel advances for employees who are required to travel on multiple trips within a month. Additional advances will not be allowed if the employee does not submit a [TEC](#) or return the excess advance amount within ten days of each trip.
- All advances must be cleared by submitting a [TEC](#) within ten days after the date of travel. If the advance exceeds the expense claim, to clear the advance, the employee must submit a check with the claim, money order (payable to DCA), or cash for the difference. If the claim exceeds the advance, the employee will receive the balance due them by check within ten to 15 working days.
- Add a notation regarding the advance information in section 11 or in the Note Section on CalATERS Global of the [TEC](#). (Example: March travel advance \$200.) Do not deduct the advance amount from your claim total; the auditor will make the adjustment when the claim is processed for payment.
- Any outstanding advances of more than 15 days may be deducted from your next month's salary warrant per [SAM 8116.1](#). The DCA Accounting Office will notify the employee before this process occurs. The notification letter will allow the employee time to clear the advance balance. Failure to clear advances may preclude future advances being issued until the outstanding advances are cleared. Direct deposit will be canceled for those employees with uncleared balances to collect any advance balances not cleared within a reasonable time.
- Travel advances that are not cleared within 15 days must be reported as taxable income ([SAM 8116.3](#)) Taxes due will be withheld from the next available payroll warrant and reported as taxable income on the employee's W-2. When the advance is cleared, there is no method to refund the withheld taxes to the employee.
- Some restrictions apply to seasonal or part-time employees (including board and committee members) who may not be issued travel advances. Exception requests are granted, by approval of the Deputy Director, on a limited basis.

CHAPTER 8

FILING REQUIREMENTS

Claim Form and Correction Instructions

All Travel Expense Claims must be submitted on the [CalATERS Global System](#). A [CalATERS Global Training Request](#) form should be completed and sent as an attachment to CalATERS@dca.ca.gov to establish a [CalATERS Global](#) User ID and temporary password. There are two types of claims that can be submitted on the [CalATERS Global System](#).

1. **Regular Travel Expense Claim**—Only one trip per claim should be entered on a Regular Travel Expense Claim (TEC). These claims consist of per diem, lodging, and mode of transportation cost to and from destinations. Expense reimbursements are determined by the date and time the trip started/ended, therefore this information must be entered for each trip. If a traveler traveled on more than one trip, each trip must be

entered on a separate claim. The claim will be returned to the traveler or travel liaison for correction if more than one trip is entered on this type of claim.

2. **Non-Travel Expense Claim**—Consists of multiple days and months, up to a full fiscal year (July 1, 2014–June 30, 2015). These claims consist of only parking, mileage, airfare, rental car/gas for rental car, business expenses, training, etc. This claim **would not include** meals, incidentals, or lodging. Please make sure when submitting this type of claim the amount is \$10 or more for budget and department cost efficiency.

The **CalATERS Global** TEC Transmittal should have the proper report name, index number, month and year of travel, original signature of the approver, dates, times, amounts, mode of transportation, purpose, normal work hours, etc. Original detailed receipts showing proof of payment and justifications, when necessary, are required documentation for the claim. The original **CalATERS Global** Travel Expense Claim and required receipts should be sent to the Accounts Payable/Travel Unit for processing.

In the event the employee is new to the Department of Consumer Affairs and does not have a **CalATERS Global** User ID established, a **Travel Expense Claim (TEC) (std262) Form** (Rev. 09/2007) can be completed to submit their first request for reimbursement of State-related travel expenses. The original and one legible copy should be submitted to the Accounts Payable/Travel Unit for processing. Keep a third copy for your records with any non-required original receipts. All **TEC (std262) Forms** should be completed in ink or typewritten. The original signature of the claimant and the approving officer are required to be completed in ink in the appropriate area of the form. For minor corrections, line-out the incorrect information and write in the corrected information. The claimant must initial all corrections. Travel claims with correction fluid or correction tape in critical areas of the form (affecting the reimbursement amount) will not be accepted. Travel claims may be returned as auditable if submitted with numerous changes or if it is difficult to read.

When to Submit Travel Expense Claims

TECs should be filed at least once a month, but not more than twice in one month. If the amount claimed for any one month does not exceed \$10, filing can be deferred until the next month's travel or until June 30, whichever comes first. Several trips may be entered on one **TEC STD 262 Form**. Only one Regular Trip at a time can be submitted on **CalATERS Global**. When more than one trip is being listed on the **TEC STD 262 Form**, a blank line should be left between each trip. Trips that start at the end of one month and extend into the next month should be submitted after the trip has concluded. Although it is acceptable to put several trips on one claim, the following expenses must be submitted on a separate **TEC**: Out of State, out of country, long-term assignment, evidence and relocation expenses. Please label the **TEC** header when filing reimbursement claims for other than short-term travel.

All claims for the current fiscal year must be submitted by the published year-end deadline. Do not combine fiscal years. If a trip overlaps June and July, two separate **TEC STD 262** or **CalATERS Global** claims must be completed and submitted, one for each month. However, they should be submitted together for audit purposes.

Required Information

The **TEC STD 262** must be completed in its entirety, including heading, dates, time, amounts, mode of transportation, purpose, normal work hours, etc., and have the claimant's and the authorized approving officer's original signatures. Itemized expenses and original receipts showing proof of payment and justifications, when necessary, are required documentation for the claim. The original **TEC STD 262** and required receipts should be sent to the Accounts Payable/Travel Unit for processing.

CHAPTER 9
COMPLETING A TRAVEL EXPENSE CLAIM

Introduction

The [Travel Expense Claim \(TEC\)](#) Form, STD 262, requires various information, including employee information, trip information, reimbursement amounts, authorizations, and justifications be provided. This chapter provides a step-by-step description of what is required to complete a [TEC](#).

Employee Information

This information describes to whom, classification, bargaining unit, and where expenses should be charged.

Field	Enter Into Field
Claimant's Name	First name, middle initial, last name
Social Security Number or Employee Number*	13-digit position number or write "on file"
Department	Department of Consumer Affairs
Position	Civil service classification (title)
CB/ID Number	Bargaining unit number for represented employees OR Confidential, exempt, board/committee member, volunteer, or other specific title
Division or Bureau	Board, committee, program, division, or unit name
Index Number	Index/PCA number (contact the Department of Consumer Affairs [DCA] Accounting Office for assistance if you do not know your Index/PCA number)
Residence Address* (including city, state, and ZIP code)	Home address (do not use P.O. Box) <i>If confidential, contact the DCA Accounting Office for guidance.</i>
Headquarters Address (city, state, and ZIP code)	Complete headquarters (work) address
Phone Number	Office phone number (include area code)

* Refers to the Privacy Statement provided on the reverse side of the form.

Trip Information, Miscellaneous Information and Justifications, and Authorized Signatures

This section requests information regarding the when, where, and why the expenses occurred.

Field	Enter into Field																		
1	Normal Work Hours: Use the 24-hour clock																		
2	Private Vehicle License Number: Enter the license number of the private vehicle used on State business																		
3	Mileage Rate Claimed: Enter the rate claimed for private vehicle use																		
4	Month/Year: Month number (January = 1, December = 12) and four-digit year																		
5	Date: Day of the month (one day per line) Time: Departure and return (using the 24-hour clock)																		
6	Location Where Expenses Were Incurred: (A brief statement describing the purpose may be entered immediately below the last entry for each trip.)																		
7	Lodging: Enter actual cost of lodging, plus tax (up to the maximum reimbursement)																		
8	Meals: Enter actual cost of meals (up to the maximum reimbursement)																		
9	Incidentals: Enter actual cost of incidentals (up to the maximum reimbursement)																		
10 (A)	Transportation: Enter the cost of transportation, if paid by employee																		
10 (B)	Transportation: Enter the method of transportation, using the following codes: <table border="1"> <thead> <tr> <th>Type</th><th>Code</th></tr> </thead> <tbody> <tr> <td>Railway</td><td>R</td></tr> <tr> <td>Bus, air porter, light rail, Bay Area Rapid Transit (BART)</td><td>B</td></tr> <tr> <td>Commercial airline</td><td>A</td></tr> <tr> <td>Privately owned vehicle (motorcycles not allowed)</td><td>PC</td></tr> <tr> <td>Private air</td><td>PA</td></tr> <tr> <td>State car</td><td>SC</td></tr> <tr> <td>Rental car</td><td>RC</td></tr> <tr> <td>Taxi</td><td>T</td></tr> </tbody> </table>	Type	Code	Railway	R	Bus, air porter, light rail, Bay Area Rapid Transit (BART)	B	Commercial airline	A	Privately owned vehicle (motorcycles not allowed)	PC	Private air	PA	State car	SC	Rental car	RC	Taxi	T
Type	Code																		
Railway	R																		
Bus, air porter, light rail, Bay Area Rapid Transit (BART)	B																		
Commercial airline	A																		
Privately owned vehicle (motorcycles not allowed)	PC																		
Private air	PA																		
State car	SC																		
Rental car	RC																		
Taxi	T																		
10 (C)	Transportation: Enter carfare, bridge road tolls, or parking expenses																		
10 (D)	Transportation: Enter the number of miles driven with private and State vehicles, and then enter the amount due for private vehicles only																		
11	Business Expense: Enter any other expenses necessary for completion of State business, with justification as required. <u>Note:</u> Expenses more than \$25 require Office of Administrative Services authorization. The DCA Accounting Office will obtain signatures.																		
12	Total Expenses for Day: Enter the total expenses for that day																		
13	Subtotals: Enter the total expenses for each column																		
14	Purpose of Trip, Remarks, and Details: Enter the justification and miscellaneous information, such as: Explanation of business expenses Phone expenses, including place, party, and number called Receipt justification, if needed Justification for obtaining rental cars, other than a compact, or use of a noncontract vendor Travel advances received																		

15	Claimant's original signature and date signed
16	Approving Officer's original signature and date signed
17	Special expense signatures are obtained by the DCA Accounting Office

**APPENDIX
RESOURCE MATERIALS AND FORMS**

Resource Materials

Subject	Issue Date	Expires	Number
Approval of Excess Lodging Rates	12/19/2013		California Department of Human Resources (CalHR) (Personnel Management Liaisons [PML] 2013-044) www.calhr.ca.gov/PML%20Library/2013044.pdf
FLSA Guidelines	04/16/2004		DCA DPM-PERS 02-06 http://inside.dca.ca.gov/offices/oas/hr/labor_rel.html
Travel and Relocation—Lodging Receipts	07/01/2014		www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx CalHR PML 2013-022 www.calhr.ca.gov/PML%20Library/2013026.pdf
Vanpool Incentives	10/22/2002 09/27/2002 04/02/2002		DPA PML 2002-069 www.dpa.ca.gov/textdocs/freepmls/PML2002069.txt CalHR PML 2002-064 (www.dpa.ca.gov/textdocs/freepmls/PM2002064.txt) CalHR PML 2002-021 (www.dpa.ca.gov/textdocs/freepmls/PML2002021.txt)

The list below includes memos, policies, procedures, and websites with information regarding travel reimbursement rules and regulations.

Useful Websites and Addresses

Useful Websites	Internet Addresses
Department of General Services State Administrative Manual Forms	www.dgs.ca.gov http://sam.dgs.ca.gov/TOC/700.aspx www.dgs.ca.gov/osp/Forms.aspx
California Department of Human Resources Bargaining Unit Contracts Personnel Management Letters (PMLs)	www.calhr.ca.gov/Pages/home.aspx www.calhr.ca.gov/Pages/home.aspx
Travel Agency	www.caltravelstore.com

List of Related Forms

The travel forms mentioned in this Travel Guide are available on the [Department of Consumer Affairs \(DCA\) Intranet](http://inside.dca.ca.gov/forms/subject.html#travel) at <http://inside.dca.ca.gov/forms/subject.html#travel> and in this Appendix.

Form	Number	DCA Intranet and/or Internet Links
Authorization to Use Privately Owned Vehicles on State Business	STD 261	www.documents.dgs.ca.gov/dgs/fmc/pdf/std261.pdf
Cost Comparison Page	N/A	http://inside.dca.ca.gov/forms/oas/cost_comparison.pdf
Excess Lodging Rate Request/Approval	STD 255C	www.documents.dgs.ca.gov/dgs/fmc/pdf/std255C.pdf
Conference Attendance Request	N/A	http://inside.dca.ca.gov/forms/oas/conf_attend.pdf
Hotel/Motel Transient Occupancy Tax Waiver	STD 236	www.documents.dgs.ca.gov/dgs/fmc/pdf/std236.pdf
Justification for Reimbursement for Postage Charges	AISD 12	http://inside.dca.ca.gov/forms/oas/postal_charges.pdf
Justification for Reimbursement for Telephone Charges	AISD 11	http://inside.dca.ca.gov/forms/oas/phone_charges.pdf
Request for Travel Advance	AISD 008	http://inside.dca.ca.gov/forms/oas/travel_advance.pdf
Travel Advances and Travel Expenses Policy	SAM Chapter 8100	www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap8100/8116.pdf www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap8100/8116.1.pdf
Travel Expense Claim	STD 262	www.documents.dgs.ca.gov/dgs/fmc/pdf/std262.pdf



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Board of Barbering and Cosmetology-Department of Consumer Affairs

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2017 BOARD COMMITTEES-Revised 10/22/17

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- *Bobbie Jean Anderson*
- *Polly Codorniz*
- *Jacquelyn Crabtree*
- *Andrew Drabkin*
- *Joseph Federico*
- *Coco LaChine*
- *Lisa Thong*
- *Steve Weeks*
- *Dr. Kari Williams*

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MEMORANDUM

TO: Members Date: January 10, 2018
 Board of Barbering and Cosmetology

FROM: Tami Guess, Board Project Manager
 Board of Barbering and Cosmetology

SUBJECT: Update on the 2017 Health and Safety Advisory Committee

On October 23, 2017, the Health and Safety Advisory Committee (Committee) met for its final meeting for 2017.

The following three presentations were provided to the members:

- Environmental Impact of Beauty Products (Swati Sharma and Chris Geiger, San Francisco Department of Environment)
- Disinfection Options Available to the Barbering and Beauty Industry (Leslie Roste, King Research (Barbicide))
- Understanding Piece Rate Law (Holly Wright, Department of Industrial Relations)

Committee Actions

As a result of the presentations and discussions held at the October 23, 2017 committee meeting, the Committee had the following recommendations to the Board:

- Upon Board approval of the edits made to the *Know Your Workers' Rights* publication, the publication should be made available to community groups, non-profit organizations, legislative offices and licensees of the Board.
- During meeting, the Committee made the following motion:

"The Health and Safety Advisory Committee recommends the Board add the use of wipes to disinfect foot spa basins that use liners, non-electric instruments, and workstations, and removes the word "hospital" from Board materials."

Staff Actions

During the Committee discussions, concern was raised by a committee member, that Board licensees may not fully understand the process and/or requirements involved in the licensing of a mobile unit. While there was no formal motion to the Board, staff has since included a short instructional video next to the Mobile Unit application on the Board's website.



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MEMORANDUM

TO: Members
 Board of Barbering and Cosmetology

Date: November 21, 2017

FROM: Tami Guess, Board Project Manager
 Board of Barbering and Cosmetology

SUBJECT: 2018 Health and Safety Advisory Committee

The passing of AB 326 (Chapter 312, Statutes of 2017), necessitates a change of the previously adopted Health and Safety Advisory Committee (Committee) compilation. As of January 1, 2018, the Board may promote awareness of physical and sexual abuse, including domestic violence, sexual assault, human trafficking, and elder abuse (BP&C § 7314.5). In addition, as of July 1, 2019, the Committee is instructed to advise and recommend to the Board ways to ensure licensees have awareness about physical and sexual abuse (as specified) that their clients may be experiencing (BP&C § 7314.3). This law also instructs the Board to develop or adopt a new section in the Health and Safety Course (BP&C § 7389) on physical and sexual assault awareness to be *operative* on July 1, 2019. For staff to complete required Health and Safety Course pilot testing and school instructor trainings, staff will need the Committee to review and offer suggestions regarding the new Health and Safety Course section prior to the operative date of July 1, 2019. Therefore, staff recommends the Board take the following actions:

Action Required:

1. The Board, by motion, will need to establish:

- which two Board members will participate in the Health and Safety committee.
- which Board member will act as an alternate.

2. The Board, by motion, will need to establish if the following committee compilation meets with their approval:

Industry Members:

- A licensee/expert from each scope of practice (Barber, Cosmetologist, Electrologist, Esthetician, Manicurist, Establishment Owner, Apprenticeship Sponsor)
- Industry Association Representation

Public Members:

- Scientist Representation
- Medical Professional Representation
- Department of Public Health Representation
- Specialist – Physical/Sexual Abuse Awareness
- Educational Consultant
- Department of Industrial Relations Representation

3. The Board, by motion, will need to establish if the following terms are acceptable:

- The Board anticipates a one-year appointment term for Committee members.
- Committee membership is not considered employment with the State of California. Members serve on a voluntary basis and do not receive salary, benefits or travel reimbursement.

4. If the Board, by motion, should delegate the authority for the appointment of the Committee members and the ability to make changes to the group's compilation to the Executive Officer and all non-substantive changes (meeting date, time, location, etc.) that may arise during the scheduling process.

It is anticipated that the first meeting will be held May 21, 2018 in Los Angeles (location to be determined) upon the conclusion of the Board's Reinstatement Hearing.



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MEMORANDUM

TO: Board Members
 Board of Barbering and Cosmetology

Date: January 12, 2018

FROM: Tami Guess, Board Project Manager
 Board of Barbering and Cosmetology

SUBJECT: 2018 Health and Safety Course

Staff has edited the Health and Safety Course. The changes made are the direct result from input obtained from the Health and Safety Advisory Committee, the School Instructor Survey, staff recommendations, and from public comments heard at Board meetings.

Summary of Edits

- Publication title change;
- Grammatical corrections, changes to writing style, reorganization of material;
- Table of Contents clarification;
- The phrase "shop/salon" has in most cases been removed and replaced with "establishment";
- The term "student" has been replaced with "future professional";
- An introduction to *Section 10 – Physical and Sexual Abuse* has been added;
- After each lesson a "Next Lesson" summary has been included;
- Recommended Blood Exposure procedures have been added to Section 6;
- An explanation of Piece Rate Pay vs. Commission Pay has been added to Section 9;
- Information regarding a worker's right to refuse service has been added to Section 9;
- Additional resources have been added to the Training Materials.
- Highlighted words will have a pop-up box and will direct the reader to an internet site or a word definition (online version only).

Action Required:

If the Board, by motion, adopts the text revisions made to the Health and Safety course and if the members should delegate the authority and the ability to make all non-substantive changes that may arise during the editing process to the Executive Officer.

Note: The fully graphically designed Health and Safety Course will be presented for final Board adoption at the May 20, 2018 Board Meeting.

Health and Safety

Training Course

Health and Safety

Training Course

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Foreword

The California Board of Barbering and Cosmetology (Board) is very proud to provide instructors and ~~students~~ **future professionals** within the barbering and beauty industry this newly revised ~~training~~ curriculum, **Health and Safety Training Course**. This ~~training~~ course includes up-to-date and topical information important to the well-being of barbers, cosmetologists, manicurists, estheticians, **electrologists** and the millions of consumers they serve.

The occupational health professionals from the Labor Occupational Health Program, based at the school of Public Health, University of California, Berkeley, worked extensively to research, create, and test the first edition of the *Health and Safety for Hair Care and Beauty Professionals — A Curriculum on Hazards at Work*. This revised publication has incorporated much of their original research.

The Board requires completion of ~~this training~~ **the Health and Safety Course** by all ~~students~~ **future professionals** who wish to sit for ~~the~~ a licensing exam. The ~~publication~~ **textbook and student exam workbook** can be used in a classroom setting (instructor-led) or as a self-study guide. ~~The Board requires completion of the quizzes within the publication, with a pass rate of 70 percent before a certificate of completion can be given to the student by the instructor. Course completion must be verified by the designated school administrator on the Proof of Training document, prior to the student being allowed to sit for the licensing exam.~~

Although there is a wealth of information in the pages that follow, the ~~training~~ **Health and Safety Course** is intended to be used as only a guide, a starting point. By using the information ~~the students~~ **future professionals** acquire from ~~this training~~ **the Health and Safety Course**, they will be able to follow safe practices at work and hopefully have a long and healthful career.

California Board of Barbering and Cosmetology ~~November 2016~~

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section 1

The California Board of Barbering and Cosmetology

Learning Objectives

Section 1

Welcome to the Board of Barbering and Cosmetology

After completing this section, ~~you~~ the future professional will be able to:

- Identify the Board's mission.
- Access the Board's website and have a general understanding of what is available ~~to you~~ on the website.
- Understand the purpose of the Health and ~~S~~safety training Course.

Congratulations on your decision to enter the barbering and beauty industry. You will no doubt find it both rewarding and fulfilling. So, welcome!

The California Board of Barbering and Cosmetology (Board) is very proud to provide you future professionals with a Health and Safety Training Course. This curriculum course includes up-to-date and topical information important to the well-being of barbers, cosmetologists, estheticians, manicurists, electrologists, and the millions of consumers they serve. Occupational health professionals from the Labor Occupational Health Program, University of California, Berkeley, representatives from the California Department of Public Health and the Department of Consumer Affairs, in conjunction with the Board, have worked to research, create, test, and revise text material for this training course.

What Does the Board Do?

The Board regulates barbering, cosmetology, skin care, nail care, and electrology services in California as well as the ~~salon, shops, studios, and spas~~ establishments where these services are performed. ~~Our~~ The Board's highest priority is protecting and educating consumers who use barbering, cosmetology, manicuring, esthetic, and electrology services. Anyone who provides the following services to a consumer for a fee must be licensed by the Board and work only in state-licensed shops establishments or be in possession of a Personal Service Permit, if providing services outside of a state-licensed establishment:

- Hairdressing and styling
- Haircutting
- Shaving
- Manicuring and pedicuring
- Skin care (including makeup application and lash extensions)
- Electrology

The Board also regulates health and safety and coursework in barbering, cosmetology, and electrology schools. The Board shares dual oversight of approved schools with the Bureau of Private Postsecondary Education (~~Bureau~~) (BPPE). The ~~Bureau~~ BPPE administers student services and the Student Tuition Recovery Fund, and conducts outreach and educational activities for private postsecondary educational institutions and students within the state. ~~The Board regulates the school curriculum, minimum equipment held in the school, and health and safety violations.~~ The Board regulates the school curriculum and the minimum standards for school equipment, administers the licensing examination and enforces health and safety regulations.

These two regulatory entities work closely together to make sure that ~~students~~ future professionals and consumers alike are safe in the school environment. Understanding what each entity does can save you, the student, ~~future professionals~~ frustration as questions arise during your schooling. For instance, if you have a question regarding your grants or the student tuition recovery program, or problems with the repayment of your loan a loan occur, you should contact the Bureau of Private Postsecondary Education. They can be reached at www.bppe.ca.gov or by calling (888) 370-7589. However, if you have there are concerns that you're a school isn't is not providing the proper equipment for your training, there is a health and safety concern on the campus, or the school isn't is not teaching you Board-required curriculum, you should contact the Board. The Board wants to make sure you future professionals start your their careers off right by learning good, sound health and safety practices. To help reinforce that objective, the Board makes it a practice to regularly inspect schools for health and safety violations.

Schools with repeated health and safety violations can have their school codes revoked, which means the Board will not accept training hours from these schools. To see if your a school is Board-approved, you will want to go to: www.barbercosmo.ca.gov/schools/approved_schools.pdf. In order to sit for a Board licensing examination, you a future professional must be receiving receive training from a school with a valid school code issued from the Board.

The Board of Barbering and Cosmetology regulates the school curriculum, minimum equipment held in the school, and health and safety violations.

The Bureau of Private Postsecondary Education administers student services and the Student Tuition Recovery Fund, and conducts outreach and educational activities for private postsecondary educational institutions and students within the state.

The www.barbercosmo.ca.gov homepage.

How Can I Stay Current With What the Board Requires?

Staying current and **up-to-date** is essential ~~to~~ **for** success in the barbering and beauty industry. In recent years, the Board has made several changes to its official ~~informational gateway~~, the website **www.barbercosmo.ca.gov**. As a **Future professional**s, you will want to ~~be a frequent visitor to~~ **visit** this site **frequently** and take advantage of the many tools ~~made available to you~~ **provided**.

I Don't Speak or Read English. Now What?

Earnest effort has been made to make the material presented on the **Board's** website ~~in an understandable~~, **and** easy-to-read. format. You can find Most publications **are** translated **into** English, Spanish, Vietnamese, and Korean. ~~If you speak a different language, you may use the~~ **In addition, the** google translator button **can be** found at the bottom of the Board's website homepage.

What is Available ~~to Me~~ on the Board's Website?

The Board's **Mission** is proudly displayed on the website's opening banner: "To ensure the health and safety of California consumers by promoting ethical standards and by enforcing the laws of the barbering and beauty industry." This mission reflects the dedication of every Board employee.

~~Take time to~~ **Notice** the different sections on the home page. ~~You will want to~~ Pay close attention to the **"What's New"** box. Information appearing in this box ~~will have a definite impact on either you or your clients and~~ will keep you **future professionals** current on ~~any~~ Board campaigns, changes in regulations, changes to the **licensing** exam, or other pertinent information.

The **"Upcoming Events"** section ~~gives~~ **provides** information on where the Board will be at any given time, whether ~~it's~~ **it is** a trade show, a Board meeting, a disciplinary review hearing, or an invitation to the public to express their opinions on any proposed regulatory changes. ~~It's~~ **It is** very important to this Board that you **future professionals** stay involved **in the industry as they progress through their careers**. Most of the changes that happen with regulation starts with you, the future licensee, by **individuals** coming to a Board meeting and expressing ~~your~~ **their** viewpoint. ~~Why not~~ **A future professional should** make it a goal to come to at least one Board meeting and one Disciplinary Review Committee hearing before you ~~graduating~~ **graduate** from school?

Insert photo of website section "What's New"

~~What is BreZE and How Do I~~ **to Use It?**

On the home page, you will see **take special note of** the BreZE icon. After clicking on the icon, you will want to register so that you can create a user ID and password **can be created** with BreZE. Registering will allow you **an individual**, when ready, to renew your licenses online without hassle or worry. And if you receive a fine, you can pay for it **Fines can also be paid** online using the BreZE system.

Consumers can use the **"License Search"** button to view ~~your~~ **a** license status, ~~and~~ disciplinary actions, or **to** file a complaint.

~~How Can I~~ Stay Current with the Industry?

On the home page, you will see **notice the "Industry News" section**. As a **Future professional**s, you will want to **will find it advantageous to** pay close attention to this section. Periodically, the Board will post **"Industry Bulletins"**. These bulletins address common trends or services that may be within the scope of practice for licensees. For instance, the esthetic field is bursting with cutting-edge machinery designed for everything from treating scars and lesions to improving product penetration. ~~Why not~~ **Check** out the industry Bulletin on machine use and find out what you should be ~~considering~~ **considered** before you ~~purchasing~~ **purchase** that **an**

expensive piece of equipment?

Where Can I Find the Rules and Regulations?

At the top of the home page you will see **future professionals will notice** the "Law & Regs" tab. You will want to make sure you **Future professionals should make sure to** always have a copy of the current laws and regulations. **Make sure to Periodic** review of **them the laws and regulations is encouraged** periodically so that you will not run into **to avoid** compliance difficulties.

The Board has numerous tools to help you stay in compliance. For instance, click on the red "**CASafeSalon**" button on the home page and click on "**Salon Sense**". Scroll until you see the self-inspection worksheet. This worksheet was designed to be used by you, to make sure your establishment and is violation-free. Print a copy and keep it close by, so that you can always feel comfortable when visited by a Board inspector. Ever wonder what to expect when it's your turn to be inspected? the Board has an informational brochure you can print out that covers the inspection process from A to Z. The Board has provided a list of the most commonly cited violations and how to avoid being cited for these violations. Make sure you take a moment to review this important information

Let's Stay in Touch!

The Board would like to stay connected with you as you **all future professionals and licensees as they** journey through this fabulous career. If you would like **To** receive an e-mail message or notification when the Board is holding a meeting, you will want to be sure to sign up on the Board's interested party list. It is on **See** the **Board's** home page under "**Quick Hits**." also, **In addition**, take a moment to "like" us **the Board** on **Facebook** or follow us **the Board** on **Twitter** to keep in touch with what is going on with the Board and the laws that affect you **the Barbering and Beauty industry**.

BreEZe button on the Board's website.

Barbering and Cosmetology Facebook page

Thinking of a Career Change but Want to Stay in the Industry?

Have you decided that working behind the chair is just not quite right for you? Why not **Check** out the "**Job Opportunities**" available at the Board?. Just look under **See "Quick Hits"** for "**Job Opportunities**" on the Board's website, www.barbercosmo.ca.gov.

You Have Questions?, We Have Answers!

There is a wealth of information at your **a future professionals** disposal. Be sure to **Take** time and view all that the Board has made available to you **future professionals, licensees and consumers**. If you have still have **Questions?** you can **E-mail** the Board at **Barbercosmo@dca.ca.gov**. This is the fastest and easiest way to get a direct response from us.

Now Let's Talk Health and Safety!

Now that you have had a brief introduction to the Board and the Board's website, let's discuss the Health and Safety Training Course. Each member who served on the revision of this **the Health and Safety** Course is passionate about the barbering and beauty industry and wants to make sure that you **all future professionals** have the tools you will need to be able to have a long and healthy career. The training can either be viewed in a written format or **if available**, online. **and The Health and Safety Course** is divided into **nine ten** courses **sections**. The courses **sections** are:

Section 1 - The California Board of Barbering and Cosmetology

You are almost done with your very first course. We do hope that you will use the resources featured in this training session. **This section provides an overview of the Board, its mission and available resources.**

Section 2 – Safely Using Chemicals and Your Health

You **Future professionals** will learn about chemicals **that may be found** in the shop or salon **an establishment** that have the potential to harm you're an **individual's** health. We will **This section** discusses why chemicals may be harmful, **how they may harm you**, how they may get into your **the human** body, and how much exposure is just too much.

Section 3 - Safety Data Sheets: ~~What You Need to Know~~

~~We will~~ This section discusses one of the very best ways to get information on chemicals used in the shop or salon ~~an establishment:~~ The Safety Data sheet (SDS). ~~We will review each of the~~ Each section of the SDS ~~will be reviewed and explained in detail. and make-~~ sure you understand just what you're looking for when you look at the SDS.

Section 4 - ~~Protecting Yourself~~ Protection From Hazardous Chemicals

~~You will~~ In this section future professionals will learn how to prevent injuries ~~when you~~ while working with chemicals.

Section 5 - Ergonomics: ~~Fitting The Job to The Person~~

~~We will discuss~~ Ergonomics, and common ergonomic problems found in shops or salons establishments, and how to reduce these problems ~~will be reviewed.~~

Section 6 - Communicable Diseases

As a Future professionals you will be working with people constantly. This course will discuss specific diseases that future professionals may you might be exposed to on the job and how this exposure may occur. Protective strategies will be discussed presented.

Section 7 - Health and Safety Laws and Agencies

~~We will look into the many~~ Information on agencies that regulate health and safety in the workplace ~~will be provided.~~ By the end of this course section, you future professionals will know whom to contact when you are faced with a health and safety concern at work.

Section 8 - Solving Health and Safety Problems

~~We will~~ This section discusses possible health and safety problems that may be found in the workplace and offers preventive strategies. ~~how to solve them.~~

Section 9 – Workers' Rights

~~We will~~ This section provides a brief summary of summarize the basic workers' rights Californians workers are entitled to and what action you should be taken if you are not receiving these rights. ~~those rights are not being provided.~~

Section 10 – Physical and Sexual Abuse Awareness

The future professional will be introduced to agencies that have the resources to aid at-risk clients. Strategies will be discussed and employed to assist the future professional when faced with an at-risk client.

~~You will engage in~~ The Health and Safety Course offers interactive exercises, case studies, and short quizzes. At the conclusion of each section the future professional will find session has Training Materials for you to keep as resources to use in your career. for further educational opportunities. At the end of each session, you will be required to pass a quiz before you are able to move on to the next course. Once you have completed each respective course, you will either be provided with a certificate of completion from your school instructor, or if you are completing the training online, you will be able to print your certificate right from the computer. These completion certificates will need to be presented to your school instructor for verification of completion of training on your Proof of Training document, submitted to the Board for the licensing exam entrance.

So, let's get started! It is the Board's hope you that all future professionals have a long and healthy career in the barbering and beauty industry.

Notes

Section 1

Training Materials

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- 1.2 What to Expect When You Are Inspected
- 1.3 10 Most Common Violations Cited During an Inspection Fact Sheet
- 1.4 Self-Inspection Worksheet

section 2

Safely Using Chemicals ~~and Your Health~~

Learning Objectives

Section 2

Safely Using Chemicals ~~and Your Health~~

After completing this section, ~~you~~ the future professional will be able to:

- Identify chemical products commonly used in the workplace.
- Explain why some chemicals may be harmful to ~~your~~ an individual's health and what makes ~~them~~ the chemical harmful.
- Describe how chemicals get into the body.
- Identify some health problems that may be caused by chemicals.

This lesson is about chemicals in a ~~shop and salon~~ **an establishment** that may harm ~~your~~ **a future professional or a client's** health. We will discuss why chemicals may be harmful, how they may harm ~~you~~ **an individual**, how they may get into ~~your~~ **the** body, and how much exposure is too much. First, we will discuss where chemicals are in the workplace.

Where Are Chemicals Found in the ~~Shop or Salon~~ Workplace?

Many products used by barbers, cosmetologists, manicurists, estheticians, and electrologists contain chemicals. ~~Can you name some of these products?~~ It's **For this activity it is** not important ~~whether you~~ **to** know the names of the particular chemicals in the product or even the exact product name. For now, ~~let's~~ **just** name some of the types of products **commonly used when providing barbering and beauty services:**

- Shaving cream
- Nail polish
- Permanent wave solution
- Artificial nails
- Chemical hair relaxer or chemical straightening products
- Hair spray
- Hair coloring
- Makeup
- Chemical peels
- Shampoo

~~As you can see,~~ **Chemicals** can be found in many products that are commonly used in the ~~shop or salon~~ **workplace.**

What Form Can a Chemical Take?

Chemicals can take different forms. A chemical can be:

- Solid
- Gas
- Liquid
- Vapor

A solid chemical has a definite shape. It includes dusts, fibers, and powders, which consist of small particles. An example of a solid chemical is facial powder.

A liquid chemical is one that flows, like water. An example of a liquid chemical is acetone, which is commonly found in nail polish remover. When a liquid is pumped or sprayed into the air (like hairspray), it may be broken up into small droplets. Then it is called a mist.

A gas floats and moves freely in the air. Often ~~you~~ **an individual** cannot see or smell a gas, but ~~you~~ **it** can still **be** inhaled ~~it~~ along with the air ~~you~~ **when breathing.**

Vapors are like gases because they also float freely in the air. However, vapors come from liquids that evaporated into the air. For example, the acetone liquid in an open bottle of nail polish remover can evaporate into the air. The result is acetone vapor.

Chemicals used for hair treatments.

The more chemicals ~~you~~ **an individual** gets into ~~your~~ **their** lungs and on ~~your~~ **their** hands, the more ~~your~~ **their** health is at risk.

What Makes a Chemical Hazardous to ~~Your~~ an Individual's Health?

Let's Consider what makes a chemical hazardous to ~~your~~ an individual's health. How hazardous a chemical is to ~~your~~ an individual's health depends on several factors:

- The **toxicity** of the chemical. Is it toxic or nontoxic? Will it harm ~~your~~ the individual's body?
- The amount of the chemical ~~you are~~ an individual is exposed to. Sometimes this is called **concentration**.
- The **length of time** ~~you are~~ an individual is exposed to the chemical.
- ~~Your~~ Individual **sensitivity** to the chemical. People **Individuals** can react differently to chemical exposure.
- The chemical's **interaction** with other chemicals ~~you are~~ an individual is exposed to.
- The **way** ~~you are~~ an individual is exposed to the chemical. How did the chemical get into ~~your~~ the body?

let's discuss What **does** all of this means for ~~you~~, the future professional?

Toxicity is the ability of a chemical to cause harm to the body. With toxic chemicals, even a very small amount can cause harm. With relatively harmless chemicals, even a large amount will have little or no effect to ~~your~~ an individual's health. When considering the use of chemicals and the toxicity of the chemical, it is important to determine the concentration of the chemical.

Concentration is the amount of a particular chemical in the air ~~you~~ that individuals breathe, the amount ~~you~~ that gets onto ~~your~~ the skin, or the amount ~~you~~ swallowed. In chemistry classes ~~you~~ future professionals learned that concentration is the strength of a chemical, but when discussing health and safety hazards, concentration refers to the amount of a chemical ~~you are exposed to~~ exposure.

The **length of time** ~~you are~~ an individual is exposed to ~~the~~ a chemical, the more the chemical gets into or on ~~your~~ the body. For example, if ~~you~~ an individual spends six hours every day doing chemical services like perms, chemical blowouts, or acrylic nails, ~~you~~ they are exposed to chemicals much longer than someone who does chemical services only two hours a day. The more chemicals ~~you~~ that gets into ~~your~~ an individual's lungs and on ~~your~~ their hands, the more ~~your~~ their health is at risk.

Different people **individuals** react differently to the same chemical. ~~Your~~ Individual **sensitivity** to a chemical is how ~~your own~~ an individual's body reacts to a particular chemical. Some people **individuals** may have a reaction when exposed to a small amount of a chemical, while others do not until exposed to a large amount. Different factors contribute to individual sensitivity, including:

- **Heredity.** No one knows why but some people **individuals** seem to inherit a higher sensitivity to chemicals.
- **Age.** Some chemicals have more serious effects on the very young or elderly.
- **Pregnancy.** With certain chemicals, pregnant women are more at risk. These chemicals may harm the mother, the fetus, or both.
- **Alcohol use.** Alcoholic beverages may increase the effects of some toxic chemicals on ~~your~~ the liver and possibly on other organs.
- **Tobacco use.** Smoking can harm ~~your~~ the lungs' ability to protect themselves against chemicals and it can increase the harmful effects of other chemicals.
- **General health.** Exposure to certain chemicals can cause more effects for people **individuals** who are already in poor health. For example, ~~someone~~ an individual with lung disease who breathes in vapors will probably suffer worse symptoms than ~~someone~~ an individual who is healthy.
- **Gender.** Some chemicals can affect males more than females or females more than males.
- **Use of medications or other drugs.** Certain chemicals may interact with drugs **or medications** ~~you have taken~~ and produce effects more serious than the chemical alone would cause.

If ~~You~~ Individuals Are Exposed to Several Different Chemicals Every Day, Are ~~You~~ They More at Risk?

This depends on what particular chemicals are on or inside ~~you~~ an individual and whether there is an **interaction** between ~~them~~ the chemicals. Two chemicals may create an effect much worse when combined ~~together~~ than either of them alone would produce. ~~You~~

A future professional may be familiar with an example of this if you they have ever taken medication. Your A doctor or the a medicine label may warn an individual warns you not to mix the medication with alcohol as the interaction can produce negative effects such as internal bleeding and or organ damage. Exposure to one chemical may also weaken your the body's defenses against another chemical. For example, while methyl ethyl ketone (found in some nail polish removers) does not cause nerve damage itself, it increases n-hexane's (found in some cleaning products) ability to cause this effect.

Lastly, when several chemicals produce similar health effects, you an individual could react as if exposed to a large dose of one chemical. For instance, since numerous chemicals can cause dizziness, exposure to several of these chemicals at once could cause dizziness much quicker and more severely than one chemical would.

Chemicals may cause watery eyes, a burning feeling on your the skin, irritation of your the nose or throat, dizziness, or a headache.

Notice if a product you are working with being used has an odor.

How Do Chemicals Get Into Your the Body?

Chemicals can get into your the body in three main ways, sometimes referred to as **routes of exposure**. They are:

- **Breathing.** Once you an individual breathes a chemical into your the lungs, it will stay there or your the bloodstream can may carry it to other parts of your the body.
- **Skin and eye contact.** Some chemicals can harm the skin directly. They can cause burns, irritation, or dermatitis. Examples of chemicals that may harm the skin are perm solutions, chemical blowout solutions, and hair relaxers. Some chemicals can pass right through the skin and enter into your the bloodstream. This can occur if your the skin is cut, cracked, or dry. Some chemicals may seriously burn or irritate your the eyes. Your Eyes may be at risk if chemicals splash, if you an individual touches your their eyes when your their fingers have chemicals on them, or if chemicals produce vapors that get into your the eyes.
- **Swallowing.** Most people individuals do not swallow harmful chemicals on purpose. However, you an individual could swallow them unintentionally if you they eat or drink after you they have been working around chemical products. Chemicals on your the hands or in the air can get on your food or drink and you can an individual can ingest these chemicals. Therefore, if you have been while working with chemicals, it is important to leave your the work area when you eating or drinking. In addition, future professionals should always thoroughly wash your their hands with soap and water for at least 20 seconds after handling any chemical product.

What Can I do to Stay Safe?

It is always safest to keep exposure to any harmful chemical as low as possible. In California, the California Division of Occupational Safety and Health (Cal/OSHA) sets Permissible Exposure Limits (or PELs) — laws that dictate the maximum amount of chemical exposure you individuals can experience on the job. These exist for chemicals commonly used in the shop or salon establishment, in addition to hundreds more. You can View the list of Cal/OSHA/PELs at Cal/OSHA's webpage for Title 8 Section 5155, Permissible Exposure Limits for Chemical Contaminants Table AC-1. http://dir.ca.gov/title8/5155table_ac1.html

~~It should be noted that~~ Note: Section 5155 requires the employer to monitor the exposure of any employees who may be exposed above the permissible exposure limits.

~~In addition to reading the PEL list, you can watch for a few things to determine if exposure to chemicals has occurred.~~

Is Chemical Exposure Occurring?

Notice if a product's ~~you are working with~~ has an odor. If ~~you~~ **an individual** smells a chemical, ~~you~~ **they** are breathing it in and it is entering ~~your~~ **the** body. However, since not all harmful chemicals produce a smell, ~~do~~ **an individual cannot** rely solely on ~~your~~ **their** sense of smell to warn ~~you~~ **them** of exposure.

Secondly, if ~~you~~ **an individual** breathes or swallows a chemical, it may leave a taste in ~~your~~ **their** mouth. However, not all chemicals that leave a taste in ~~your~~ **an individual's** mouth are harmful. ~~Do~~ **Individuals should** not rely solely on ~~your~~ **their** sense of taste ~~to~~ **as a** warning ~~you~~ **of exposure**.

In addition, if ~~you~~ **an individual** coughs up mucus with **particles** in it or ~~you~~ **if they** blow ~~you're~~ **their** nose and see **there are visible** particles, ~~you know you~~ **they** have inhaled a chemical in particle form.

Furthermore, the likelihood of inhaling dust, powder, or mist is higher if ~~you see it~~ **it is allowed to collecting on surfaces** in ~~your~~ **the** workplace. Watch for collection on tables, chairs, shelves, and even on ~~your own~~ hair and clothes.

Lastly, chemicals may cause **symptoms** ~~you are experiencing~~ **that an individual may experience**. These can include watery eyes, a burning feeling on ~~your~~ **the** skin, irritation of ~~your~~ **the** nose or throat, dizziness, or a headache. While the flu or other diseases may cause many of these symptoms, they can also be clues to chemical exposure at work.

Other clues or signs of exposure can be if ~~your co-workers~~ **in the establishment** have similar symptoms at the same time, if ~~your~~ symptoms get worse near the end of ~~your~~ **a** work shift, or if ~~your~~ symptoms are better when ~~you are~~ **an individual is** away from work.

Of course, the best way to know for sure if exposure is occurring is by air testing. Professionals can use special instruments to find out how much of what particular chemicals are in the air at ~~your~~ **the** workplace.

The likelihood of inhaling dust, powder, or mist is higher if ~~you see it~~ **allowed to** collecting on surfaces in ~~your~~ **the** workplace.

Questions for Review

What are the forms that a chemical can take?

- A) Gases, solids, liquids
- B) Liquids, mist, vapors, gases
- C) Solids, liquids, gases, vapors
- D) Vapors, liquids, mist

What should ~~you~~ **be considered when determining how hazardous a chemical is?**

- A) If ~~you are~~ **the individual is** allergic to the chemical
- B) Heredity, age, gender, general health
- C) Toxicity, concentration, length of time, individual sensitivity, interaction, route of exposure
- D) All the above

What are the three main routes of exposure in ~~a shop or salon~~ **an establishment?**

- A) Eating, drinking, smoking
- B) Breathing, skin and eye contact, swallowing
- C) Injecting, inhaling, infection
- D) Spilling, spraying, shaking

What governmental agency in California sets the permissible exposure limits (PELS) of chemicals?

- A) The board of barbering and Cosmetology
- B) U.S. Food and drug administration
- C) U.S. department of labor
- D) California occupational safety and Health administration

What should ~~you~~ **be watched** for to determine if chemical exposure is occurring?

- A) Smell, taste, touch, sight, hear
- B) Symptoms, residue, smell, irritation
- C) Odor, taste, particles, surfaces, symptoms
- D) Dust, formaldehyde, acetone vapor, gas

For answers to all questions, please refer to ~~your~~ **the** exam booklet.

Chemical Health Hazards

Working in a ~~shop or salon~~ **an establishment** can present ~~you~~ **the future professional** with several challenges in keeping yourself healthy. ~~We call~~ Potential threats to ~~your~~ health, **are sometimes called**, "health hazards." Some examples of health hazards that ~~you may find in a shop or salon~~ **may be found in an establishment**, include exposure to harmful chemicals, vapors, or dust, exposure to viruses or bacteria, excessive noise, heat, or cold. In this portion of ~~you're the~~ **course** training, we are going to consider health hazards related to the chemicals ~~you~~ **used** at work.

It is often difficult to see the connection between ~~your own~~ **an individual's** health symptoms and particular chemicals ~~on your~~ **used on the** job because chemicals may cause effects that take a long time to show up. **It could be years before exposure to a chemical causes a serious a health problem.** In addition, some symptoms of exposure to chemicals, like itchy eyes or a runny nose, are so common that it may be hard to determine if the chemical caused the problem or something else. Furthermore, different ~~people~~ **individuals** can react in different ways to the same chemical. Some ~~people~~ **individuals** may notice health effects when they work with the chemical, and others may never have a problem.

Nail tech in ~~salon~~ **an establishment** doing a manicure.

What Are We Going to Learn?

~~In This lesson, we will look at the symptoms you~~ **an individual** may get when ~~you are~~ exposed to certain chemicals in the ~~shop or salon~~ **establishment**. ~~We will also discuss~~ **Consideration will be given to** how chemicals can affect the various organs of ~~your~~ **the** body.

Take a Moment

Think of some health problems that might be caused by chemicals. For now, ~~don't~~ **do not** think about the particular chemicals that might cause them, only the health problems themselves. Also, ~~don't~~ **do not** worry about whether ~~it's~~ **it is likely** ~~licensees~~ **individuals** will suffer from these problems. Instead, consider any health effects caused by chemical exposure that **have been publicized** ~~you may have heard about~~ on TV, online, or in the news.

What Did You Come Up With?

~~Some~~ **Health** problems ~~you may be thinking of~~ could include asthma, skin rash, miscarriage, dizziness, sore throat, watery eyes, sneezing, birth defects, dermatitis, headache, allergies, tiredness, runny nose, wheezing, or cancer.

Let's Discuss

Now, let's discuss the two types of health effects chemicals could have on ~~you~~, the future professional.

If exposed to a reactive chemical, ~~you~~ individuals may experience an **acute effect** from the chemical. Acute effects may be minor, like nose or throat irritation from breathing ammonia, or they could be serious, like eye damage from a splash of hair relaxer or passing out from chemical vapors. What all these acute effects have in common is that they happen immediately.

On the other hand, ~~you~~ individuals could experience a **chronic effect** from chemical exposure. A chronic effect may take years to show up. Chronic effects are usually caused by regular exposure to a harmful substance over a long period. These effects are typically permanent. For example, ~~you~~ an individual may develop asthma after years of inhaling hairspray.

What both acute and chronic effects have in common is that irritants cause them. Irritants are chemicals that cause irritation. ~~You~~ The skin, nose, throat, or lungs will immediately react when exposed to irritants. Many of the products ~~you~~ used at work in the establishment contain irritants. For example, some shampoos contain chemicals added to produce a frothy lather, but they may cause irritation on the scalp.

What Are Irritants?

An irritant can be described as a substance that causes slight inflammation or other discomfort to the body. Some examples of products that ~~licensees~~ are used in an establishment on a daily basis that may irritate the eyes, nose, throat, and lungs include disinfectants, skin exfoliation products, permanent wave solutions, chemical blowout solutions, chemical hair relaxers, acrylic nail products, and hairsprays.

Continuous exposure to irritants may cause ~~you~~ an individual to develop an allergy to a particular chemical.

What is an Allergy?

An allergy is a reaction some ~~people~~ individuals have when they become overly sensitive to a particular chemical. ~~You~~ Individuals will have a reaction every time exposure to that particular chemical occurs—no matter how small the amount.

Allergens are chemicals that cause allergies. If ~~you are~~ an individual is not allergic to a chemical the first time ~~you use it~~ it is used, ~~you~~ they may develop an allergy after using it several times or it may take years. Allergies develop at different rates for different people. Common symptoms of allergies are a stuffy nose, watery eyes, sneezing, wheezing, and coughing.

Symptoms of dermatitis include flaking, dryness, redness, itching, and burning of the skin.

How Does All of This Affect Me the Future Professional?

~~As you progress in your career, you~~ As an individual progresses through their career, they may become aware of certain conditions that seem to be more prevalent within the barbering and beauty industry. ~~You~~ Future professionals may hear terms like contact dermatitis, allergic dermatitis, or skin rash. Dermatitis is an inflammation of the skin. A skin rash is a general term used to describe many forms of dermatitis. If contact with a skin irritant caused the dermatitis, it is contact dermatitis. If an allergic reaction caused the dermatitis, it is allergic dermatitis.

Symptoms of dermatitis include flaking, dryness, redness, itching, and burning of the skin. Licensees Future professionals are especially at risk of contracting dermatitis on their hands and arms as there are several products they use daily that could irritate the skin. Continued exposure to disinfectants, skin exfoliation products, permanent wave solutions, blow out straightening solutions, chemical hair relaxers, and shampoo have ~~the~~ the potential to cause dermatitis.

What Are Some Other Chemicals ~~Future~~ Professionals Should be Aware Of?

MMA

Methyl Methacrylate (MMA), is a chemical that can be found in some acrylic nail products and it is a chemical of concern. Dust from acrylic nails containing MMA can get onto ~~your~~ the skin, face, eyelids, nose, and fingers. MMA can cause red, itchy, swollen skin with tiny blisters. It can also cause a scratchy throat, runny nose, and cough. ~~You~~ Individuals may experience headaches, dizziness, and drowsiness, or have difficulty concentrating or paying attention. ~~You~~ Individuals may even experience numbness and muscle weakness. The Board of Barbering and Cosmetology prohibits the use of MMA in ~~nail salons~~ establishments in California. ~~Safeguard your health and~~ Do not use products that contain MMA.

The Toxic Trio

The toxic trio is a highly publicized chemical combination consisting of toluene, formaldehyde, and dibutyl phthalate. These harmful chemicals commonly appear in nail products and can produce several health concerns.

Toluene can cause dry or cracked skin and irritated, burning, itchy eyes, nose, and throat. ~~You~~ Individuals could experience headaches and dizziness. It can directly affect the brain, and ~~you~~ individuals may not be able to concentrate, remember, or recognize words. It can harm a developing fetus or pregnant woman, and it is suspected to cause miscarriages.

Formaldehyde can cause watery, burning eyes, skin rashes, and breathing problems such as asthma, coughing, and wheezing. It can even cause cancer. (Formaldehyde can also be found in some shampoos, blow out, and hair straightening products.)

Dibutyl phthalate can cause birth defects in male fetuses.

As with the toxic trio, some chemicals can affect ~~your~~ the central nervous system. ~~Your~~ The brain and spinal cord make up the central nervous system. Getting headaches, dizziness, nausea, drowsiness, restlessness, and lack of coordination are all symptoms that ~~your~~ the central nervous system is under attack.

Breathing the vapors of certain chemicals most likely causes central nervous system effects, but sometimes chemicals are also absorbed through the skin.

Hair Coloring Products

Some hair coloring products contain coal tar dyes. Common terms for coal tar dyes are:

4-methoxy-m-phenylenediamine (4-MMPD)

Paraphenylenediamine

2-nitro-phenylenediamine

2, 4-diaminoaniside

2, 4 -diaminoaniside sulfate

Coal tar and products made from it may cause cancer, especially cancer of the bladder.

The U.S. Food and Drug administration (FDA) requires products with coal tar dyes to have a label saying, "Caution – This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness." Unfortunately, this label does not warn people that the product may also cause cancer.

Chemical Blow Outs

Chemical hair straightening treatments sometimes called "chemical blow outs" are a method of temporarily straightening hair by sealing liquid keratin and a preservative solution into the hair with a flat iron. Many of these solutions contain the chemical

methylene glycol (formaldehyde, formalin), which when heated may release formaldehyde gas into the air. The FDA has this to say:

“Skin sensitivity can develop after repeated contact with formaldehyde-related ingredients. When formaldehyde is released into the air, it can cause serious irritation of your eyes, nose, and lungs. The greater the exposure, in terms of both duration and concentration, to products that contain formaldehyde-related ingredients, the higher the health risks.”

The warning letters issued by FDA address products that contain methylene glycol, which, when heated, releases formaldehyde into the air. Because these products must be applied with heat, formaldehyde is released when people use them following directions on the label. For FDA’s complete statement, see www.fda.gov/cosmetics/productsingredients/products/ucm228898.htm.

OSHA states that formaldehyde presents a health hazard if workers are exposed. It can irritate the eyes and nose; cause allergic reactions of the skin, eyes, and lungs; and is linked to nose and lung cancer. For OSHA’s complete statement, see www.osha.gov/sltc/formaldehyde/hazard_alert.html.

Shampoos and Conditioners

Some shampoos and conditioners contain chemicals called TEA, or triethanolamine, or DEA, or diethanolamine. If TEA or DEA are in a product that also contains the chemical BNPD, they can react with it to produce nitrosamines. The chemical name for BNPD is 2-bromo-2-nitropropane-1, 3-diol. Nitrosamines are classified as suspected human carcinogens by the state and federal governments. They cause cancer in animals, and some scientists believe that they may also cause cancer in humans.

Liquid Disinfectants

The use of disinfectants is vital for the consumer protection of the consumers you serve. However, continual exposure to liquid disinfectants may cause skin irritation. Therefore, for your safety and protection, the Board’s regulations state that a licensee must use gloves or tongs when removing their disinfected tools from the disinfectant. This requirement is put in place to protect your **an individual’s** skin from exposure to this chemical.

Parabens

Parabens are commonly found in makeup, moisturizers, shaving products, and hair care products. Common ingredient names used for parabens are: methylparaben, propylparaben, and butylparaben. Parabens are often used as a preservative to control microbial growth in cosmetic products as they prevent the growth of fungi, bacteria, and yeast.

Some have speculated whether there is a connection between parabens and cancer, with some suggesting that parabens can cause cancer by acting like estrogen, a common hormone, through a process called endocrine disruption. See more at: www.cosmeticsinfo.org/paraben-information#sthash.liajovpf.dpuf.

The FDA believes that at the present time there is no reason for consumers to be concerned about the use of cosmetics containing parabens. However, the agency will continue to evaluate new data in this area. If the FDA determines that a health hazard exists, the agency will advise the industry and the public, and will consider its legal options under the authority of the Federal Food, Drug, and Cosmetic act in protecting the health and welfare of consumers. See more at: www.fda.gov/cosmetics/productsingredients/ingredients/ucm128042.htm.

Will My Career Choice Affect My Ability to Have Children?

You **Future professionals** may wonder if exposure to chemicals in the ~~shop or salon~~ **establishment** could affect ~~your~~ **the individual's** ability to have children. While obstetricians may prefer to err on the side of caution, several studies have shown there is no statistically significant association between being a cosmetologist and poor pregnancy outcomes (such as miscarriage, stillbirth, and premature delivery). ~~As long as~~ **If** licensees **individuals** have proper working conditions, ~~their~~ risks of reproductive complications should not be higher than that of any other profession.

Other studies have shown that some chemicals in manicuring and sculptured nail products, like glycol ethers, can cause birth defects and infertility in laboratory animals.

Although such studies suggest that the same might happen in humans, it is not certain.

Questions for Review

What is dermatitis?

- A) Dry hands and arms
- B) An inflammation of the skin
- C) Irritated and watery eyes
- D) Flaky scalp

What comprises ~~your~~ **the central nervous system?**

- A) Muscles and brain
- B) Spinal cord and nerves
- C) Nerves and muscles
- D) Brain and spinal cord

What is a symptom that ~~your~~ **the nervous system is under attack?**

- A) Headache
- B) Dizziness
- C) Lack of coordination
- D) All of the above

The toxic trio can cause multiple health problems. True or false?

MMA can be safely used in nail salons. True or false?

Smoking increases the harmful effects of other chemicals. True or false?

For answers to all questions, please refer to ~~your~~ **the exam booklet.**

~~Let's Take a closer look at some specific chemicals found in barbering and cosmetology products. To do that you need to know:~~

How You Can Find Out What Chemicals a Product Contains

First, always **check the label** of a product as it may ~~tell you~~ **list** the ingredients. However, unlike consumer products, many products ~~you that are~~ **used** are for "professional use" only and do not require a list of ingredients on the label. ~~Now what can you do?~~

Therefore, individuals must **Check the Safety Data Sheet, or SDS**. Reading the product's SDS is probably the best way to find out which chemicals the product contains. ~~We will be discussing SDSs in more detail in Section 3~~ **of y will discuss the SDS in more detail.**

~~You~~ **Individuals** can get the SDS from ~~you're~~ their employer, ~~or if you are an~~ **Establishment owners**, ~~you~~ can request an SDS directly from the manufacturer or supplier. ~~You~~ **Individuals** should know which chemicals are in the products ~~you use~~ **being used**, their possible health effects, and how to use the products safely.

Case Studies

In these exercises ~~you will~~ read **the following** case studies that reflect "real life" problems ~~you might~~ **that may be** encountered ~~when~~ **you using** a particular chemical product at work. Using the chemicals in the ~~shop/salon~~ **establishment** handout located in the Training Materials file, do your best to answer the questions presented regarding products, their typical ingredients, and health problems that various chemicals can cause. Also, take time to consider the question, "What can I do to protect myself?" Let's begin.

For answers to all questions, please refer to ~~your~~ **the** exam booklet.

Case Study #1

You just started to work in a nail salon. You do about seven full sets of sculptured nails each day and three manicures with polish. Your eyes and throat feel irritated at the end of each day.

What are some specific chemicals in sculptured nail products and nail polish that might be causing these problems?

During which steps of the work process can these chemicals get into your body?

What can you do to protect yourself?

Case Study #2

You have been working in a very busy salon for three years. recently, every time you give a chemical blow out you start feeling dizzy, you get a headache, and you have difficulty breathing.

What could be the chemical in the blow out causing this problem?

During which steps of the process can this chemical get into your body?

What can you do to protect yourself?

In Review

In this lesson, ~~you~~ **future professionals** learned about some of the chemicals found in products ~~you used~~ at work and their health effects. Take a moment and review the materials located in the Trainings Materials file. ~~You will want to~~ **Keep** these materials close at hand for easy reference. ~~In our next lesson, we will consider safety data sheets—what they are, where to find them, and how to read them.~~

NEXT LESSON: Safety Data Sheets, what they are, where to find them, and how to read them.

Notes

Section 2

Training Materials

- 2.1 What's in That Product?
- 2.2 Understanding Toxic Substances — An Introduction to Chemical Hazards in the Workplace
- 2.3 Artificial Fingernail Products — A Guide to Chemical Exposures in the Nail Salon

Chemicals in the Shop / Salon Establishment

WHAT'S IN THAT PRODUCT?

The chart below shows chemicals sometimes found in hair care and beauty products, as well as their possible health effects. ~~Your~~ The risk of health effects depends on several factors, including the amount of the chemical in the product, the toxicity, the length of time ~~you are~~ the worker is exposed, the route of exposure, and ~~your own~~ the worker's individual sensitivity. Read each product's Safety Data Sheet (SDS) for more information.

PRODUCT	MAY CONTAIN THESE CHEMICALS	POSSIBLE HEALTH EFFECTS
BLEACHES	Alcohol (ethyl or isopropyl)	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Central nervous system effects* • Skin irritation and dermatitis
	Ammonium hydroxide	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin and eye burns • Skin irritation and dermatitis
	Ammonium persulfate or potassium persulfate	<ul style="list-style-type: none"> • Eye irritation • Skin irritation and dermatitis • Allergies, including asthma • Possible fire hazard
	Hydrogen peroxide	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin and eye burns • Severe irritation of the mouth, throat, and stomach if swallowed
	Sodium peroxide	<ul style="list-style-type: none"> • Eye and nose irritation • Skin and eye burns • Skin irritation and dermatitis

* Central nervous system effects include headache, dizziness, nausea, drowsiness, and restlessness.

CHEMICAL HAIR RELAXERS AND BLOW OUT SMOOTHING PRODUCTS	Alcohol (isopropyl)	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Central nervous system effects • Skin irritation and dermatitis
	Ammonium hydroxide	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin and eye burns • Skin irritation and dermatitis
	Ammonium thioglycolate or glycerol monothioglycolate	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin irritation and dermatitis • Allergies, including asthma
	Boric acid, perborate or borate	<ul style="list-style-type: none"> • Central nervous system effects* • Kidney damage, if swallowed
	Bromates	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Central nervous system effects* • Skin and eye burns • Skin irritation and dermatitis • Severe irritation of mouth, throat, and stomach, if swallowed • Kidney damage, if swallowed
	Butylated hydroxyanisole (BHA)	<ul style="list-style-type: none"> • Immune system toxicity • Cancer • Hormone disruption
	DMDM hydantoin (releases formaldehyde)	<ul style="list-style-type: none"> • See Formaldehyde (Formalin)
	Formaldehyde (Formalin)	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin irritation and dermatitis • Cancer
	Hydrogen peroxide	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin and eye burns • Severe irritation of mouth, throat, and stomach, if swallowed
	Sodium hydroxide	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin and eye burns • Skin irritation and dermatitis • Severe irritation of mouth, throat, and stomach, if swallowed

*Central nervous system effects include headache, dizziness, nausea, drowsiness, and restlessness.

HAIR COLORING PRODUCTS	Alcohol (ethyl, isopropyl, or propyl)	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Central nervous system effects* • Skin irritation and dermatitis
	Aminophenols	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin irritation and dermatitis • Severe allergic reaction in some people
	Ammonium hydroxide	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin and eye burns • Skin irritation and dermatitis
	Coal tar dyes (aniline derivatives (examples: 4-methoxy-m-phenylenediamine (4-MMPD), paraphenylenediamine, 2-nitro-phenylenediamine, 2,4-diaminoaniside, and 2,4-diaminoaniside sulfate	<ul style="list-style-type: none"> • Severe eye irritation and blindness • Skin irritation and dermatitis • Severe allergic reaction in some people • Cancer if absorbed through the skin during long time use
	Hydrogen peroxide	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin and eye burns • Severe irritation of mouth, throat, and stomach if swallowed
	Hydroquinone	<ul style="list-style-type: none"> • Immune system/skin toxicity • Cancer • Reproductive harm
	Lead acetate	<ul style="list-style-type: none"> • Lead poisoning if absorbed in large amount
	Monoethanolamine (MEA)	<ul style="list-style-type: none"> • Organ toxicity • Skin irritation
	Octoxynol-40	<ul style="list-style-type: none"> • Eye, skin, and lung irritation • Immune system toxicity

*Central nervous system effects include headache, dizziness, nausea, drowsiness, and restlessness.

HAIRSPRAYS	Alcohol (denatured ethyl or terbutyl)	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Central nervous system effects* • Skin irritation and dermatitis
	Isobutane	<ul style="list-style-type: none"> • Fire hazard
	Polyvinylpyrrolidone (PVP)	<ul style="list-style-type: none"> • Lung and other respiratory problems • Thesaurosis (storage disease) causes a chronic cough and breathing problems, including shortness of breath
	Propane	<ul style="list-style-type: none"> • Central nervous system effects* • Fire hazard
MANICURING	Acetone	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Central nervous system effects* • Skin irritation and dermatitis
	Acetonitrile	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Central nervous system effects* • Skin irritation and dermatitis
	Ethyl acetate or butyl acetate	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Central nervous system effects* • Breathing problems • Skin irritation and dermatitis
	Ethyl methacrylate	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Coughing and/or shortness of breath • Skin irritation and dermatitis • Central nervous system effects* • Fire hazard
	Formaldehyde	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Watery, burning eyes • Central nervous system effects* • Skin irritation and dermatitis • Breathing problems (such as asthma, coughing, and wheezing) • Cancer with long-term use
	Glycol ethers (a generic term for a group of chemicals)	<ul style="list-style-type: none"> • Reproductive problems (birth defects and infertility shown in lab animal tests) • Possible other effects depending on the specific chemical

* Central nervous system effects include headache, dizziness, nausea, drowsiness, and restlessness.

MANICURING (CONTINUED)	Lanolin	<ul style="list-style-type: none"> • Skin irritation and dermatitis
	Methyl ethyl ketone (MEK)	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Central nervous system effects*
	Methyl methacrylate (MMA)	<ul style="list-style-type: none"> • Red, itchy, and swollen skin with tiny blisters • Scratchy throat, runny nose, and cough • Numbness and muscle weakness • Central nervous system effects*
	Ortho-phenylphenol (OPP)	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Abdominal pain • Coughing and/or shortness of breath
	Phthalates (such as dibutyl phthalate)	<ul style="list-style-type: none"> • Reproductive birth defects
	Quaternary ammonium compounds (such as benzalkonium chloride)	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Breathing problems, such as asthma and shortness of breath
	Sodium hydroxide or potassium hydroxide	<ul style="list-style-type: none"> • Eye, nose, throat, and lung irritation • Skin and eye burns • Skin irritation and dermatitis • Severe irritation of mouth, throat, and stomach if swallowed
	Toluene	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Skin irritation and dermatitis • Central nervous system effects* • Reproductive problems
SHAMPOOS	Xylene	<ul style="list-style-type: none"> • Eye, nose, and throat irritation • Central nervous system effects* • Skin irritation and dermatitis • Reproductive problems
	Selenium sulfide	<ul style="list-style-type: none"> • Cancer • Neurotoxicity • Developmental harm

* Central nervous system effects include headache, dizziness, nausea, drowsiness, and restlessness.

section 3

Safety Data Sheets: ~~What You Need to Know~~

Learning Objectives

Section 3

Safety Data Sheets: ~~What You Need to Know~~

After completing this section, ~~you~~ **the future professional** will be able to:

- Explain what a safety data sheet (SDS) is and where to get them.
- Recognize the sections of the SDS.
- Demonstrate how to use an SDS to find information about a cosmetic product.

~~In this lesson we will discuss~~ One of the best ways ~~you~~ a future professional can get information about chemicals used in the ~~salon or shop establishment~~ is by reviewing ~~The~~ the product's Safety Data Sheet (SDS).

What is an SDS?

An SDS is a bulletin that gives useful information about a chemical product and its hazards. This includes:

- The names of any dangerous ingredients
- Health and safety hazards of the chemicals
- Precautions to take when using the product
- Emergency procedures if there is an accident, such as a spill or fire
- Information on the flammability of the product

SDSs are required by law for many chemical products and replaced Material Safety Data sheets, or MSDSs, effective December 1, 2013. (reference ~~your~~ the Section 3 Training Materials file for a sample copy of a Safety Data Sheet.)

Where Can I Get an SDS?

The simple answer is from ~~your~~ the employee's employer. According to Cal/OSHA, employers should keep SDSs readily accessible to employees for all hazardous chemicals in the ~~salon or shop~~ establishment. If there is not an SDS in the establishment for a particular product, the employer must ask the manufacturer or distributor for it. In the Training Materials ~~provided~~ file ~~you will find~~ there is a sample letter to a manufacturer or distributor requesting an SDS that ~~you~~ future professionals ~~can~~ may use, if needed. If a manufacturer or distributor has not responded to ~~your~~ repeated attempts to request the SDS, ~~you may~~ contact a Cal/OSHA office and file a complaint. A list of offices can be found in the ~~Training Materials~~ materials-training file, "Resource Groups, Agencies, Databases, and Publications."

In addition, employers are required to provide training to their staff on the SDS. Employers should be diligent with their own training so that they will have the correct information to offer to their employees when requested.

Independent Contractors

If ~~you~~ an individual meets the qualifications for independent contractor status, as defined by the Internal Revenue Service (IRS), ~~you~~ they are considered an employer and must comply with Cal/OSHA requirements. A copy of the IRS trifold, *Independent Contractor or Employee?* has been provided in the ~~Training Materials~~ training file. Take a moment to ~~Review~~ this information so that you will know if you ~~to~~ for determining proper worker classifications. ~~truly classified as an independent contractor or an employee.~~ Knowing this information ~~the correct worker classification~~ will affect your ~~employer/employee obligations and~~ responsibilities. ~~when dealing with laws and regulations from the many entities you will work with during your career.~~ For additional information in determining your worker status ~~classifications~~, please see Section 9 of this ~~training manual~~ course.

[Samples of safety Data sheets \(SDSs\).](#)

SDS Limitations

While SDSs provide a lot of useful information not always found on the product label, there is also a major drawback. SDSs can be difficult to read, as ~~you~~ and the future professional may be unfamiliar with the technical or scientific words used on the document. In those instances, ~~you may wish to~~ search the internet, do research with a chemical reference book, or consult with one or more of the agencies listed on the "Resource Groups, Agencies, Databases and Publications" list provided in the Training Materials file.

Now, let's review what you've learned so far.

Questions for Review

Important information on the identity and hazards of a chemical are on the container label. True or false?

How can ~~you~~ **workers** get information about the chemicals in a product?

- A) Chemical reference books
- B) Safety Data Sheets
- C) Asking your employer
- D) Consulting a state agency
- E) All of the above

For answers to all questions, please refer to ~~your~~ **the** exam booklet.

~~Now let's~~ **Review** the sections of the SDS while looking at a sample SDS for acetone (a product commonly used to remove nail polish). ~~You can find~~ **A** sample of the acetone SDS **can be found** in the Training Materials file. Take it out and use it to refer to when covering the following sections.

SDS Sections 1 though 8

Sections 1 through 8 contain general information about the chemical, identification, hazards, composition, safe handling practices, and emergency control measures. This information should be helpful to those who need to get the information quickly.

SDS Section 1: Identification

Section 1: Identification

The first section of the SDS identifies the chemical as well as the manufacturer or distributor. The information ~~you will find~~ **found** in this section includes:

- The product name used on the label and other means of identification.
- Information about the supplier of the chemical, including name, address, and phone number.
- An emergency phone number for obtaining information about spills and other accidents 24 hours a day, seven days a week.

Properly identifying a product and its recommended uses is an important part of working safely with the chemical. Information about the supplier and an emergency number is critical, especially in the event of an accident involving the product.

On the SDS sample, the product name ~~you are~~ **an individual is** most likely familiar with is acetone, but as ~~you can see~~ **noted**, there are many other names for it. The supplier information has been omitted in the sample, but this is where ~~you~~ **an individual** would find the address and phone numbers on the SDS.

SDS Section 2: Hazard(s) Identification

Section 2: Hazard(S) Identification

The second section of the SDS identifies hazards of the chemical and the warning information associated with those hazards. Hazard classification can include physical hazards such as if the product is flammable, health hazards such as if the product is toxic or cancer-causing, or environmental hazards. Consulting this section helps ~~you~~ **individuals** understand the risks of the hazards associated with the products used in the ~~salon or shop~~ **establishment**.

On the sample SDS, notice the term "CLASSIFICATION" underneath the listed hazards. These classifications are risk phrases—basically, a shorthand way to list the hazards. For example, F stands for "highly flammable," R36 stands for "irritating to eyes," R66

stands for “repeated exposure may cause skin dryness and cracking,” and R67 stands for “vapors may cause drowsiness and dizziness.” To view a complete list of risk phrases, go **refer** to the Training Materials file.

When working with chemicals, it is important to know what the hazard icons represent. ~~Let’s examine a few icons that you may see on an SDS.~~

The **flame** icon is associated with products and chemicals that are flammable or combustible. When ~~you see this icon, you will want to~~ **this icon is present**, refer to the products label for additional hazardous statements, such as, “Keep away from heat or flames” or “Do not store by sources of high heat.” This icon will help ~~you~~ **individuals** quickly identify potential fire or explosion hazards.

The **flame over circle** icon is specific to solids, liquids, or gases that are classified as oxidizers. Oxidizers are gases that cause materials to burn much more intensely and rapidly than normal. An example would be gasoline on wood.

The **corrosion** icon refers to chemicals that have a corrosive (damaging) effect on skin and/or membranes.

The **skull and crossbones** icon indicates the chemical is highly toxic or fatal if swallowed, inhaled, or absorbed through skin contact.

The **health hazard** icon identifies chemicals and products that could lead to chronic or acute health problems.

The **exclamation mark** icon indicates that while the chemical may potentially harm ~~your~~ **an individual’s** health or safety, it represents the lower end of the scale for specific hazards. This would include symptoms such as irritation, dizziness, and allergic reaction.

The **environment** icon represents that the chemicals/products could be toxic to aquatic life with long-lasting effects. Products with this symbol should not be dumped down drains.

In the Training Materials file, ~~you will find~~ flash cards **have been provided** to help ~~you~~ **future professionals** learn and remember what these icons represent.

SDS Section 3: Composition/Information on Ingredients

Section 3: Composition/Information on Ingredients

Section 3 contains information regarding the chemical composition and ingredients. This can include the chemical name, Chemical Abstract Service (CAS) number, European Inventory of Existing Commercial Chemical Substances index number (EU Index No), concentration, and other unique identifiers. This information would be helpful if ~~you~~ **an individual** had to research a specific chemical substance.

SDS section 4: First-aid Measures

Section 4: First-Aid Measures

Section 4 should be of particular importance to those working in ~~the shop or salon~~ **an establishment** as it describes the initial care that may be administered. First-aid measures are categorized by the routes of exposure—inhalation, ingestion, and skin and eye contact. ~~You will also find~~ **This section lists** common symptoms, health effects, and whether ~~you~~ **an individual** should seek immediate medical attention.

SDS Section 5: Fire-Fighting Measures

Section 5: Fire-Fighting Measures

Section 5 provides recommendations for fighting a fire caused by the chemical.

SDS Section 6: Accidental Release Measures

Section 6: Accidental Release Measures

Section 6 recommends the appropriate response to spills, leaks, or releases, including containment and cleanup practices to prevent or minimize exposure to people, properties, or the environment. For example, it outlines:

- Personal precautions and personal protective equipment
- Environmental precautions
- Spill cleanup methods

Under personal precautions, on the sample acetone SDS, you see **notice** that the SDS is directing you **the reader** to another section—Section 8, which deals with exposure controls and personal protection. ~~The writers of SDSs try to be concise, so they will not always repeat information that can be found in another section.~~

SDS Section 7: Handling and Storage

Section 7: Handling and Storage

Section 7 provides guidance on the safe handling practices and conditions for safe storage of chemicals, such as identifying incompatibilities and what substances need to be stored elsewhere.

SDS Section 8: Exposure Controls/Personal Protection

Section 8: Exposure Controls/Personal Protection

Section 8 is an important section of the SDS as it instructs you **individuals** on how to minimize harmful exposures through exposure limits, engineering controls, and personal protection. The section details control parameters, such as occupational exposure limit values. ~~For example, here you will find~~ **This section will list** the permissible exposure limit (PEL) and the threshold limit value (TLV). ~~You can also find the~~ **In addition, the** appropriate engineering controls such as ventilation and enclosed processes required when working with the substance, replacing a toxic substance with a less hazardous one, or limiting the amount of time a worker is exposed to a hazardous substance **will be listed**. Lastly, Section 8 discusses individual protection measures, such as required personal protective equipment.

The blue icons indicate that safety glasses and gloves should be used when handling acetone. Here are other personal protective equipment icons that you **individuals** may come across:

~~Now, let's test your understanding of Sections 1 through 8 of SDSs.~~

Questions for Review

SDSs should be consulted only after an emergency such as a spill, fire, or explosion. True or false?

Water is the best way to extinguish a fire. True or false?

If you see **there is a chemical spill, you **it** should not **be cleaned up** **it** immediately. True or false?**

For answers to all questions, please refer to you **the exam booklet.**

SDS Sections 9 through 11

Sections 9 through 11 and 16 contain other technical and scientific information, such as physical and chemical properties, stability and reactivity information, toxicological information, exposure control information, and other information, including the date of

preparation or last revision.

SDS Section 9: Physical and Chemical Properties

Section 9: Physical and Chemical Properties

Section 9 identifies physical and chemical properties associated with the substance. This can include information such as:

- Appearance—that is, the substance's physical state—solid, liquid, gas, and color
- Odor
- pH, which tells ~~you~~ **an individual** whether the chemical is an acid or alkaline base
- Flash point
- Evaporation rate
- Flammability and upper and lower flammability or explosive limits

~~You~~ **Future professionals** may have heard of these terms in ~~your~~ chemistry classes. **Future professionals are encouraged to research the meanings of these terms, if they are unfamiliar.** ~~If you are unfamiliar with some of these terms, it would benefit you to research the meanings.~~

SDS Section 10: Stability and Reactivity

Section 10: Stability and Reactivity

In Section 10 ~~you can find~~ the substance's stability and reactivity **is displayed**. These are two important things to know. ~~You~~ **An individual** needs to know how a substance might become unstable or react with air, water, or other substances and thus become hazardous ~~to you and your co-workers~~. In this section, ~~you'll read about~~ **individuals will read about:**

- The chemical's stability or reactivity
- The possibility of hazardous reactions
- Conditions to avoid such as heat or flames
- Incompatible materials that must be kept away from the substance
- Hazardous decomposition products

Think about the importance of this section. What if ~~you~~ **an individual** ~~didn't~~ **did not** know the conditions under which a substance is stable or unstable? What if ~~you~~ **an individual** ~~didn't~~ **did not** know what might cause a hazardous reaction? ~~You and your co-workers~~ could be in grave danger. On the sample acetone SDS ~~you see~~ **notice** that when working with acetone, ~~you~~ **individuals** should avoid heat, flames, and other sources of ignition. ~~You may remember this from~~ **This was noted in** Sections 2 and 7 of the SDS, which stated acetone is flammable.

SDS Section 11: Toxicological Information

Section 11: Toxicological Information

Section 11 describes the various health effects of the substance as well as the available data used to identify those effects, including:

- Information on the likely routes of exposure—inhalation, ingestion, skin and eye contact
- Symptoms related to the physical, chemical, and toxicological characteristics
- Immediate and delayed health effects and chronic health effects from short- and long-term exposure
- Numerical measures of toxicity
- Whether the chemical is listed in the National Toxicology Program (NTP) Report on Carcinogens or International Agency for Research on Cancer (IARC) Monographs, or by OSHA

If ~~you~~ **an individual** works with harmful substances, ~~you~~ **they will** want to know all there is to know about how and why to avoid exposures. For example, since the sample SDS states prolonged or repeated skin contact with acetone can result in dermatitis, ~~you~~

individuals should minimize exposure as much as possible.

SDS Sections 12 through 15

SDSs must also contain Sections 12 through 15 to be consistent with the UN Globally Harmonized System of Classification and Labeling of Chemicals (GHS), but OSHA will not enforce the content of these sections because they concern matters handled by other agencies.

SDS Section 12: Ecological Information

Section 12: Ecological Information

Section 12 provides information about how the substance could affect the environment if released.

SDS Section 13: Disposal Considerations

Section 13: Disposal Considerations

Section 13 provides guidance on proper disposal practices, recycling or reclamation of the chemical(s) or its container, and safe handling practices. Think about the substances ~~you~~ individuals may work with and the proper procedures for disposing of these substances and of any contaminated materials.

On the sample SDS, ~~you will notice~~ note that acetone and its container must be disposed of as a hazardous waste. It should be taken to a hazardous waste treatment, storage, disposal, or recycling facility. To find a hazardous waste disposal facility in your regional area, visit the Environmental Protection Agency website at www.epa.gov.

SDS Section 14: Transport Information

Section 14: Transport Information

Section 14 explains requirements for the safe transportation of the chemical by road, air, rail, or sea.

~~Since you are~~ Generally speaking, since the future professional will not be a manufacturer and will not be transporting chemical products, ~~you they~~ will not need to reference this section in detail. In this section of the SDS, on the sample SDS, ~~you can see~~ note that acetone is not a marine pollutant, and it is a flammable liquid.

~~As you know by now,~~ Acetone is a flammable liquid. The flammable hazard symbol is found in Section 14. Here are other self-explanatory hazard symbols ~~you~~ the future professional may come across:

SDS Section 15: Regulatory Information

Section 15: Regulatory Information

Section 15 identifies the safety, health, and environmental regulations specific for the product that may not be indicated anywhere else on the SDS. On the sample SDS, ~~you can see~~ safety phrases that specifically warn workers to keep out of reach of children are present. For a full list of safety phrases, see the Training Materials file.

SDS Section 16: Other Information

SDS Section 16

Section 16: Other Information

Section 16 contains other relevant information, such as when the SDS was prepared, when the last known revision was made, where the changes were made to the previous version, or other useful information that did not fall under the other sections. ~~As you see on~~ The sample SDS, notes the acetone SDS was revised on June 10, 2015.

~~Now that you understand the importance of SDSs and how to read them, let's review everything from today's lesson.~~

Questions for Review

Which of the following will ~~you~~ **an individual** find on an SDS?

- A) Hazard information
- B) Physical properties
- C) Handling and storage
- D) A and C
- E) All of the above

The exclamation mark icon indicates:

- A) A chemical is combustible under high temperatures
- B) A chemical is toxic when swallowed, inhaled, or absorbed through the skin
- C) A chemical may cause cancer, target organ toxicity, and aspiration toxicity
- D) A chemical may cause irritation, dizziness, or allergic reaction
- E) All of the above

If a chemical product is flammable, ~~you~~ **an individual** should:

- A) Smoke near it as long as the lid is on
- B) Store it under water to keep it cool
- C) Store it away from heat or flames
- D) Pour it into a different container

Cal/OSHA requires SDSs to state when the revisions were made. True or false?

For answers to all questions, please refer to ~~your~~ **the** exam booklet.

~~In our next lesson, we will consider safety practices, precautions, storage and disposal methods, and cleanup procedures to prevent chemical injuries.~~

NEXT LESSON: Chemical safety practices including chemical storage and disposal methods along with clean up procedures to prevent chemical injuries.

DID YOU KNOW?

Having access to the SDS is ~~your~~ **an employee's** right. It is one gateway to having knowledge on how to protect ~~yourself~~ **oneself** from chemicals used regularly in the barbering and beauty industry. Although ~~you~~ **workers** may use some sections of the SDS more frequently than other sections, it is always valuable to know that ~~you have~~ this information **is readily available**. ~~at your fingertips.~~

Notes

Section 3

Training Materials

- 3.1 Safety Data Sheet (sample)
- 3.2 Risk Phrases – Designated Hazardous Substances
- 3.3 Sample Letter – To Request an SDS
- 3.4 SDS Flash Cards
- 3.5 Resource Groups, Agencies, Databases, and Publications Informational Sheet
- 3.6 Working Safely in Nail Salons Fact sheet
- 3.7 Independent Contractor or Employee Trifold

Resource Groups, Agencies, Databases, and Publications

California Division of Occupational Safety and Health (Cal/OSHA) Cal/OSHA

is a state agency that enforces health and safety regulations, inspects workplaces, and offers free publications on various hazards, including chemicals. Cal/OSHA will also assist you **an individual** if you **they** cannot get a Safety Data Sheet (SDS) from a chemical manufacturer or distributor. There are many Cal/OSHA offices throughout the state.

REGIONAL OFFICES (Contact to File a Complaint)

Call the regional office closest to you when you need to file a complaint regarding a violation of Cal/OSHA law.

San Francisco District Office

~~Carlton Jones~~ **Michael Frye**, District Manager

455 Golden Gate Ave., Room 9516

San Francisco, CA 94102

Phone: (415) 557-0100 **0300**

Fax: (415) 557-0123 **0900**

E-mail: ~~DOSHSE@dir.ca.gov~~

DOSHREG1SanFrancisco@dir.ca.gov

v

Fremont District Office

~~Eddie Miranda~~ **Kelly Tatum**, Acting District Manager

39141 Civic Center Dr., Suite 310

Fremont, CA 94538

Phone: (510) 794-2521

Fax: (510) 794-3889

E-mail: **DOSHfremont@dir.ca.gov**

Foster City District Office

Barbara Kim, District Manager

1065 East Hillsdale Blvd., Suite 110

Foster City, CA 94404

Phone: (650) 573-3812

Fax: (650) 573-3817

E-mail: **DOSHFC@dir.ca.gov**

Oakland District Office

~~David Hornung~~ **Wendy Hogle**, Acting District Manager

1515 Clay Street, Suite 1303

Oakland, CA 94612

Phone: (510) 622-2916

Fax: (510) 622-2908

E-mail: **DOSHOAK@dir.ca.gov**

American Canyon District Office

Kathy Lynn Garner, District Manager

3419 Broadway Street, Suite H8

American Canyon, CA 94503

Phone: (707) 649-3700

Fax: (707) 649-3712

E-mail:

DIRDOSHAmericanCanyon@dir.ca.gov

Sacramento District Office

~~Jon Weiss~~ Marie Blake, District Manager

2424 Arden Way, Suite 165

Sacramento, CA 95825

Phone: (916) 263-2800

Fax: (916) 263-2798

E-mail: DOSHSAC@dir.ca.gov

Modesto District Office

VACANT Eddie Miranda, District Manager

4206 Technology Dr., Suite 3

Modesto, CA 95356

Phone: (209) 545-7310

Fax: (209) 545-7313

E-mail: DOSHMOD@dir.ca.gov

Fresno District Office

~~Jerry Walker~~ Jan Hami, District Manager

2550 Mariposa Street, Room 4000

Fresno, CA 93721

Phone: (559) 445-5302

Fax: (559) 445-5786

REGIONAL OFFICES continued

Redding District Office

John Wendland, District Manager
381 Hemsted Dr.
Redding, CA 96002
Phone: (530) 224-4743
Fax: (530) 224-4747
E-mail: DOSHRED@dir.ca.gov

Santa Ana District Office

Richard Fazlollahi, District Manager
2000 E. McFadden Ave., Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451
Fax: (714) 558-2035
E-mail: DOSHSA@dir.ca.gov

San Diego District Office

Kathy Derham, District Manager
7575 Metropolitan Dr., Suite 207
San Diego, CA 92108
Phone: (619) 767-2280
Fax: (619) 767-2299
E-mail: DOSHSD@dir.ca.gov

San Bernardino District Office

Ayman Shiblak, District Manager
464 W. 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321
Fax: (909) 383-6789
E-mail: DOSHSB@dir.ca.gov

Long Beach District Office

Alfred Varela, District Manager
3939 Atlantic Avenue, Suite 212
Long Beach, CA 90807
Phone: (562) 506-0810
Fax: (562) 426-8340
E-mail: DOSHLBO@dir.ca.gov

Los Angeles District Office

Victor Copelan, District Manager

320 West 4th Street, Suite 820
Los Angeles, CA 90013

Phone: (213) 576-7451
Fax: (213) 576-7461
E-mail: DOSHLA@dir.ca.gov

Monrovia District Office

Zulfiquar Merchant, Acting District Manager
800 Royal Oaks Drive, Suite 105
Monrovia, CA 91016
Phone: (626) 239-0369
Fax: (626) 239-0387
E-mail: DOSHMRV@dir.ca.gov

Van Nuys District Office

Andreea Minea, District Manager
6150 Van Nuys Blvd., Ste. 405
Van Nuys, CA 91401
Phone: (818) 901-5403
Fax: (818) 901-5578
E-mail: DOSHVN@dir.ca.gov

Bakersfield District Office

Efren Gomez, District Manager
7718 Meany Ave.
Bakersfield, CA 93308
Phone: (661) 588-6400
Fax: (661) 588-6428
E-mail: DOSHBAK@dir.ca.gov

CAL/OSHA CONSULTATION OFFICES (Salon Establishment Owners) Offers advice to ~~salon~~ establishment owners on correcting health and safety hazards.

San Francisco Bay Area

1515 Clay Street, Suite 1103
Oakland, CA 94612
(510) 622-2891

Northern California

2424 Arden Way, Suite 410
Sacramento, CA 95825
(916) 263-0704

Central Valley

~~1901 North Gateway Blvd., Suite 102~~ 2550 Mariposa Mall, Room
2005

Fresno, CA 93727

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San Bernardino

464 W. 4th Street, Suite 339

San Bernardino, CA 92401

(909) 383-4567

San Diego

7575 Metropolitan Dr., Suite 204

San Diego, CA 92108

(619) 767-2060

OSHA Occupational Chemical Database

OSHA maintains a chemical database as a convenient
reference for the occupational safety and health community.

It compiles information from several government agencies
and organizations. Information available in the report
includes:

- Physical properties
- Exposure guidelines
- NIOSH Pocket Guide
- Emergency response information, including the
DOT Emergency Response Guide.

Database: www.osha.gov/chemicaldata/

California Department of Public Health (CDPH)

The California Department of Public Health is dedicated to optimizing the health and well-being of the people in California.

Occupational Health Branch (Headquarters for HESIS, OHSEP, and CSCP)

California Department of Public Health

850 Marina Bay Parkway, Building P, 3rd Floor

Richmond, CA 94804

Phone: (510) 620-5757

Fax: (510) 620-5743

Website: www.cdph.ca.gov

E-mail: occhealth@cdph.ca.gov

The CDPH offers the following programs:

- **Hazard Evaluation System and Information Service (HESIS)**

HESIS is a program that uses scientific, medical, and public health expertise to help prevent workplace illness and disease. The program provides information to employers and employees on the health effects of toxic substances, and precautions for their safe use.

Website: www.cdph.ca.gov/programs/hesis

Workplace Hazard Helpline: (866) 282-5516

Free publications on workplace hazards:

(866) 627-1586

- **Occupational Health and Surveillance and Evaluation Program (OHSEP) Branch (OHB)**

OHSEP is a program that tracks work-related injuries and diseases, conducts workplace studies about occupational exposures and health effects, and makes prevention recommendations to employers and employees. Information from OHSEP can be used to improve required workplace Injury and Illness Prevention Programs (IIPP) and assist healthcare providers in early identification and treatment of work-related injuries and disease. **OHB is devoted to improving worker health and safety**

through prevention activities.

Website: www.cdph.ca.gov/programs/ohsep

<https://www.cdph.ca.gov/Programs/CCDCPH/DEODC/OHB/Pages/OHB.aspx>

- **California Safe Cosmetics Program (CSCP)** The primary purpose of CSCP is to collect information on hazardous and potentially hazardous ingredients in cosmetic products sold in California and to make this information available to the public.

Website: www.cdph.ca.gov/programs/cosmetics

<https://www.cdph.ca.gov/Programs/CCDCPH/DEODC/OHB/CSCP/Pages/CSCP.aspx>

E-mail: cosmetic_safecosmetics@cdph.ca.gov

Center for Occupational and Environmental Health (COEH)

A University of California program, conducts research on occupational illnesses and injuries, and offers degree programs and continuing education courses related to health and safety.

Center for Occupational & Environmental Health

50 University Hall #7360 2199 Addison Street

University of California, Berkeley

Berkeley, CA 94720-7360

Phone: (510) 643-4421

Website: <http://coeh.berkeley.edu>

Administrator contact information:-

<http://coeh.berkeley.edu/people/admin.htm>

Los Angeles, CA 90095-1478

Phone: (310) 794-5964

Fax: (310) 794-6403

Website: www.losh.ucla.edu

Labor Occupational Health Program (LOHP)

LOHP is part of the University of California, Berkeley. It offers information and advice on chemicals and other workplace hazards.

University of California

University Hall, Suite 451

2223 Fulton St, 4th Floor 2199 Addison Street

Berkeley, CA 94720-5420

Phone: (510) 642-5507

Fax: (510) 643-5698

Website: www.lohp.org

E-mail: lohp@berkeley.edu

UCLA Labor Occupational Safety and Health Program (LOSH)

LOSH is part of the University of California, Los Angeles. It is a nationally recognized center promoting safe workplaces through teaching and education, research, and policy advocacy.

UCLA-LOSH

10945 Le Conte Ave., Suite 2107

Box 951478

National Institute for Occupational Safety and Health (NIOSH)

NIOSH is a federal agency that offers free publications and an online database of chemicals. It provides information on chemicals and other workplace hazards. In some cases, NIOSH will send investigators to your workplace to evaluate health hazards.

NIOSH

4676 Columbia Parkway

Cincinnati, OH 45226-1996

Phone: (800) 356-4674

Fax: (513) 533-8573

Website: www.cdc.gov/niosh

E-mail: pubstaft@cdc.gov

Right to Know Hazardous Substance List

The Right to Know Hazardous Substance List contains over 2,000 hazardous substances, including those on the Special Health Hazard Substance List (SHHSL). The SHHSL consists of over 1,000 hazardous substances that are defined as carcinogens, mutagens, teratogens, corrosive, flammables, and reactives.

Website:

<https://web.doh.state.nj.us/rtkhsfs/chemicalsearch.aspx>

E-mail: rtk@doh.state.nj.us

Phone: (609) 984-2202

Fax: (609) 984-7407

Provided by: Department of Health
P. O. Box 360
Trenton, NJ 08625-0360

Website: <http://nj.gov/health/ohs>

Toxnet

An online resource for searching databases on toxicology, hazardous chemicals, environmental health, and toxic releases. It is managed by the Toxicology and Environmental Health Information Program (TEHIP) in the Division of Specialized Information Services (SIS) of the National Library of Medicine (NLM).

Website: <https://toxnet.nlm.nih.gov>

NIOSH Pocket Guide to Chemical Hazards

The *NIOSH Pocket Guide to Chemical Hazards* is intended as a source of general industrial hygiene information for workers, employers, and occupational health professionals.

Website: www.cdc.gov/niosh/npg/pgintrod.html

www.dir.ca.gov/dosh

United States Department of Labor

<https://www.dol.gov>

Chemical Hazard and Alternatives Toolbox

www.chemhat.org

Cosmetics Info Website Cosmeticsinfo.org

is your a source for information on cosmetics and personal care products—how they work, their safety, and the science behind their ingredients. Maintained by expert scientists.

Website: www.cosmeticsinfo.org

Safety Data Sheet Collection

There are several free online SDS databases. For your convenience, Portland State University has compiled a list: **Chemical Safety has compiled a free, on line SDS database.**

Website: ~~<https://msdsmanagement.msdsonline.com/153a8720-16a4-43e3-a4e9-3b1feb7cca02/-ebinder/?nas=True>~~ <https://chemicalsafety.com/sds-search/>

Publications

A Consumer's Dictionary of Cosmetic Ingredients. 7th edition.

Ruth Winter. New York, Crown Publishers, 2009

Helpful Websites

State Site

www.ca.gov

California Department of Public Health

www.cdph.ca.gov/Pages/DEFAULT.aspx

Department of Industrial Relations

section 4

~~Protecting Yourself~~ Protection from Hazardous Chemicals

Learning Objectives

Section 4

~~Protecting Yourself~~ Protection from Hazardous Chemicals

After completing this section, ~~you~~ the future professional will be able to:

- Recognize chemical safety hazards.
- List ways to reduce chemical hazards.
- Identify and list safe work practices.

This section ~~is about how~~ **considers ways** to prevent injuries ~~when you~~ **while working** with chemicals. If they are not used, stored, and disposed of properly, some chemicals in the ~~shop or salon~~ **establishment** can cause accidents that **may cause injury**. ~~injure you, your co-workers, or your clients.~~

Chemical Accidents

~~Can you~~ **Think** of some examples of chemical accidents?

- Chemicals spilling or leaking
- Chemicals catching fire or exploding
- Chemicals accidentally mixing together causing an unexpected reaction
- Chemicals harming people or the environment if not disposed of correctly

When ~~you~~ **working** with chemicals, safety precautions are just as important as health precautions. A fire, explosion, spill, leak, or other chemical accident can have tragic results for ~~you~~ **workers**, co-workers, and ~~your~~ clients. Accidents can happen quickly—in just a few seconds or a few minutes—so ~~it's~~ **it is** important to be prepared by knowing how to prevent chemical accidents and what to do if they occur.

Flammable or Combustible Chemicals

Chemicals that are flammable and combustible catch on fire and burn easily. They can ignite when they are near a flame (like a candle), spark (like from an electric plug), or a hot object (like a curling iron). The difference between a flammable chemical and a combustible chemical is how easily the chemical catches on fire. A flammable chemical will catch fire and burn faster and more easily than a combustible one, but both kinds will burn.

Some examples of fire hazards in a typical ~~shop or salon~~ **establishment** are acetone, alcohol, nail polish, hairspray, styling gel, straightener solution, and aerosol cosmetics. In the past, ~~salon~~ **establishment** clients were severely burned after they had curl activator and aerosol products applied to their hair and went near candles, matches, or cigarettes. While manufacturers often change their formulas and ingredients, products used today still have dangerous chemicals in them that should be avoided or used with caution. If a product or any ingredient in it is a fire hazard, the product's label may ~~tell you~~ **provide the information**, but ~~don't~~ **do not just** rely on the label. As discussed in the previous lesson, always check the product's Safety Data Sheet (SDS).

Safety Precautions

There are many precautions ~~you~~ **individuals** can take to work safely around chemicals that are flammable or combustible, including:

- Always be aware which chemicals ~~you~~ **used** may be fire hazards
- Avoid using flammable or combustible chemicals (use a safer chemical if possible)
- ~~Don't~~ **Do not** allow a flammable or combustible chemical to come near a flame, spark, or hot object
- Check ~~your~~ **all** electrical equipment to make sure there are no broken or frayed cords that might spark or get hot
- ~~Don't~~ **Do not** try to warm up chemicals by putting them into a microwave or using a hot blow-dryer on them (~~you should never~~ warm up any chemicals, even if ~~they're~~ **they are** not flammable or combustible)

Be Prepared

Though chemical fires are preventable, there are several ways to prepare in case one does occur. First, make sure ~~your salon~~ **the establishment** has a fire extinguisher available and ensure everyone in the ~~shop or salon~~ **establishment** knows where it is and how to use it. If ~~your shop or salon~~ **the establishment** does not have a fire extinguisher, ask ~~your~~ **the** employer to purchase and install one. Also, check the SDS sheet before there is a fire to see if there are any special firefighting instructions. As ~~we~~ discussed in ~~our~~ **the** previous lesson, ~~you~~ **individuals** should not use water on some kinds of chemical fires. Additionally, know how to call for emergency help and what to do until help arrives. Furthermore, have first aid supplies available in the ~~shop or salon~~ **establishment** at all times.

~~You can get a~~ **Multipurpose extinguishers can be purchased** in most hardware stores or from companies that sell safety equipment.

FIRE EXTINGUISHERS

~~Did you know you cannot use just any kind of fire extinguisher on a fire?~~ Portable fire extinguishers are classified according to the type of fire they are designed to fight. The label on the extinguisher indicates what kind of fire it should be used for. There are four classes of fires:

- Class A fires are ordinary combustibles; fires involving ordinary combustible materials like wood, cloth, and paper.
- Class B fires are flammable liquids; fires involving flammable liquids, gases, and greases.
- Class C fires are electrical equipment; fires involving energized electrical equipment and electrical wiring.
- Class D fires are combustible metal; fires involving combustible metals like magnesium, titanium, and zinc.

It is very important to use the correct extinguisher on a fire. For example, ~~you wouldn't~~ **individuals should not** use an extinguisher ~~that's~~ **that is** rated for Class A on a Class C fire. There is a fire extinguisher available that is effective against Class A, B, and C fires—it is called a multipurpose extinguisher. ~~You can get~~ **A multipurpose extinguisher may be purchased** it in most hardware stores or from companies that sell safety equipment.

CHEMICAL STORAGE

~~So, how should chemical products be safely stored? There are many guidelines you should follow:~~ **To maintain health and safety while storing chemicals, make it a practice to follow these guidelines:**

- Always store chemical products in their original labeled containers. It could be dangerous if someone ~~doesn't~~ **does not** know what product is in a container. For example, what if ~~you~~ **an individual** decided to store bleach in a plastic water bottle? ~~You~~ **The individual** could get thirsty and forget that ~~it's~~ **bleach is** in ~~your~~ **the** bottle, resulting in accidental ingestion and health problems. This guideline also ensures that the chemical is stored in the proper kind of container. For example, acetone ~~shouldn't~~ **should not** be kept in certain kinds of plastic bottles as it will melt them.
- ~~As we discussed earlier,~~ **Always** check the label and the SDS for any special storage instructions. This will be a clear indicator of proper storing measures.
- Store chemical products out of direct sunlight in a cool, dark place with good ventilation. Chemicals can react or change with heat, so a storage room or cabinet is best.
- Make sure chemical containers are in good condition. Check that the containers do not have any holes as this will cause leaks and spills.
- Never store chemical products near food or near areas where ~~people eat~~ **food will be consumed**. This can cause contamination and accidental ingestion.
- Store all chemicals, especially flammables and combustibles, away from flames, sparks, heat, and hot objects. ~~There are even~~ **Consider purchasing** fireproof metal cabinets ~~you can use for~~ **storing** highly flammable chemicals.
- After ~~you~~ **using** a product, close the container tightly. This helps prevent spills and keeps vapors from getting into the air.
- Store chemicals in a secure place where ~~their~~ **the** containers will not fall and spill. Use guards along the front of shelves to keep containers from falling.
- Do not store large or heavy containers on high shelves where ~~you~~ **individuals** will have to reach awkwardly to get them. ~~You could drop them and they might break or spill.~~ **The container could be dropped, or it might break or spill.**
- Do not store chemicals with acids in them near chemicals with bases. These are called incompatible chemicals. They can mix if their containers break, leak, or spill and cause a dangerous reaction.

PREVENTION

The most important rule for spills and leaks is to **ensure their** ~~prevention~~ **them in the first place**. But, if a chemical does spill or leak, ~~you should~~ first check the SDS for any special cleanup instructions. Remember that cleanup procedures may be different for different chemicals. Once ~~you know~~ the proper **clean up** instructions **are known** and ~~gather~~ the appropriate **clean up** supplies **have been gathered**, **clean it up the spill should be cleaned up immediately**. If ~~you get~~ a hazardous chemical **were to get** on ~~you're an~~ clothes, on ~~your~~ **the** skin, or in ~~your~~ **the** eyes, remove ~~the~~ affected clothing and flush ~~your~~ **the** skin or eye with water for at least 15 minutes. ~~It's~~ **It is** a good idea to have an emergency eye wash station in the establishment. Depending on the chemical, ~~you~~

individuals may also need medical help.

Always check the label and the SDS for any special storage instructions.

CHEMICAL DISPOSAL

You may be wondering, how should I throw a chemical away when I'm through using it? What to do depends upon the particular chemical. It is important to know how a chemical should be disposed of when individuals are done with the chemical. Look at the product's label and SDS for disposal instructions. Be especially careful when disposing of certain products. For example, there are some chemicals that you should never be poured down the drain or thrown into the trash. It is important to remember that chemicals could hurt people outside the shop or salon establishment, or harm the environment.

If an individual does not know the proper way to discard the chemicals you are using in the shop or salon, being used in the establishment, the Board of Barbering and Cosmetology suggests the following:

- Read and follow the disposal instructions printed on the label of the product.
- Call or check online for instruction on how to properly dispose of hazardous waste through your local business/small generator program.
- Call or check online for your county's Environmental Health Department.
- Call or check online for your local or county Hazardous Waste Department.

Contact the California Department of Toxic Substances Control for advice call (800) 728-6942 or e-mail rao@dtsc.ca.gov. Individuals should be prepared to explain what chemical you want to discard and how much of the chemical is being discarded.

DID YOU KNOW?

Hazardous waste is waste that is dangerous or potentially harmful to our health and the environment. Improper disposal of hazardous wastes can harm the health of humans, as well as animals and plant life. It can also contaminate soil and the local water supply and pollute the air.

Case Study

Now you will read a case study that reflects a real life problem you a future professional might run into when working in a shop or salon establishment. Do your best to answer the questions presented.

For answers to all questions, please refer to your exam booklet.

Case Study

One day you go into your shop's establishment's storeroom to have lunch. The table where workers eat is next to a rack of open metal shelves. On the shelves are many bottles with different chemical products. You notice three old brown bottles on one shelf that have no markings or labels, but inside there is a liquid. You wonder what it is. You also see some other bottles on a high shelf. They are big and heavy, and very close to the edge. You worry that they might fall. It's a warm day, and the storeroom is hot and stuffy. You change your mind and decide to go outdoors to eat your lunch.

What rules for chemical storage are being broken in this shop establishment?

What suggestions would you make to improve this situation?

How Can You Protection Yourself From the Chemicals You Use?

Think about equipment and methods ~~you~~ an individual can use to protect ~~yourself~~ themselves from both health and safety hazards ~~as-you~~ while working with chemicals.

You may have thought of:

- Gloves
- Respirator
- Dust mask
- Safety glasses
- Storage cabinet
- Using safer chemicals
- Apron
- Ventilation
- Goggles
- Fire extinguisher
- Training

The best way an individual can ~~to~~ protect ~~yourself~~ them self is to stop ~~your~~ the exposure to the dangerous chemicals and ~~their~~ the hazards altogether, or to reduce ~~your~~ the exposure as much as possible. Remember from our previous lessons that just because something has little or no odor does not mean it is safe.

Five Key Ways to Reduce Chemical Hazards

There are different methods to help stop or reduce exposure, usually **these methods are** grouped into five categories:

1. Avoid Harmful Chemicals
2. Isolate the Work Process
3. Use Good Ventilation
4. Work In a Safe Way
5. Use Personal Protective Equipment

1. Avoid Harmful Chemicals

First, avoid harmful chemicals by using a safer product or safer process. For example, if ~~you~~ an individual **were to** stop using nail polish with formaldehyde and use formaldehyde-free nail polish instead, ~~you~~ **they would** avoid exposing ~~yourself~~ **themselves** and ~~your~~ clients to that dangerous chemical. However, ~~you~~ **individuals** should make sure that the formaldehyde-free nail polish does not contain other harmful chemicals like toluene and dibutyl phthalate. ~~You would not want~~ **It would be pointless** to switch from using a product with one chemical to another that is just as dangerous or more dangerous than the original one. To avoid hazardous chemicals, many ~~salons and shops~~ **establishments** across America are “going green” by choosing safer products that are free from harmful chemicals. In addition to using safer products, **individuals should** look for ways to improve ~~your~~ **work** processes. For example, a safe process is using tongs or gloves instead of ~~your~~ bare hands to remove disinfected tools from the disinfectant solution. This process is required by the California Code of Regulations. Every service ~~you~~ **performed** and every product ~~you~~ **used** in the ~~shop or salon~~ **an establishment** has a different health or safety risk, so ~~you~~ **individuals** must determine which route is best for ~~you~~ **them**.

2. Isolate the Work Process

A second way to reduce chemical hazards is to isolate the work process—in other words, work away from other people. For example, you could mix developer and hair color in a separate room with good ventilation so co-workers and clients in the main service area ~~won't~~ **will not** be exposed to the fumes while they are being mixed. Another example is doing artificial nails in a separate area of the establishment to minimize exposure of vapors and dusts.

3. Use Good Ventilation

The third way to reduce chemical hazards is to use a good ventilation system. Ventilation is a system that either removes harmful chemicals from the air before ~~you~~ **individuals** can breathe them in or supplies enough fresh air to dilute the harmful chemicals in the air. There are two main types of ventilation: local exhaust ventilation and general dilution ventilation.

Local Exhaust Ventilation

Local exhaust ventilation is the most effective type of ventilation as it removes harmful chemicals from the air at the place where they are being used. It pulls chemical vapors away before they spread into the room and into ~~your~~ **the** breathing space. A local exhaust ventilation system consists of hoods, ducts, and fans to move the air, and sometimes an air cleaner.

One type of local exhaust ventilation system used in ~~salons~~ **an establishment** is the vented manicure table. These tables are used when working on a client's nails because many nail processes create chemical vapors and nail dust. Local exhaust ventilation is built into the table and protects both workers and clients. An internal fan creates suction that pulls chemical vapors and dust away from the client's hand and out through a duct. Whenever possible, a system like this should be set up to vent the vapors outdoors. It should not exhaust them back inside the establishment. Sometimes all ~~that's~~ **that is** needed is to run the duct through a window.

A special type of vented table is able to circulate the air back into the establishment safely. It contains filters that clean the air before it is re-circulated. Separate filters located under the table are used to capture vapors (charcoal filters) and nail dust (dust fibers). Both charcoal filters and dust filters must be changed on a regular basis as they can fill with vapor and dust, and then stop working.

Another example of a local exhaust ventilation system is a fume hood. This can be used when mixing chemicals as it pulls vapors away right at the point where the mixing is done. Fume hoods are sold at safety supply stores and must be installed by a health and safety professional.

Sometimes the mixing area and fume hoods are in a separate room away from the main service area, so the ~~shop or salon~~ **establishment** is using two kinds of protection—isolating the process as well as ventilation.

How ~~do you~~ **can an individual** decide where to place a local exhaust ventilation system? Here are some helpful hints:

- Place the system so it captures vapors and dust close to the point where they are produced.
- Place it so it draws the vapors and dust away from ~~you, not past your nose and mouth.~~ **clients and workers.**
- Do not place ~~your~~ **the** system near a door or where there is a lot of foot traffic because ~~people~~ **individuals** passing by can disturb the air currents and interfere with the system.
- Never place a **general-purpose** fan in a position where it blows air across ~~your~~ **the** local exhaust ventilation system as that could ruin the ability of the system to capture chemicals.
- Consult an industrial hygienist (a health and safety specialist) or a ventilation engineer before purchasing, installing, or deciding how to position a local exhaust ventilation system.

General Dilution Ventilation

~~Now let's discuss another type of ventilation—general dilution ventilation.~~ This **A general dilution ventilation** system works by bringing fresh air into a room to keep harmful substances thinned out (diluted). This method lowers the concentration of chemical vapors in the air and it is used in most ~~shops and salons~~ **establishments**. Dilution ventilation can be either mechanical or natural. A mechanical system uses fans and vents to remove stale air and supply replacement air, while a natural system provides fresh air by opening windows or doors. The natural system cannot always be used, such as when it is too cold, raining, or the windows and doors

are not placed in the right position to bring fresh air inside. Since dilution ventilation doesn't actually remove chemicals from the air, this method does not really protect ~~you~~ **individuals** against chemical hazards. ~~It's~~ **It is** only intended as a way to control temperature, humidity, and mild odors. With chemicals that are less harmful, however, dilution ventilation is better than no ventilation. Local exhaust ventilation, when it can be used, is a better way to ~~protect yourself~~ **be protected** from chemical hazards.

4. Work in a Safe Way

The fourth way to reduce chemical hazards is to work in a safe way. Working safely with chemicals means that all future professionals should follow certain guidelines, sometimes called safe work practices. ~~It's~~ **It is** a good idea for the ~~shop or salon~~ **establishment** to set up a written list of do's and don'ts for every process that uses chemicals. All licensees should then have a copy of these guidelines and understand them to protect themselves and their clients. To get you started, the Board has provided examples of some recommended safe practices guidelines ~~you~~ **individuals** may see in ~~your shop or~~ **Salons an establishment's** plan:

Chemical Storage

Do:

- Do store chemicals in their original labeled containers.
- Do close containers securely when storing them.
- Do use a fireproof metal cabinet for extremely flammable chemicals.

Don't:

- Don't store chemicals where they will be exposed to heat or sunlight.
- Don't store chemicals where containers can fall and spill.
- Don't store flammable chemicals near sparks, open flames, or other possible sources of ignition.
- Don't store chemicals near food or eating areas.
- Don't store incompatible chemicals near each other (they can react with each other if mixed).

Chemical Disposal

(Depends upon the particular chemical, but generally)

Do:

- Do check the SDS for specific disposal instructions.
- Do check with the California Department of Toxic Control substances if you have questions regarding the disposal of hazardous substances.

Don't:

- Don't pour dangerous chemicals down the sink drain.
- Don't throw dangerous chemicals in the regular trash.

Chemical Mixing

Do:

- Do set up a special area just for chemical mixing.
- Do make sure the mixing area has good ventilation.
- Do make sure the mixing area has protective equipment like aprons, gloves, and goggles or other eye protection available.
- Do make sure the mixing area has an emergency eye wash and a place nearby to wash your hands.

Don't:

- Don't mix chemicals near food or near eating areas.

Eating/Drinking

Do:

- Do have a separate area available for eating and drinking.

Don't:

- Don't eat or drink around chemicals.

Good Housekeeping

Do:

- Do keep areas where chemicals are used clean, neat, and dry.
- Do clean up all spills right away.
- Do use proper cleanup methods as listed on the SDS.
- Do keep all safety equipment in good working order.
- Do test ventilation equipment regularly to make sure it's working properly.

Work Scheduling

Space out chemical services (like perms) throughout the day so ~~you won't~~ individuals will not be exposed to the same chemical continuously. The establishment's schedule should not require anyone to do the same process all day long.

Chemical Inventory

Employers and independent contractors are required by law to have certain information about chemicals on hand:

- An inventory that lists all hazardous chemicals used in the establishment
- A SDS sheet for each hazardous chemical

Emergency Preparedness Plan

~~Your Establishments~~ should have an emergency preparedness policy plan. This policy is a plan of action to be conducted in response to an emergency event, such as a fire in a ~~the establishment~~ shop or salon. This plan should be prepared by the ~~salon or shop~~ establishment owner. The Board recommends this action plan state that every employee has a right to get information and training about the hazard at work. In fact, this training is guaranteed by law. Training should include:

- What specific hazards there are in the establishment
- How ~~people~~ individuals can protect themselves
- Where SDSs are kept and how to read them
- What health and safety rules should be followed in the establishment
- What health and safety rights workers have under the law
- Signs indicating where fire exits are located
- Notices stating evacuation procedure and assembly points

This information should be given in a way that everyone can understand. If necessary, Training Materials and classes might need to be translated into different languages. To get you started, the Board has provided an example of some recommended emergency plan guidelines you may see in ~~your shop or salons~~ an establishment's plan:

Emergency Planning

Do:

- Do keep emergency equipment in the establishment, like fire extinguishers, eye washes, and first aid kits.
- Do know what to do in an emergency. Read all directions and warnings printed on chemical products before there's an accident.
- In the event a hazardous chemical gets on an individual's skin or clothing, remove the affected clothing, flush the affected skin with water for 15 minutes, and get medical attention, if necessary, if you get a hazardous chemical on your skin or clothes
- Do check the SDS for information on handling emergencies.

Don't:

- Don't try to fight a chemical fire unless you know it is known how that chemical reacts.
- Don't try to fight a chemical fire unless you have the right kind of fire extinguisher for that chemical is available.
- Don't try to clean up a large chemical spill unless you know the proper way to clean up that chemical is known.

5. Use Personal Protective Equipment

The last of the five key ways to reduce chemical hazards is personal protective equipment. Personal protective equipment, sometimes called PPE, is any piece of equipment that is designed to protect you an individual from chemicals by placing a barrier between you the individual and the chemical. As we learned in the previous lesson, Safety Data Sheets sds tell you should be consulted to determine what kind of PPE should be used when handling the chemical product.

Unlike some of the other methods of protection, PPE doesn't remove the hazard from the shop or salon establishment—it only shields you an individual from the hazard. It is always better to get rid of the hazard altogether. Besides being less effective, some PPE can also be uncomfortable and awkward to use. While PPE is not the best way to protect yourself from chemicals, it is better than no protection at all. In many shops and salons establishments, PPE may be the only protection you have available.

You must Use the right type of gloves for the chemical you are working with. being used.

• Gloves

To protect your hands and forearms when you working with chemicals, you should use gloves specifically designed for chemicals should be used. There are different types of gloves for different chemicals, so you must use the right glove for the chemical being used. You are working with. For example, if you are working with a hair relaxer that contains sodium hydroxide, you must use gloves designed to keep out sodium hydroxide. The gloves' package should tell you indicate which chemicals the gloves are designed for. Nitrile gloves are superior to latex or vinyl in terms of protection from chemicals. They are also more resistant to punctures and tears. Keep in mind that gloves only keep chemicals out for a limited time—after that, they break down and the chemical can get through. The length of time the glove will work well is called the breakthrough time. When the breakthrough time is up, throw the gloves away and use a new pair. Look for the breakthrough time on the package or check with the manufacturer. Many gloves are designed to be disposable, so they should only be used once. Never wash or reuse disposable gloves. After use, the chemical could start to get through the glove and you might not even realize it this may go undetected, potentially causing harm. The California State Board of Barbering and Cosmetology requires licensees to dispose of gloves immediately after use. Also, always wash your hands after you've been using gloves or when you changing gloves.

Safety glasses offer the best protection against flying particles like nail fragments or nail dust.

• Goggles or Safety Glasses

To protect your the eyes area, you should wear chemical splash goggles or safety glasses. Chemical splash goggles protect against chemical splashes as they form a seal around you're the the eye area. eyes. Some types have side vents to prevent them from fogging up, but they are designed so splashing chemicals still cannot get through. Safety glasses offer the best protection against flying particles like nail fragments or nail dust. These have side shields to protect your eyes from prevent particles coming from the side, to the eye area, something prescription glasses or sunglasses do not.

To protect your skin from chemicals, you should wear a long-sleeved shirt and an apron or smock.

- **Protective Clothing**

To protect your skin from chemicals, you should wear a long-sleeved shirt and an apron or smock. If you performing nail services, long-sleeved shirts prevent acrylic dust from touching your skin and getting on your clothes. It's best to use an apron or smock made of plastic or some other liquid-resistant material that will keep chemicals off. Cloth will not do that the job since it absorbs chemicals. Remember, do not to wear a plastic apron or smock during thermal processes, as hot equipment can melt the plastic apron.

- **Dust Masks**

To protect your the nose and mouth area from dust, you should wear a dust mask. They may look like medical masks used in hospitals, but they are specifically designed to keep you individuals from inhaling particles. It is best to use a round dust mask with a metal strip that you can be adjusted to fit the bridge of your the nose. Wearing the wrong mask or a mask that does not fit or not changing the mask (when soiled) can be worse for you're-an individual's health. The best mask to protect against particles, such as acrylic powder, is a NIOSH-approved N95 mask. "N95" should be printed on the mask. Since dust masks only protect you individuals from particles, you individuals can still be exposed to chemical vapors.

To be protected yourself from chemical vapors, you should wear a NIOSH certified chemical cartridge respirator. These are masks with special cartridges in them to capture chemical vapors and clean the air as you an individual breathes. These are hardly used by licensees as they are bulky, must be individually fitted to your a person's face, you individuals must receive special training on how to use and maintain them, and a written respiratory protection program must be implemented. Even so, know that this equipment exists, should you want it.

It is best to use a round dust mask with a metal strip that you can be adjusted to fit the bridge of your the nose.

Owner Responsibility

Now that you know what protective equipment you need, how do you get them? Cal/OSHA rules say that the employer is responsible for supplying all necessary protective equipment. Employers should have it protective equipment available for all employees. Independent contractors should provide their own equipment. Employers and independent contractors can buy equipment from stores, catalogs, or websites, but make sure you test the equipment to see if it works for you. Is it comfortable? Is it practical? Employers and independent contractors should make sure that any equipment they are considering purchasing is both comfortable to the wearer and practical for use. There are many different manufacturers and companies, so find something that works for the individual using the equipment. for you. Once you do, After purchasing PPE, remember to keep an adequate supply on hand at all times. PPE may be an extra cost and unattractive or uncomfortable to wear, but your safety should be a the top priority. to both you and your employer.

Safety Fact Sheets

Safety fact sheets on common products used in the shop or salon establishment have been included in your the Training Materials file. These fact sheets will serve as a reminder on how these specific chemicals get into your the body, how your the body is affected by the exposure, what chemicals are contained in the product, and how you can an individual can protect yourself themselves from the product. Take a moment to review the fact sheets. Print the safety fact sheets out and keep them close by for so that you will have easy access for reviewing.

What's Wrong With This Picture?

The picture on the next page shows a typical work situation in a shop or salon an establishment. In the picture, there are several things wrong: There are chemical hazards and workers are not taking proper precautions. Using what you have learned, identify what is wrong in the picture, and think of what protective measures would make the situation safe.

For possible answers, please refer to your the exam booklet.

What's Wrong With This Picture?

This picture shows a typical work situation in **an establishment** ~~a shop or salon~~. In the picture, there are several things wrong: There are chemical hazards and workers are not taking proper precautions. Using what you have learned, identify what is wrong in the picture, and think of what protective measures would make the situation safe.



What's Wrong With This Picture?

This picture shows a typical work situation in a ~~shop or salon~~ **an establishment**. In the picture, there are several things wrong: There are chemical hazards and workers are not taking proper precautions. Using what you have learned, identify what is wrong in the picture, and think of what protective measures would make the situation safe.

~~Now that you know what to look out for in the shop or salon and several ways to prevent chemical injuries, let's test your knowledge.~~

Questions for Review

~~You~~ **Workers** are safe from chemical exposure as long as the **establishment** door is open. True or false?

Personal protective equipment is not the best way **for workers** to protect ~~yourself~~ **themselves** from chemicals. True or false?

Which of the following are ways to reduce chemical hazards?

- A) Use vented manicure tables
- B) Transfer chemical products to smaller bottles to limit exposure
- C) Mix chemicals in an area away from others
- D) A and C
- E) All of the above

What does "breakthrough time" refer to?

- A) The length of time it takes a fire to spread from one point to another
- B) The length of time it should take to put out a fire
- C) The length of time protective gloves will work well
- D) The length of time it takes a chemical to breakdown and produce vapor
- E) The length of time a chemical takes to absorb into your skin

~~You can use~~ **A multipurpose extinguisher can be used** to fight:

- A) Class A, B, and C fires
- B) Any fire in which water should not be used
- C) Insects and vermin
- D) Class A, B, C, and D fires
- E) All of the above

For answers to all questions, please refer to ~~your~~ **the** exam booklet.

~~This concludes our lesson on protecting yourself from hazardous chemicals. In our next lesson, we will discuss ergonomics—fitting the job to the worker—and how to prevent injuries through good establishment design, equipment, and work techniques.~~

NEXT LESSON: Identification of common ergonomic problems found in an establishment and how to reduce these problems.

Notes

Section 4

Training Materials

- 4.1 Artificial Nails Fact Sheet
- 4.2 Chemical Hair Relaxers/Straighteners/ Blow Outs Fact Sheet
- 4.3 Disinfectants Fact Sheet
- 4.4 Hair Bleaches Fact Sheet
- 4.5 Hair Color Fact Sheet
- 4.6 Manicuring Fact Sheet
- 4.7 Permanent Waving Fact Sheet
- 4.8 Shampoos and Conditioners Fact Sheet
- 4.9 Thermal Hairstyling Fact Sheet

Section 5

Ergonomics: ~~Fitting the~~ ~~Job to the Person~~

Learning Objectives

Section 5

Ergonomics – ~~Fitting the Job to the Person~~

After completing this section, ~~you~~ the future professional will be able to:

- Identify common ergonomic issues within a typical workplace.
- Explain how to reduce common ergonomic issues in the workplace.

In this lesson ~~we will discuss ergonomics, common ergonomic problems in shops and salons~~ **found in establishments**, and how to reduce these problems **will be considered**.

What is Ergonomics?

Ergonomics is a science, which looks at:

- How people **individuals** do their work
- What body movements and positions they use
- What tools and equipment they use
- What effect all these things have on their health and comfort

Licensees spend a lot of time standing, bending, reaching, and repeating the same motions all day long. These activities can cause fatigue and pain in various parts of the body. Sometimes they can even cause serious injury.

Ergonomics suggests ways to design jobs and equipment, so they are easier on the body. It can help ~~us~~ **individuals** avoid movements and positions that might cause health problems. Good ergonomic design fits the job and tools to the needs of the worker's body. Ergonomics can make work more comfortable and less likely to cause injuries to the hand, wrist, shoulder, neck, back, foot, and leg.

Employers

California Occupational Safety and Health Administration (Cal/OSHA) has an ergonomics standard that requires employers to take action to prevent repetitive motion injuries when two or more employees doing the same type of work are diagnosed with a repetitive motion injury (RMI). Every employer subject to this regulation is required to establish and implement a program designed to minimize RMIs. The program must include a worksite evaluation, control of exposures that have caused RMIs, and training of employees.

The regulation can be found in Title 8, California Code of Regulations, General Industry Safety Orders Section 5110. For details, go to: www.dir.ca.gov/dosh/dosh1.html.

Some of the solutions ~~we presented~~ in this lesson require only basic changes in how you **an individual** moves and holds your **their** body. Others may require use of different techniques, tools, or equipment, some of which may not be readily available. It is ~~your~~ **the individual's** task to find the combination of solutions that will work best for you **them** and for the ~~shop or salon~~ **establishment**.

Our bodies **The human body** may not feel symptoms right away. Some problems occur immediately, but others develop gradually over a long period.

~~We will discuss~~ **This lesson will consider** some steps you **individuals** can take to prevent pain and injury now and in the future. **Let's** **Take** a look at some target areas.

Hand, Wrist, and Shoulder

Most of the muscles that move your **an individual's** hand and fingers are actually in your **the** forearm. Tendons, which are like cords passing through your **the** wrist, connect the muscles to the hand and fingers. Using the fingers on your right hand, feel the muscles on the inside of your left forearm. Keep feeling them while you gently open and close your left hand into a fist. You should feel the muscles moving in your left forearm—these muscles move your left hand. Now, with the fingers of your right hand, feel the tendons on the inside of your left wrist. Keep feeling them as you open and close your left hand again. You should feel the tendons moving in your left wrist. These tendons are passing the movement from the forearm muscles to the hand.

When your ~~the~~ wrist is bent, your muscles also have to work harder

The Problem

Two of the hand and wrist issues that can occur are **tendinitis** and **carpal tunnel syndrome**. Tendinitis is swelling and inflammation of the tendons. When you ~~an individual~~ uses your ~~their~~ hand and wrist in certain ways, you ~~stress~~ can put ~~stress~~ on the tendons. If this stress continues over time, you ~~may develop~~ tendinitis ~~may develop~~. Tendinitis makes it painful to use your ~~the~~ hand, especially ~~when~~ to grasping things. The carpal tunnel is a tunnel in the wrist surrounded by bone and tissue. A nerve and several tendons pass through this tunnel. If you ~~have an individual has~~ tendinitis and your ~~the~~ tendons swell, there is less room in the tunnel for the nerves. When the nerves are squeezed this way, the condition is called carpal tunnel syndrome. Carpal tunnel syndrome often leads to numbness and weakness in the hand. If left untreated, it can make it very difficult to grasp things or use that ~~the~~ hand. If you ~~an individual~~ starts to feel numbness, tingling, or weakness in your ~~the~~ hand, ~~they should~~ see a doctor immediately.

There are several motions that can place stress on your ~~the~~ tendons causing tendinitis and carpal tunnel syndrome. One of the most common motions is **bending the wrist**. When you ~~bend your wrist the wrist bends~~, the tendons must bend also, causing friction and irritation. When your ~~the~~ wrist is bent, your ~~the~~ muscles also have to work harder — both to support your ~~the~~ hand and to move it. It is better if you ~~to~~ hold your ~~the~~ wrist relatively straight, as when making a fist. One easy way to tell if your ~~the~~ wrist is bent backward too much is if you ~~an individual~~ sees wrinkles appearing on the back of your ~~their~~ wrist. Another cause of stress on your ~~the~~ tendons is **frequent or forceful pinching or gripping motions**. The harder the muscles and tendons work, the more likely they are to become swollen. Additionally, **doing the same hand and wrist motion repeatedly** causes stress. If you ~~an individual were to~~ perform any motion many times without allowing the tendons to rest, ~~they can the tendon could~~ become swollen and inflamed. Lastly, **doing more than one of the above** will greatly increase the stress on your ~~the~~ tendons. For example, if you ~~an individual were to~~ both bend your ~~the~~ wrist and repeat the same motion, like when curling hair, your ~~the~~ chances of tendinitis or carpal tunnel syndrome increases.

One example of a service in an ~~establishment~~ shop or salon that makes you ~~a person~~ bend your ~~the~~ wrist is cutting and styling hair. As you ~~a person~~ cuts different sections of the hair, you ~~they~~ may hold the shears with your ~~their~~ wrist in a bent position. ~~An additional example is~~ when you ~~a person~~ holds a hair dryer at the crown or frontal area of a client's head, and you ~~the person~~ stands behind or beside the client, you ~~they~~ may bending your ~~their~~ wrist downward. This could also be the case when ~~a person usesing~~ a round brush on a client. You ~~A person~~ might use forceful pinching or gripping motions when cutting with shears that have not been lubricated properly, cutting with shears that ~~don't do not~~ fit your ~~the~~ hand well, or using a comb that ~~doesn't does not~~ glide smoothly. Repeating motions might occur if you ~~individuals~~ are cutting hair and using shears all day. If they ~~the shears~~ are dull, you ~~a person~~ will also have to cut more times to get the same work done. Combing and holding the hair while you ~~cuting~~ would be repeated with every cut as well. You ~~A person~~ may not realize that all of these motions are stressful for your ~~on the~~ body, but if you ~~do a person does~~ not stop to think about how to perform these services in a safer way, there could be effects on your ~~their~~ health and comfort.

One ~~An~~ example of a service in an ~~establishment~~ shop or salon that makes you ~~a person~~ bend your ~~the~~ wrist is cutting and styling hair.

The Solution

To prevent hand and wrist problems, you ~~can~~ get a better "fit" between your ~~the~~ body and the job by either:

- Changing how you ~~do the job the job is done~~ or
- Changing your ~~the~~ tools and equipment used

So, Using the previous example of cutting and styling hair, how can you ~~an individual~~ keep from bending your ~~their~~ wrist when you working on a client? First, adjust the height of the chair ~~should be adjusted~~ to allow your ~~the~~ wrist to be straight. Lower the chair ~~to when working~~ on the crown of the head, and raise it to work below ear level. To avoid bending your ~~the~~ wrist, the chair should be a type that goes up and down at least five inches. Next, ~~swivel~~ the chair ~~should be swiveled~~ so you ~~don't that the individual doesn't~~ have to reach over or across the client. Also, tilt the client's head ~~so you should be~~ tilted so that workers ~~don't do not~~ have to bend your ~~their~~ arms, hands, and wrists as much. In addition, you workers'

should hold the hair dryer sideways. When drying the crown or far side of the head, change your **the** grip on the hair dryer handle so you are holding the dryer **is being held** sideways or use a hair dryer with a flexible handle **should be used** so you **that workers** can bend the handle instead of your **their** wrist. Lastly, practice good hair cutting techniques **should be practiced**.

For example, instead of keeping your **the** wrist bent downward when cutting the sides, back, and front, use techniques **should be used** that allow you to keep your **the** wrist **to be kept** straight.

There are also many ways to avoid forceful pinching or gripping while cutting and styling a client's hair. First, choose shears **should be chosen** that fit your **the workers** hand. Shears come in different sizes and designs. If you have **the individual** has slender fingers, you **they** may need to use plastic rings in the finger holes so your **that the** fingers fit snugly inside **the finger hole**. The finger holes should stay near your **the** fingertips and shouldn't "ride up" toward your **the** hand. Next, check the lubrication, sharpness, and tension adjustment of your **the** shears daily to reduce the effort involved in cutting hair. As stated previously, you **individuals** should practice good hair cutting techniques, as proper position of the client's head will help reduce pinching and gripping. In addition, choose a comfortable comb **should be chosen**, one that feels well-balanced in your **the workers** hand. The comb should glide through hair with as little friction as possible. A comb with a silicone coating often glides more easily. Lastly, use tools that are ergonomically designed **should be used** as they become available.

How can you **an individual** reduce the number of repetitive motions when cutting and styling hair? When using a round brush, twirl the handle between your **the** thumb and index finger, instead of continually bending your **the** wrist. Choose **A** brush with a handle that allows you **a person** to do this comfortably **should be chosen**. Additionally, keep shears sharp. Sharp shears will allow you **an individual** to use fewer cuts to remove the same amount of hair.

~~Now that we have finished discussing hand and wrist problems using the example of cutting and styling hair,~~ Think about other hand and wrist problems you might face as a licensee **might face**. When might a manicurist bend his or her wrist? When might an esthetician use forceful pinching or gripping motions? It's better to think about these potential problems and how to avoid them before they may occur.

A wrist brace can provide support.

Shoulders

The muscles in your **the** shoulder are connected to your **the** arm by tendons. Between the shoulder tendons and the bones of the shoulder are small sacs of fluid called bursa. They help "lubricate" the shoulder so it moves easily. When you **individuals** use or move your **their** shoulders in certain ways, you **stress** can put stress on the muscles, tendons, and bursa. The result may be muscle aches, tendinitis, or bursitis.

Muscle aches in the shoulder usually are the result of overworking the shoulder. Shoulders tire easily as they are not designed for long periods of use without rest. For example, when you **a person** keeps your **their** arm raised above your **their** shoulder or at shoulder height, the muscles of your **the** shoulder and neck begin to ache after a short time. **To illustrate**, try this experiment: hold one arm at shoulder height, straight out in front of you. Notice that after just a few seconds, your shoulder muscles start to feel tired.

The Problem

Tendinitis can occur in the shoulder as well as in the hand and wrist. The **Shoulder tendons** **may** become swollen and inflamed, causing pain. Frequent stress on the shoulder can cause tendinitis. You **An individual** might get tendinitis in your **the** shoulder if you **they**:

- Often reach out or reach up
- Often hold your **their** arm up, so your **that the** elbow is above shoulder height or
- Repeat shoulder movements

Remember that the bursa are sacs filled with fluid. They are located between the tendons and bones in your **the** shoulder. When they get squeezed between the tendons and bones, the bursa can become inflamed, resulting in bursitis. Bursitis can make it painful, or even impossible, to raise your **the** arm. You **An individual** can get bursitis if you **they** often raise your **their** arm too high so that your **the** elbow is above your shoulder. ~~Did you notice that~~ Shoulder problems like muscle aches, tendinitis, and bursitis all have something in common? They can all be caused by holding your arm stretched away from your **the** body, or holding your **the** arm above shoulder height, or both. You **Individuals** are especially likely to have problems if you **they** do these things often.

Some activities in the shop or salon **establishment** that may cause shoulder problems include:

- Reaching to the crown of a client's head to cut, dry, or curl **their hair**
- Reaching across a client's body to shampoo or dry hair
- Reaching across a table to manicure **a client's hands**
- Reaching for shears and combs on the counter
- Reaching for supplies on a high shelf
- Holding heavy clippers, especially if your **the** arm is stretched out

One of the activities in the shop or salon **establishment** that may cause shoulder problems include holding heavy clippers, especially if your **the** arm is stretched out.

The Solution

To avoid shoulder problems when you working on a client, always try to keep your elbows close to your **the** body and not held too high. This way, the muscles and tendons of your **the** shoulder have better leverage and don't **do not** have to work as hard. This will also prevent the bursa from being squeezed like they **do are** when your **the** arm is raised.

To prevent shoulder problems in the shop or salon you **establishment individuals** can use some of the same guidelines we discussed to in preventing hand and wrist injuries. First, **the worker should** adjust the height of the chair when working on a client. ~~so your~~ Arms **are should be positioned** close to your **the** sides of the body. In addition, ~~swivel the~~ client's chair **should be swiveled and so that the worker can get as close to the client as possible when cutting, perming, coloring, styling, and shampooing.** You ~~should also tilt~~ The client's head **should be tilted** to a position that is comfortable for you **the worker.** Next, ~~hold your~~ Tools **should be held in a manner so you don't the worker does not** have to raise your their arms, such as gripping a hair dryer sideways when drying the crown or far side of the head. In addition, use techniques **should be used** that allows you **the worker** to keep your **their** elbows close to your **their** sides. For instance, have the client **should be extending** his or her hand toward you **the worker** when you're ~~doing a~~ manicure service **is being performed.** ~~so you don't have to reach over.~~ Finally, use an armrest or foam pad **should be utilized** when you ~~do a~~ worker is performing a manicure service. **Using an armrest or foam pad will** ~~to provide support your to the~~ arms and cushion the table's hard surface.

To avoid shoulder problems, get as close to the client as possible when cutting, perming, coloring, styling, and shampooing.

Some **P**oints to consider

When performing a service, ~~ask yourself~~ **the following questions should be considered with the intent of** ~~these questions to~~ avoiding hand, wrist, and shoulder problems:

- Is my wrist bent?
- Am I making any pinching or gripping motions?
- Am I doing any motions repeatedly?
- Am I often reaching out or reaching up?
- Is my arm held in an extended position, away from my body?
- Is my arm often raised too high, above the shoulder?

If you find yourself saying "yes" to any of these questions, think of how you **improvements** can improve **be made in your** the positions, movements, techniques, and tools **being used**. Help yourself by making **Make** a conscious effort to become aware of how to prevent ergonomic problems.

Now, let's review what we've learned so far in this lesson.

Questions for Review

Carpal tunnel syndrome is not very common among licensees. True or false?

Small sacs of fluid between the shoulder tendons and bones of the shoulder are called:

- A) Burs
- B) Nerves
- C) Bursa
- D) Carpal tunnel
- E) Muscles

Which motions can place stress on your tendons?

- A) Bending the wrist
- B) Forceful pinching
- C) Repeating motions
- D) Doing more than one of the above
- E) All of the above

For answers to all questions, please refer to your **the** exam booklet.

We **This lesson** will now focus on the neck, back, foot, and leg and how space and equipment in the shop **an establishment** can be designed to reduce ergonomic problems.

Neck and Back

Your **An individual's** spine runs from the top of your **their** neck down to your **the** lower back. It is made up of many bones called vertebrae, one below another. Between each pair of vertebrae are joints and discs. These give your **the** neck and back flexibility, so they can move. Discs are flexible because they have a substance like jelly inside.

The Problem

Bending forward or twisting your **the** body can result in neck and back problems. When you **an individual** stands in a normal posture, you **they will** have a small hollow in the back of your **their** neck and another small hollow in your back. When you **an individual** bends forward, these hollows disappear, resulting in the discs being squeezed. The discs are also squeezed when you **a person** twists your **their** body, such as when you **a person** reaches for something. As the discs are squeezed, they can press on different parts of the spine, including nerves. This can cause pain in the neck or back. It can also cause pain or numbness down the arm or leg, often called a **pinched nerve** or **sciatica**.

If you **an individual were to** spend many years bending forward or twisting your **the** body, the constant squeezing of the discs can cause the "jelly" inside a disc to leak out. If a big blob leaks out at one time, we say that the disc is **ruptured** or **herniated**. This problem can cause a lot of pain and numbness if it irritates a nerve. If it occurs in the neck, you **an individual** may feel pain or numbness down one or both of your **the** arms. If it happens in your **the** lower back, you **an individual** may feel pain or numbness in your **their** hip or leg.

To avoid back problems, work with your **the** back straight, and raise the client's chair to a height that is comfortable **height** for you and tilt the client's

head to a better position for better positioning.

The Solution

You **Individuals** may bend forward or twist your **their** body when you giving a shampoo, cutting hair (especially low on the client's head, below ear level), performing a facial, giving a pedicure, performing an electrology service or if they cannot see clearly. To avoid bending forward or twisting, the most important rule is to work with your **the** back straight. Bend at the hips instead of the waist, which is called the straight-back bend. Your **The** spine is tilted, but not bent or twisted. Find **Use** procedures that allow your **the** back to remain straight. For example, if available, use a free-standing sink to wash a client's hair. By standing behind the client, you **an individual** can reach his or her hair without twisting. Also, as mentioned earlier in the lesson, raise the client's chair to a height that is comfortable for you **to the worker** and tilt the client's head to a better position.

Although you often hear **It has been said** that sitting up is good for your **the** back, **however**, it may be difficult to do facials, manicures, or pedicures in that position. **Licensees should still** try to find some way to follow the basic rule of working with your **the** back in a straight position. To bend at the hips instead of the waist, many licensees sit at the front edge of their chair. Some chairs have a seat that tilts forward, so the chair does the bending for you **the worker**. A kneeling chair or a chair with a wedge-shaped cushion might also help. In addition, **workers should** make sure you **they** have good lighting and clear eyesight so you **they** do not have to bend over to see.

Besides bending forward or twisting, you **workers** can hurt your **their** back by reaching overhead, bending backward, or standing for long periods. These actions put extra pressure on the joints between vertebrae and can cause lower back pain. Sometimes you **an individual** may bend backward without being aware of it, such as when you reaching for supplies on a high shelf. When you **a person** stands for a long time, you **they** might unintentionally begin to "sway" or lean backward as well. Also, you **individuals** tend to bend backward when you **they** stand or walk in high-heeled shoes.

To prevent back problems caused by reaching up or bending backward, follow these guidelines:

- Bend your **the** knees slightly and pull in your **the** abdominal muscles at the "belly button" when you have to reaching up. This is called a pelvic tilt. **It will keep you from arching your back. This tilt prevents the back from arching.**
- **Place One foot should be placed** on a small stool or on a rung under the client's chair when you have to standing for long periods of time.
- Avoid high-heeled shoes.
- Stand on a foot stool or ladder when you reaching for supplies on a high shelf.
- Store **commonly used** supplies you use often on lower shelves.

Foot and Leg

As a future professional, you may have already realized that most of your time spent working on clients will mean standing on your feet most of the day.

~~Time spent working on clients will mean standing on your feet most of the day.~~ Standing on a hard floor causes pressure to build up on your heel or the "ball" of your foot.

The Problem

~~One~~ **A** foot and leg problem that licensees can get **may be prone to** is **swelling of the feet and ankles**. If you **an individual** stands still for a long period, the calf muscles aren't **are not** working hard enough to circulate the blood pumped to your **the** feet. The blood will be pumped back up the legs and your **the** feet and ankles might **may** swell. This can cause your **the** feet to ache and your shoes may feel tight. This may also develop into another problem, **varicose veins (swollen veins)**. If you **an individual** stands for a long period, you **they** have a higher risk of getting varicose veins. **Calluses and irritation** are another potential problem as pressure on any part of the foot reduces circulation. You **Individuals** can get calluses, irritation, and other problems at the "pressure point." Possible causes may be shoes with

poor arch support, hard soles, or improper fit. Wearing high-heeled shoes (higher than 1 1/2 inches) puts more pressure on your **the individuals** toes, especially if the shoes have pointed toes. Another cause can be standing on a hard floor as this causes pressure to build up on your **the** heel or the "ball" of your **the** foot.

The Solution

To prevent these foot and leg problems, follow these guidelines:

- Do not stand for a long period without taking a break and sitting down.
- Change positions frequently to **and** rotate between standing and sitting.
- Raise your feet onto a stool when you take a break. It's best if the stool is as high as your **the chair** being used so your **that the individuals** legs go out straight, but this may be uncomfortable for some people.
- Use **A** stool or moveable seat **should be used** so you **that the worker** can sit and rest your **their** feet while you working on a client's. Some seats attach to the client's chair and swivel to different positions around the client as your work **the individual works**.
- ~~Wear~~ Comfortable, rubber-soled shoes with good arch support **should be worn**. ~~They~~ This type of shoe will help spread the pressure of standing to your **the** entire foot.
- Use shock-absorbing inserts inside your **the** shoes. These **Shoe inserts** are available at many stores. They are especially important if you are **the worker** is wearing shoes with hard soles.
- Avoid shoes with high heels or pointed toes.
- Use a **cushioned** floor mat around the client's chair so you don't **to prevent having** have to stand on **a** hard floor. This way, the pressure is more evenly spread around your **the** whole foot. The mat should have sloped edges to reduce the chance of people tripping on it.
- Use support hose or compression socks to reduce swelling in your **the** legs. They will also help your legs feel less tired.

Consider using shock-absorbing insoles inside your shoes.

~~Shop or Salon~~ Establishment Design

Besides changing your **a worker's** positions and movements, the ~~shop or salon~~ **establishment** can be designed to make work easier on your **the** body. Good positions and movements are easier if space and equipment are well-designed. Good design can help prevent all the different types of injuries we've discussed in our **this** ergonomics lesson—from hand to foot and everything in between.

A well-designed manicure station.

Poor ~~Shop or Salon~~ Establishment Design

Poor design can force you **a worker** to bend, stoop, twist, and reach in awkward ways. Bad designs include:

- Workstations that are too close together. If there's **there is** too little space, you can't have **there will not be room for** roll-about tables for **keeping** supplies in your **the** work area. Then you **Which means, workers** may have to reach farther for supplies.
- Workstations (like countertops) that extend out too far from the wall. These force you **workers** to bend forward to get supplies near the back of the counter.
- Low cabinets above work surfaces. You might **Workers may** have to bend under them **the cabinet** to avoid hitting your **their** head.
- High cabinets. You might **Workers may** have to reach too high to get supplies.

Well-Designed ~~Shop or Salon~~ Establishments

Well-designed workstations and equipment allow you **workers** to keep your **their** body in good positions. They make your movements easy and convenient. They also make it possible to move around and switch between sitting and standing, so you **workers** are not in either position all day.

Here are a few ideas for good workstation design:

- Hydraulic chairs for clients should be adjustable at least five inches up and down. The foot pedal should be easy to reach and use. Very short or tall licensees workers may need an electric lift chair, which can adjust up and down as much as 12 inches.
- Stools or rolling seats should be available. These let you workers sit while you working on a clients.
- Manicure stations should have arm rests both for the client and the licensee worker. If no arm rests are available, foam pads can help support the arms and cushion them from the table's hard surface.
- Manicurists' chairs should have a seat or cushion which tilts forward toward the table. This allows you the manicurist to lean forward at the hips without bending your the spine.

Some Points to Consider

When performing a service, ask yourself the following questions to avoid neck, back, foot, and leg problems:

- Am I bending my neck and back often?
- Am I twisting?
- Am I often reaching overhead?
- Am I often bending backward?
- Does this service require standing for a long time?
- Am I swaying or leaning backward?
- Am I wearing shoes with high heels, poor arch support, hard soles, or improper fit?
- Is the floor too hard?

If you say an individual said "yes" to any of these the above-mentioned questions, consideration should be given on think-of-ways to they can improve your their position and movements so you can for the prevention of ergonomic problems.

You could Workers may benefit from doing gentle stretching exercises between clients or whenever you they have a break.

Stretching Exercises

Lastly, you could Individuals may benefit from doing gentle stretching exercises between clients or whenever you have a during scheduled breaks. Stretch your hands, wrists, shoulders, neck, back, feet, and legs to prevent them from becoming stiff or tense. Do not pull or push excessively and if you feel there is any pain or discomfort, stop immediately. On pages 10 and 11 of "Stay Healthy and Safe While giving Manicures and Pedicures: A Guide for Nail Salon Workers", found in your the Section 5 Training Materials file, you will find sample stretching exercises you can do to are provided that are designed to reduce aches and pains. In addition, there is also notice the "Work Smarter, Not Just Harder" handout provided by Cal/OSHA. Keep These resources should be kept easily accessible for future use as a licensee. and ask your medical professional for advice if needed.

Now, let's Practice recognizing ergonomic problems that may be found in an the shop or salon establishment. Find what is wrong in this picture:

Hopefully you future professionals noticed:

- The licensee is not sitting up with her back straight.
- The licensee's arm is not cushioned from the hard table surface.
- The lamp is not properly positioned to light the work area.

Now, can you list what improvements have been made?

- The licensee raised the client's hand instead of bending forward.

- The licensee is not bending her head or neck forward.
- The licensee's arm is cushioned from the table's hard surface.
- The lamp is properly positioned to light the work area. good job.

~~Now, let's review the lesson.~~

Questions for Review

Sitting for a long period is better than standing. True or false?

To prevent neck and back injuries, the most important rule is to work with ~~your~~ **the back in a straight position**. True or false?

~~The shop or salon~~ **establishment** can be designed to make work easier on ~~your~~ **a worker's** body. True or false?

Which of the following is not a reason ~~you~~ **a worker** should use procedures that allow ~~your~~ **their** back to remain straight:

- A) Constant moving can squeeze the discs in your back and cause a rupture
- B) ~~Your~~ **The** spine is naturally straight and should remain that way
- C) Extra pressure on the joints between vertebrae and can cause lower back pain
- D) Squeezed disc can cause a pinched nerve
- E) A and C

Why are high-heeled shoes not recommended?

- A) They can cause ~~you~~ **the wearer** to bend backward
- B) They put extra pressure on ~~your~~ **the** toes
- C) They can cause calluses and irritation
- D) They can cause back problems
- E) All of the above

For answers to all questions, please refer to ~~your~~ **the** exam booklet.

~~This concludes our the lesson on ergonomics. Many hand, wrist, shoulder, neck, back, foot, and leg problems in the shop or salon~~ **an establishment** can be prevented by good **employing a thoughtful workstation** design, **using well-fitted** equipment, and **by practicing safe** work techniques. ~~in our next lesson, we will discuss communicable diseases in the shop or salon.~~

NEXT LESSON: How communicable diseases spread and how individuals can protect themselves from exposure.

Notes

Section 5

Training Materials

5.1 Work smarter, Not Just Harder Poster

5.2 Stay Healthy and Safe While giving Manicures and Pedicures

section 6

Communicable Diseases

Learning Objectives

Section 6

Communicable Diseases

After completing this section, ~~you~~ **the future professional** will be able to:

- Describe how communicable diseases spread.
- Identify some specific communicable diseases that could be spread in the workplace.
- Explain how ~~you~~ **an individual** can protect ~~yourself~~ **themselves** against diseases at work.

This lesson on health and safety will focus on communicable diseases. As a **Licensees**, you will be working with people constantly. ~~We will look at some~~ **Today's lessons focuses on** specific diseases that you **a future professional** might ~~may~~ be exposed to on the job and how the exposure might occur. ~~We will also~~ **Suggestions will be provided** ~~some on~~ ways you can **to** protect yourself **oneself**. Let's get started.

What is a Communicable Disease?

A **communicable disease** is a contagious illness that is spread from person to person or from animals to people. There are several kinds of organisms that cause communicable diseases: bacteria, viruses, parasites, and fungi.

~~You can be infected~~ **Infection may occur** if:

- There is a harmful organism present (bacteria, virus, parasite, or fungus) in large enough numbers,
- The organism gets into your **the** body, or
- Your **The** immune system is unable to fight off the organism (you usually have **there is** a lowered resistance to infection when you **individuals** are already sick or when you are **they are** under stress).

How Does **an Individual** Contract a Communicable Disease?

There are several ways organisms can get into your **the** body. One way is **through the air**. You may breathe **For example, breathing** air that has been contaminated by an infected person. ~~For example,~~ **Many** respiratory diseases can be spread through the air when an infected person coughs, sneezes, or spits. Some examples of these diseases are the common cold, chicken pox, measles, tuberculosis, and whooping cough.

Another way **a communicable disease may be contracted** is **through water or food**. ~~You may~~ **Individuals may** swallow water or food that has been contaminated by ~~someone's stool~~ **feces**. Many harmful organisms live in the intestine and leave the body in the stool. For example, ~~stool~~ **feces** may contain bacteria or viruses that cause diarrhea. The organisms in ~~a stool~~ **feces** can be spread if someone goes to the bathroom, does not wash their hands, and then handles food. Some diseases spread this way are salmonella, hepatitis **A**, and polio.

Additionally, a harmful organism can get into your **the** body **through an insect or animal bite**. Many insects and animals like mice or rats can transmit disease organisms **s** through their bite. Insects and animals that do this are called vectors. ~~Examples you have probably heard of are~~ **include** malaria or Zika— infections **that are** carried by mosquitoes.

Another way is **through direct contact**. Organisms on the skin can spread if an infected person touches someone else. Examples include lice, ringworm, and colds. Colds may be spread by direct contact with someone's saliva or runny nose. This could occur if someone does not wash their hands after blowing their nose and then shakes your ~~another person's~~ hand. You **They** may then rub your **their** eye or bite your **their** nails, allowing their **the** disease organisms to enter your ~~their~~ body. Touching contaminated objects like used tissues can also spread colds.

Lastly, a few diseases can be transmitted **through contact with blood or bodily fluids of an infected person**. These diseases include HIV/AIDS, hepatitis B, and hepatitis C—~~we will discuss~~ these diseases **will be discussed** in the second half of this lesson.

Many respiratory diseases can be spread through the air when an infected person coughs, sneezes, or spits.

Am I at Risk?

It is important to note that a licensee **future professional** is at no greater risk of getting communicable diseases than the general population. Nevertheless, as a licensee **future professional** you have a special responsibility because you **if precautions are not taken a future professional** could also pass your own diseases along to a client. For example, if you ~~have the future professional has~~ a cold sore and touches it and then touches your **a** client, you **they** could infect the client with a disease like herpes. **Individuals should not go to class or work if they are not feeling well or if they are suffering**

~~from symptoms. If you are not feeling well or are suffering from symptoms, you should not go to work. Care should be exercised to protect oneself and clients by seeing a doctor before returning to classes or work. Protect yourself and your clients by seeing a doctor and recovering before returning.~~

Purulent conjunctivitis (pink eye).

Head lice.

SAFETY PRECAUTIONS

The California State Board of Barbering and Cosmetology has health and safety regulations to prevent the spread of diseases and infection. Section 984 of the California Code of regulations states that establishments are prohibited from knowingly allowing a licensee afflicted with an infection or parasitic infestation capable of being transmitted to a client to serve clients in the establishment. At the same time, licensees are prohibited to service a person with an infectious or parasitic disease.

Examples of infections or parasitic infestations where you **future professionals** should not work or serve a client include, but are not limited to, the following:

- Cold, influenza, or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever.
- Streptococcal pharyngitis (strep throat) until 24 hours after treatment has been initiated and 24 hours after resolution of fever.
- Purulent conjunctivitis (pink eye) until examined by a physician or other licensed clinician and approved for return to work.
- Pertussis (whooping cough) until five days of antibiotic therapy has been completed.
- Varicella (chicken pox) until the sixth day after onset of rash or sooner if all lesions have dried and crusted.
- Mumps until nine days after onset of parotid gland swelling.
- Tuberculosis until a local health department authority states that the individual is noninfectious.
- Impetigo (bacterial skin infection) until 24 hours after treatment has begun.
- Head lice until the morning after first treatment.
- Scabies until after treatment has been completed.

Please note that blood-borne diseases such as HIV/AIDS, hepatitis B, and hepatitis C are not considered infectious or communicable diseases for the purpose of this section by the Board.

In addition, the Board prohibits licensees from performing services upon a surface of the skin or scalp where such skin is inflamed, broken, or where a skin infection or eruption is present. Furthermore, a licensee is prohibited from performing services if the skin of his or her hands is inflamed, broken, or where a skin infection or eruption is present, without wearing gloves. The Board's mission is to protect consumers, but these regulations protect licensees as well.

Hand washing may be the single most important act to help stop the spread of infection.

Hand Washing

~~Besides ensuring that you and your clients are in good health before performing services, there is another precaution to take—washing your hands.~~ Hand washing may be the single most important act to help stop the spread of infection and stay healthy. Think of it like a "do-it-yourself" vaccine. The Centers for Disease Control (CDC) and Prevention recommends you wash your hands:

- Before, during, and after preparing food
- Before eating
- Before and after caring for someone who is sick
- Before and after treating a cut or wound

- After using the toilet
- After changing diapers or cleaning up a child who has used the toilet
- After blowing your nose, coughing, or sneezing
- After touching an animal, animal feed, or animal waste
- After handling pet food or treats
- After touching garbage

The Board requires every licensee performing services to thoroughly wash his or her hands with soap and water or any equally effective alcohol-based hand-cleaning product immediately before serving each client. Alcohol-based hand sanitizers can quickly reduce the number of microbes on hands in some situations, but sanitizers do not eliminate all types of germs and are not as effective when hands are visibly dirty or greasy. Washing hands with soap and water is the best way to reduce the number of microbes on them in most situations.

While you **individuals** may already know **that** washing your **their** hands is important, many people do not know how to effectively wash their hands. First, wet your hands with clean, running water. Turn off the tap and apply soap. Lather your hands by rubbing them together with soap. **Be sure to** Lather the backs of your **of the** hands, between your **the** fingers, and under your **the** nails. Scrub your hands for at least 20 seconds. Rinse your hands well under clean, running water. Dry your hands using a new, clean paper towel or air-dry them. Let's **Take** a moment and view the CDC's video on proper handwashing procedures: www.cdc.gov/handwashing/.

Immunizations

Another way to protect yourself in the shop or salon environment is to make sure you are up to date with your immunizations. Vaccinations are available for the measles, mumps, rubella, tetanus, diphtheria, pertussis (whooping cough), varicella (chicken pox), influenza, human papillomavirus, hepatitis A and B, meningococcal (meningitis), and pneumonia. **Receiving and keeping up-to-date with immunizations may help preserve a healthy establishment environment.** However, not all vaccines are recommended for all people; **medical professionals should be consulted** to determine which vaccines are best to protect you as you **workers and the clients they serve.** your clients.

Proper Disinfection of Tools

One of the best ways to prevent diseases from spreading in the shop or salon **establishment** is by properly disinfecting tools that have been used on a client. This is required by the Board. To disinfect non-electrical items, such as hair brushes, nail clippers, or tweezers, first remove all visible debris. Next, wash the tools with soap or detergent and water, and rinse with clean water. Dry the tools with a new, clean paper towel then immerse the tools completely in an EPA-registered disinfectant used according to manufacturer's instructions. Use a properly mixed disinfectant that has demonstrated bacterial, virucidal, and fungicidal activity. Dry the tools with a new, clean paper towel and store them in a clean, covered place **that is** labeled "clean" or "disinfected."

Any tools or items that cannot be disinfected, such as emery boards, wax sticks, cotton balls, and neck strips must be disposed of immediately after use. Used linens, such as towels, sheets, and gowns, must be placed in a closed container and washed before use on another client. After you **using** electrical equipment on a client, **clean it must be disinfected** with an EPA-registered disinfectant proven to kill bacteria, fungi, and viruses (the label should tell you). Always follow the manufacturer's instructions for cleaning equipment. For additional information, refer to the Barbering and Cosmetology Act and its rules and regulations on disinfection for additional information at www.barbercosmo.ca.gov.

In the Training Materials file, you will find the handout "Communicable Diseases in the Workplace." This chart shows a quick summary of common diseases or health problems **that may be found** in shop or salon **an establishment.** how they are spread, and how to prevent them. Look over the chart in your spare time and keep it somewhere you can easily **accessible for future reference** in the future. It may also

Use the "Communicable Diseases in the Workplace" chart to help you answer questions in the next activity.

Case Studies

Now you will read a few **Read the following** case studies that reflect "real life" problems you **workers** might run into when working in **an establishment** a shop or salon. Do your best to **Answer** the questions presented regarding communicable diseases.

For answers to all questions, please refer to your **the** exam booklet.

Case Study #1

There is an outbreak of lice in your community. You are working as a barber. Your shop **establishment's** policy is to check each child's hair for evidence of lice before working on it. A client brings in his seven-year-old son for a haircut. As you inspect the child's hair, you see white specks close to the scalp. You suspect that they might be lice eggs (nits).

How could you get lice in this situation?

How could you protect yourself?

What should you say to your client?

Case Study #2

You are working in a salon doing facials. a client requests a facial. You notice that she has a cold sore around the corner of her mouth. It looks cracked and you think that it might drain during the facial.

How could you get lice in this situation?

How could you protect yourself?

What should you say to your client?

Case Study #3

You are working on a client in the summertime. You notice that he has red, scaly patches shaped like rings on his scalp. You also notice these rings on his face and neck.

What disease could you get by touching the scaly patches with your bare hands?

What should you say to your client?

What should you do to protect yourself after the client leaves?

Case Study #4

When one of your favorite clients is making an appointment, he mentions that he has a bad cold but desperately needs his hair cut and style for an important job interview.

How could you get a cold from this client?

How could you protect yourself?

What should you say to your client?

When **Individuals** working in a ~~or salon~~ **an establishment**, **should** be aware of potential symptoms of communicable diseases **that** clients may have. Although you ~~are~~ **future professionals are** not a doctor and cannot diagnose a disease or illness, if you **they** notice symptoms, you **they will** want to **take steps to** ensure that your **the** client's **health as well as their own is not put at risk**, and your health ~~are not at risk~~. Do **Workers should** not be afraid to refuse service if necessary.

This concludes the first part of our **the** lesson on communicable diseases. As you ~~have learned~~, it is possible to protect yourself from exposure to many diseases at work. Washing your hands before and after serving a client, properly disinfecting your tools, and refusing to work on clients when you ~~or the~~ client has a communicable disease will help prevent infection.

Now, let's review what you've learned so far.

Questions for Review

The Board of Barbering and cosmetology prohibits licensees infected with HIV/AIDS from providing services in a ~~shop or salon~~ **establishment**. True or false?

Bacteria, viruses, parasites, and fungi cause communicable diseases. True or false?

Washing your hands is not as important as disinfecting your tools. True or false?

How can organisms get into your body?

- A) Through water or food
- B) Through direct contact
- C) Through an insect or animal bite
- D) Through the air
- E) All of the above

For answers to all questions, please refer to your **the** exam booklet.

Now we will discuss some very serious communicable diseases—HIV/AIDS, hepatitis B, and hepatitis C. You **Future professionals** have a much greater chance of getting these diseases off the job than in the workplace, but you ~~should~~ **however, future professionals should** still learn what they are, how they spread, and how to protect yourself. **themselves**.

As a future professional, it is possible, but not too likely, ~~for you~~ to be exposed to these diseases at work as they are spread by blood. When you use sharp instruments like razors, clippers, or tweezers, they might puncture a client's skin and then accidentally puncture yours. Alternatively, if the client has one of these diseases, their blood can enter your body through an open wound, cut, sore, or skin rash.

Clients also face a risk of infection. If equipment in the ~~shop or salon~~ **establishment** is not properly disinfected, it can pass disease organisms from one client to another.

What Are HIV and AIDS?

HIV, the human immunodeficiency virus, causes AIDS. This virus is transmitted through blood and other body fluids. AIDS stands for acquired immune deficiency syndrome. "Acquired" means that you **individuals** are not born with the disease, you **they** get it from other people (you **they** "acquire" it). Immune deficiency means that the disease damages your **the** body's immune system, ~~so it doesn't work as well~~ **which slows down or prevents the body from healing itself**. Without a healthy immune system, you **individuals** have trouble fighting off all kinds of organisms that can make you **them** sick.

Syndrome means that it is not a single disease. AIDS is a collection of different illnesses. When your **the** immune system is damaged, many different organisms can infect your **the** body.

Health Risks

People with AIDS get many diseases because of their weakened immune system. These infections are often called "opportunistic" because they take advantage of a person's weak immune system, and they can cause devastating illnesses. The most common opportunistic disease among people with AIDS in the United States is pneumocystis carinii pneumonia. Sometimes called PCP; this is a very rare form of pneumonia. Fungus causes this disease that results in inflammation and fluid buildup in the lungs. Other common diseases, infections, and cancers people with AIDS get are:

- Tuberculosis – a bacterial infection that can sometimes cause severe lung damage
- Kaposi's sarcoma – a rare form of skin cancer that produces purple spots (lesions) on the skin
- AIDS dementia – a nervous system disorder that can cause loss of memory and physical coordination
- Cryptosporidiosis – an infection that causes severe diarrhea
- Candidiasis – a severe yeast infection in both men and women; in the vagina, throat, or lungs

Treatment

While there are medications for people living with HIV/AIDS, people still die from the infections or cancers their immune system cannot fight. Currently, there is not a vaccine to prevent HIV/AIDS. There is no cure either. This is why it is important to protect yourself and prevent spreading the virus.

The only body fluids that spread HIV/AIDS are blood, semen, vaginal fluid, breast milk, and any body fluid that contains blood. Body fluids that do not spread HIV/AIDS are saliva, sweat, tears, nasal secretions, and vomit.

How does the HIV/AIDS virus spread?

The kinds of contact among people that can spread the AIDS virus include:

- Sexual contact with an infected person (vaginal intercourse, anal sex, or oral sex)
- Sharing needles and syringes with an infected person (such as during drug use)
- From an infected mother to her baby during pregnancy, in childbirth, or through breast milk
- Being stuck with an HIV-contaminated needle or sharp object

You **Individuals** cannot get HIV/AIDS from any kind of casual contact with another person. You **Individuals** cannot get HIV/AIDS through the air, shaking hands, eating together, sharing items (like books, paper, pens, or phones), sharing the bathroom, or getting insect bites.

Despite common misbeliefs, anyone can get HIV/AIDS. The majority of people with HIV/AIDS were infected from sexual contact with an infected partner. To protect yourself **oneself** from getting HIV/AIDS in your **their** personal life, use a latex condom **should be used** for any kind of sexual contact and ~~do not inject~~ **injectable** drugs **should not be used**. A condom is more effective against HIV/AIDS and other disease if it is used with a spermicide. If you **a use a lubricant is used** with the **a** condom, use a water- based lubricant as an oil-based lubricant like petroleum jelly can damage the condom.

Symptoms of HIV Infection Include:

- Fatigue
- Night sweats
- Fever
- Chills
- Weight loss
- Oral thrush (white creamy patches in the mouth)
- Enlarged lymph nodes (in the neck, armpits, or groin)

How Can I Find Out if I am Infected?

To know if you **an individual is** are infected with the AIDS virus, ~~you can get a blood test~~ **needs to be performed**. ~~Your~~ Blood produces antibodies to fight off foreign substances that enter the body, like viruses. So, if HIV gets into ~~your~~ **a person's** bloodstream, a specific antibody is produced. The antibody test looks for this particular antibody in ~~the~~ **your** blood to know if you are **and indicates if a person is** infected with AIDS. The HIV antibody test may not be positive right after you are exposed **exposure**. ~~You~~ **The body will** usually produce antibodies within three months, but sometimes it **can** takes up to six months. As soon as you **an individual's body** begins to produce antibodies, ~~you will~~ **the test will register as** positive. However, remember, even then, ~~you~~ **an individual** may not have any symptoms of HIV/AIDS. Symptoms may not show up until years later.

For information about testing and counseling, call:

- ~~Your doctor~~ **A medical professional**
- ~~Your~~ **The** local Public Health Department
- An AIDS service organization
- ~~Your~~ **The** local Red Cross chapter
- The northern California AIDS Hotline: toll-free (800) For- AIDS
- The southern California AIDS Hotline: toll-free (800) 922- AIDS

~~Your~~ **Personal Rights**

~~You~~ **Individuals** have a right to keep ~~your~~ **their** test results confidential. ~~You~~ **They** do not have to tell anyone, not even ~~your~~ **their** employer. It is important to know that ~~you~~ **a worker** cannot be fired from ~~your~~ **their** job if ~~you~~ **just because they tested** positive for HIV. People with HIV/AIDs are protected from job discrimination under state and federal law.

Symptoms of HIV Infection-include

- Fatigue
- Night sweats
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Handle all sharp instruments carefully and wear protective gloves.

Blood Exposure Prevention

To prevent infection and ~~protect yourself from~~ **reduce** blood exposure at work, follow these guidelines:

- Handle all sharp instruments carefully (razors, nail clippers, etc.).
- Use a puncture-proof container when ~~you~~ **throwing** away sharp objects like razor blades.
- Disinfect tools, equipment, and surfaces if they get blood on them.

- Disinfect all tools after they are used on clients, even if you see no **visible blood is present**.
- Wash your hands before and after contact with each client.
- If a client bleeds, hand the client a cotton ball to stop the bleeding. Have the client dispose of it rather than doing so yourself.
- If you get someone's blood on your skin, immediately wash with soap and water. Lather for at least 10 seconds, then rinse.
- If you have sores, scratches, cuts, or broken skin (from dermatitis), wear protective gloves.

Standard Precautions

The U.S. Public Health service says that all U.S. workers must follow certain guidelines if they might come into contact with blood or body fluids on the job. These guidelines are called standard Precautions. U.S. Department of Labor occupational safety and Health administration (OSHA) has similar rules. These agencies say that to protect yourself you must treat all blood and bodily fluids containing blood as if you know they are infected. in other words, there's no need to decide if a client or co-worker might have HIV/AIDS, or to take different precautions with different people. if you treat all blood as if it is infected, you protect yourself all the time.

For more information on HIV/AIDS, go to www.HIV.gov.

The Board recommends the following procedures if blood exposure occurs:

Client injury

1. Stop the service.
2. The worker should put gloves on their hands.
3. If appropriate, assist the client to the sink and rinse the injured area under running water.
4. Pat the injured area dry using a new, clean paper towel.
5. Offer the client antiseptic and an adhesive bandage for the injured area.
6. Place all single-use, disposable items in a bag and place in the trash container.
7. Remove all tools from the work station, then properly clean and disinfect the tools.
8. Clean and disinfect the work station.
9. Remove the used gloves from hands and dispose of them.
10. Wash hands.
11. Return to the service.

Future Professional Injury

1. Stop the service.
2. Explain the situation to the client and excuse him- or herself.
3. If appropriate, rinse the injured area under running water.
4. Pat the injured area dry using a new, clean paper towel.
5. Apply antiseptic and an adhesive bandage to the injured area.
6. Put gloves on hands.
7. Place all single-use, disposable items in a bag and place in the trash container.
8. Remove all tools from the work station, then properly clean and disinfect the tools.
9. Clean and disinfect the work station.
10. Remove gloves from hands and dispose.
11. Wash hands.
12. Return to the service

What is Hepatitis?

Hepatitis is an inflammation of the liver. Hepatitis can be caused by many different things—viruses, bacteria, drugs, or chemicals. When it's **it is** caused by viruses or bacteria, it's **it is** called infectious hepatitis. There are several different types of infectious hepatitis. Hepatitis A, B, and C are the most common. Hepatitis A was mentioned earlier in our discussion of diseases **that** spread through contaminated water or food, but it can also be spread from direct contact. Hepatitis B and hepatitis C, however, are spread through an infected person's blood or body fluids.

How is Hepatitis Contracted?

Hepatitis B and hepatitis C are caused by two different viruses. Although each can cause similar symptoms, such as fever, fatigue, loss of appetite, nausea, vomiting, dark urine, abdominal pain, and jaundice (the eyes and skin turn yellow), they have different modes of transmission and treatments. It is possible to have both hepatitis B and C infections at the same time.

Hepatitis B

Hepatitis B is the most common infectious hepatitis worldwide. It is caused by a virus that grows in liver cells. The hepatitis B virus is sometimes called HBV. When the virus inflames the liver, the condition is called acute hepatitis B. Most people get better after an acute hepatitis B infection, but for some, the disease can develop into chronic hepatitis B. This can eventually lead to cirrhosis (hardening of the liver) and liver cancer. HBV is spread in the same body fluids as HIV (blood, semen, vaginal fluid, and breast milk); however, it can also be spread in saliva. The best way to prevent HBV is to be vaccinated.

Hepatitis C

Hepatitis C is the most common infectious hepatitis in the United States. Hepatitis C is spread through contact with contaminated blood, most commonly through shared needles used with drugs. **While uncommon**, the disease can also be sexually transmitted or **passed** from a mother with the virus **to a child while** giving birth, ~~but these routes of transmission are not as common.~~ Hepatitis C also tends to be chronic. The hepatitis C virus is sometimes called HCV. Currently, there is no vaccine for HCV.

While it may take months before people infected with the hepatitis B and C virus to start to show symptoms, for some people ~~they never occur at all~~ **symptoms never show up**. They become carriers, meaning **you individuals** can get the disease from them. ~~but you cannot tell that they are infected by looking at them.~~ **If the carrier is not experiencing symptoms they may not even realize they have the disease and that they are passing the disease to someone else. might not even be aware themselves.**

The hepatitis B virus and hepatitis C virus are more common than HIV/AIDS and much easier to get. The hepatitis B virus and hepatitis C virus are greater risks to licensees as they are much sturdier viruses. The hepatitis B virus can survive outside the body for seven days, even if it dries out and the hepatitis C virus can survive outside the body at room temperature for up to three weeks. That is why it is very important to disinfect tools, equipment, and surfaces especially if ~~you get blood~~ **gets** on them.

Treatment

There are many medications available to treat chronic hepatitis B and C, but prevention is very important. Since the hepatitis B virus and hepatitis C virus are spread in the same ways as HIV, **workers should** take the same precautions in the **establishment** ~~shop or salon~~. For example, handle sharp instruments carefully and dispose of them in puncture-proof containers. Disinfect tools properly after use. **Workers should wash your hands** before and after **you having** contact with a clients. ~~Wash off any~~ **Visible blood should be immediately washed off** and wear gloves **should be worn** if you have **workers or clients have** cuts or sores.

If ~~you do~~ a worker does happen to get stuck by a razor or other sharp tools that might be contaminated with blood, ~~you~~ they should do all of the following:

- Wash ~~your~~ the wound immediately and thoroughly with soap and water
- Report the incident to ~~your~~ a supervisor or employer
- Write down the name and contact information for the person whose blood ~~you had contact with~~ was contacted
- Get medical treatment

Cal/OSHA website.

Cal/OSHA Requirements

In California, Cal/OSHA has rules on occupational exposure to Bloodborne Pathogens (Section 5193 of the California Code of Regulations, Title 8, General Industry Safety Orders). These rules are designed to protect workers against diseases that are spread by blood. They cover all workers who “reasonably anticipate” contact with blood or other potentially infectious materials on the job. Most of those directly affected are health-care and public safety workers, but the rules may also cover ~~future professionals~~ employees working in an establishment ~~a shop or salon~~.

Cal/OSHA considers job exposure to blood to mean someone’s blood getting into ~~your~~ someone else’s blood through skin contact, through mucous membranes (in ~~your~~ the eyes, nose, or mouth), or through a sharp instrument. For ~~you~~ an employee to be covered by the blood-borne disease rule, this the exposure must occur while ~~you~~ they are performing ~~your~~ their job duties.

Because ~~barbers and cosmetologists~~ employees working in the Barbering and Beauty industry have some chance of blood exposure on the job, it is possible that they are covered by the rules. It is the employer’s responsibility, not OSHA’s or Cal/OSHA’s, to determine if employees are covered. Employers can call the Cal/OSHA Consultation service to ask whether the Bloodborne Pathogen rules apply to their workers employees.

~~Workers~~ Employees who feel that they are being exposed to blood and are not properly protected have a right to file a Cal/OSHA complaint. Remember that if ~~you are a~~ (Future professionals ~~student or~~ and independent contractors, ~~you are~~ not covered by Cal/OSHA as they are not considered employees).

Cal/OSHA’s Bloodborne Pathogen rules say employers must:

- **Establish a written exposure control plan** that identifies who has exposure to blood and how to reduce the danger.
- **Update the plan annually** to reflect changes in tasks, procedures, and positions that affect occupational exposure, and also technological changes that eliminate or reduce occupational exposure.
- **Implement the use of universal precautions** that everyone in the ~~shop or salon~~ establishment must follow to treat all blood as if it could be infected.
- **Identify and use engineering controls** to isolate or remove the danger of exposure to blood. For example, puncture-proof boxes should be available to dispose of contaminated sharp instruments like razors.
- **Identify and ensure the use of work practice controls** so workers perform their jobs safely with a low possibility of exposure.
- **Provide and maintain personal protective equipment** such as gloves, gowns, eye protection, and masks whenever exposure to blood is likely.
- **Make available hepatitis B vaccinations** to all workers with occupational exposure.
- **Make available free, confidential post-exposure medical evaluation and follow up** to any occupationally exposed workers who experience an exposure incident.
- **Use labels and signs** to communicate hazards on containers containing blood, waste, and sharps.
- **Provide information and training** about Cal/OSHA’s Bloodborne Pathogen rules, infectious bloodborne diseases, safe

work practices, and what to do if exposed to blood on the job.

- **Maintain worker medical and training records** and a sharps injury log.

Cal/OSHA requires your employers to give you **employees** a free medical evaluation and follow-up after you **if they** have **had** any blood exposure. This process should be confidential. The employer should send you **the employee** to a medical professional who will:

- Investigate and document how the exposure occurred
- Identify the person whose blood you **were the employee was** exposed to
- Test that person for disease (with his or her consent)
- Test you **the employees** (with your **employee** consent) to see if a viral infection occurred
- Give you **Provide** immediate treatment when needed, including the hepatitis B vaccine or other medications
- Give you **Provide** counseling
- Evaluate any illness you **the employee** reports in the future that might be related to the exposure

As with all Cal/OSHA regulations, employers can be cited and fined if they do not follow these rules. For more information about the Bloodborne Pathogens, go to Cal/OSHA's website at www.dir.ca.gov/title8/5193.html.

Now, let's review everything we learned in today's lesson.

Questions for Review

~~You~~ **Workers** only need to disinfect ~~your~~ **their** tools if ~~you~~ **they** cut a client. Otherwise, ~~you~~ **they** can **just** use soap and water. True or false?

Hepatitis B cannot be spread through saliva. True or false?

The hepatitis B virus is easier to get than HIV/AIDS. True or false?

Which of the following body fluids spreads HIV/AIDS?

- A) Tears and blood
- B) Saliva and sweat
- C) Vaginal fluid and nasal secretions
- D) Breast milk and semen
- E) C and D

For answers to all questions, please refer to your **the** exam booklet.

~~This concludes our lesson on communicable diseases.~~ It is important to remember that most tasks done by licensees do not expose you **an individual** to blood. Therefore, the chance of getting exposed to HIV/AIDS, hepatitis B, and hepatitis C in the ~~shop or salon~~ **an establishment** is very low. If you take all of the precautions that we **have been** discussed today **in this lesson are utilized**, you **an individual** will **be protected** yourself quite well against exposure.

NEXT LESSON: Health and safety rights, agencies that oversee these rights, and important laws and regulations that protect licensees.

Notes

Section 6

Training Materials

6.1 Diseases in the Workplace Chart

section 7

Health and Safety Laws And Agencies

Learning Objectives

Section 7

Health and Safety Laws and Agencies

After completing this section, ~~you~~ the future professional will be able to:

- List several state and federal agencies that oversee health and safety in the workplace.
- Explain how these agencies and laws protect ~~you~~ workers.
- Use these laws and the agencies that enforce them to solve specific health and safety problems at work.

This lesson is about your **an worker's** health and safety rights. We will look at the many agencies that regulate health and safety in **shops and salons an establishment**. This topic is complicated because health and safety rights and regulations are different for owners, employees, and independent contractors (self-employed licensees who rent their stations). Laws and regulations can be important tools to use in solving health and safety problems. ~~But, as you will see~~ **However**, there are some gaps in protection—areas where there are no laws or regulations.

First, we will look at legal rights and regulations, what they mean, and where they come from. The second half of the lesson will focus on how various laws and agencies can help solve some specific health and safety problems in the ~~shop or salon~~ **establishment**.

~~What Are My~~ Rights as an Employee?

~~If you are an~~ **Employees**, some **have** important legal rights. **Which include:** ~~you have include:~~

- Your **The** workplace is required to be safe.
- You **Employees** must be given information about the chemicals you **they** work with and training on how to work safely.
- You **Employee's** may file a complaint with the California Occupational Safety and Health Administration (Cal/OSHA) (the agency that enforces workplace health and safety laws) or the California Board of Barbering and Cosmetology and have your **the** workplace inspected.

[FDA website.](#)

~~What Agencies~~ **That** Regulate Health and Safety?

From our previous lessons ~~and your knowledge, can you think of~~ **list some** agencies that regulate health and safety in ~~shops and salons?~~ **an establishment**.

You may have thought of: **Possible answers may include:**

- **U.S. Food and Drug Administration**
- **U.S. Department of Labor Occupational Safety and Health Administration**
- **Cal/OSHA**
- **California State Board of Barbering and Cosmetology**
- **Department of Industrial Relations**

[FDA safety tip sheet about hair dyes and relaxers.](#)

The U.S. Food and Drug Administration

The **U.S. Food and Drug administration (FDA)** is responsible for regulating cosmetic products, like those used in establishments and at home. However, the FDA does not make sure every cosmetic is safe before it is marketed. The FDA cannot force cosmetic manufacturers to prove that their products are safe before putting them on the market. If manufacturers have not conducted safety tests, they must simply put a warning label on the product that states "Warning: The Safety of This Product Has Not Been Determined." However, ~~you may have noticed from experience that~~ most products do not have this warning. This does not mean that all products without this warning have been tested. The FDA does not have the power to check up on a manufacturer's claim that safety testing was done, so the FDA has to take the manufacturer's word for it.

In addition, the FDA does not routinely test products on its own. Of the hundreds of possibly harmful chemicals used in ~~chemicals~~ **products**, the FDA has conducted tests on only a small number. The FDA usually decides to test a product only after receiving consumer complaints. Therefore, it is very important that people using a ~~products~~ **products** report problems not only to the manufacturer, but also directly to the FDA.

As a future professional, it is important to remember the FDA is primarily concerned with public and consumer safety, not worker safety. When safety testing is done by a manufacturer or the FDA, they are looking at whether or not the product is dangerous to consumers, not licensees. While a chemical found to be hazardous to consumers will also be hazardous to licensees using it on their jobs, a chemical found to be relatively safe for consumers may not be safe for licensees who use it repeatedly over time.

Once the FDA finds out a product contains harmful chemicals, it can take steps to remove it from the market. The FDA has the power to take action against a product if:

- It is adulterated, that is, it contains an ingredient that will harm users under normal conditions of use
- It is misbranded, that is, the label includes information that is false or misleading.

If the FDA decides that a cosmetic is either adulterated or misbranded, it can request that the manufacturer voluntarily take it off the market. In special cases, the FDA can ban the use of a substance that is proven to cause serious illness or disease, like cancer. For example, in 2006, the FDA restricted the use of lash/brow dyes and tints (including vegetables tints) as they have been known to cause serious eye injuries. The FDA maintains that there are no approved lash/brow tints that can be used in the eye area. The FDA has issued an "import alert" as a means to intercept products intended for tinting lashes and brows.

The FDA does not require all products used in the shop **the establishment** to be labeled with their ingredients. "Professional use" products are not covered by the Fair Packaging and Labeling act. This law, enforced by the FDA, requires most cosmetics sold in retail establishments to contain a list of ingredients on their labels. However, professional use products sold for use only in shops or salons **barbering and beauty establishments** are not required to have ingredient labels. This exemption makes it very difficult for both licensees and consumers to know what is in those products. For more information, visit www.fda.gov/cosmetics.

The U.S. Department of Labor Occupational Safety and Health Administration

The **Occupational Safety and Health Administration (OSHA)** is the federal agency responsible for making sure that the workplace is safe. In 1970, Congress passed the Federal Occupational Safety and Health Act. This law is designed to prevent worker injuries and illnesses caused by the job. It **says states** that every employee has the right to work in a workplace free of health and safety hazards.

The Occupational Safety and Health Act **set up instituted** OSHA. OSHA issues health and safety regulations, which are called standards. These require employers to:

- Limit worker exposure to certain chemicals
- Give workers health and safety training
- Have safety equipment, like respirators and ventilation systems, where necessary
- Reduce fire and electrical hazards
- Keep records of job-related injuries and illnesses
- Take many other steps to make the workplace safe

States are allowed to run their own OSHA programs if they choose. However, the state standards must be at least as strong as the standards set nationwide by **the** federal OSHA. California has its own OSHA program called Cal/OSHA, which protects California workers. If employers do not follow Cal/OSHA standards that apply to them, they are breaking the law.

Occupational safety and Health administration (OSHA) website.

Cal/OSHA

Cal/OSHA standards that apply to licensees and many other occupations are called **general industry safety orders**, and are found in Title 8 of the California Code of Regulations.

Cal/OSHA covers almost all workers in the state, no matter what job they do. There are a few exceptions, like people who work for the federal government. State and local government workers are covered. Cal/OSHA also does not cover independent contractors. Independent contractors are self-employed licensees. They are not considered "employees" as defined by the State Labor Code, so Cal/OSHA does not cover them. However, determining whether a person is an employee or an independent contractor can be tricky.

Worker Status – Independent Contractor or Employee?

Which category a person falls into usually depends on how much control he or she has over their work. Some factors to consider are who assigns the work, who sets the hours, and who supplies the products and materials. If the **salon establishment** owner has control over these matters, then the licensee **worker** is probably considered an employee under the law and is covered by Cal/OSHA. This is true even if there is a signed contract indicating that he or she is an independent contractor. ~~In a case like this, the licensee is probably covered by Cal/OSHA.~~

Employers must provide workers with training about the hazardous chemicals in the workplace.

EMPLOYER RESPONSIBILITIES

Employers are legally responsible for providing a safe and healthful workplace under state and federal law. The employer must comply with all health and safety standards. Cal/OSHA can order the employer to correct hazardous conditions and can fine the employer for not following the standards.

Employee Training

Employers must provide workers with training about the hazardous chemicals in the workplace. Training should include:

- How to read a Safety Data Sheet (SDS)
- Possible health hazards of the chemicals used in the workplace
- How to use specific chemicals safely and **how employees can** protect **yourself themselves** from their **chemical** hazards
- Retraining when **you employees** begin to use a new hazardous chemical

Most hazardous chemical products must be clearly labeled with their name, their ingredients, and a warning about their possible health and safety risks. However, since cosmetic products are regulated by the FDA, cosmetics are not covered by this Cal/OSHA labeling requirement. Remember the FDA requires labeling of only some cosmetic products, not those intended for "professional use" only.

Form 300

Upon request, the employer must provide workers **employees** with records of work-related injuries and illnesses, results of tests done to monitor chemicals in the workplace, and copies of their own employee medical records. If you **an employee** works in a shop **an establishment** with more than 10 employees, Cal/OSHA requires **your the** employer to keep a written record of all work-related injuries and illnesses. This record is called Form 300. ~~You~~ **Employees** have the right to see and copy all Form 300s for the past five years. Also, a summary of the information on the Form 300 must be posted in the workplace in a visible location. These requirements are found in **sections 14300–14400** of the California Code of Regulations, Title 8. ~~shops~~ **establishments** with 10 or fewer employees are not required to fill out Form 300. For more information on Form 300, visit www.dir.ca.gov/dosh/.

Records Request

Your **Employers** must allow you **employees** to see and copy any workplace monitoring records, which include:

- Tests the employer has done to measure the amount of chemicals in the air
- Medical tests the employer has given to see how much of a toxic chemical has been absorbed into your **the employee's** body

You **Employees** also have the right to observe these tests when they are done. These requirements are found in **section 3204** of the California Code of Regulations, Title 8, General Industry Safety Orders. Your **Employers** must allow you **employees** to see and copy your own company medical records, which includes:

- Information from medical questionnaires or histories conducted by your **the** employer
- Results of medical examinations conducted or requested by your **the** employer
- Any medical opinion or diagnosis
- Information on medical treatments

These requirements are found in **Section 3204** of the California Code of Regulations, Title 8, General Industry Safety Orders.

Illness Prevention Program

California employers must have a written plan for preventing worker injuries and illnesses. Since 1991, Cal/OSHA has required every California employer to have an effective Injury and Illness Prevention Program (IIPP). It must be in writing and available to workers. These requirements are found in **Section 3203** of the California Code of Regulations, Title 8, General Industry Safety Orders. Employers must:

- Identify who is responsible for health and safety in the workplace
- Set up a system to communicate with all workers about health and safety
- Identify and evaluate all workplace hazards, using such methods as regular inspections
- Find methods to correct unsafe work practices and conditions
- Provide health and safety training using language workers can understand
- Set up a process to investigate accidents and illnesses
- Encourage workers to report hazards on the job without fear of firing or discrimination

What Can I Do?

When you see what you **If an employee observes** believe is an unsafe condition at work, you **the employee** can complain to Cal/OSHA. To file a Cal/OSHA complaint, you can call any **one** of their offices. Be specific and detailed. **The employee should** describe the specific task, equipment, or chemicals causing concern. Even if you don't know **it is unclear as to** whether a Cal/OSHA standard or regulation is actually being violated, you **employees** still have the right to make a complaint. Cal/OSHA ~~won't~~ **will not** give out your **the complainant's** name to anyone unless you **they** say they may do so. For more information, see Cal/OSHA's fact sheet, Health and Safety Rights: *Facts for California Workers*, located in the **Training** Materials Training file or online at: <http://dir.ca.gov/dosh/documents/health-and-safety-rights-for-workers.pdf>.

Cal/OSHA has many offices located throughout the state. For the phone numbers of your **a** local office, go to www.dir.ca.gov/dosh/districtoffices.htm.

Be sure to **Check out** the Cal/OSHA fact sheet, *Working Safely in the Nail Salons* located in the **Training** Materials Training file or online at www.dir.ca.gov/dosh/dosh_publications/nail-salon-safety-fs.pdf.

INDEPENDENT CONTRACTORS

If you are an **Independent contractor** and not covered by Cal/OSHA, **However**, there is still a lot you **an independent**

contractor can do to protect ~~your own~~ **their** health and safety on the job. Just because you **independent contractors** are considered self-employed and cannot rely on an **employers** or Cal/OSHA to protect you **for protection**, it does not mean you **they** shouldn't do everything in your **their** power to protect **themselves** yourself. You **Independent contractors** should find out what chemicals are in the products you **they** work with by getting SDSs from the manufacturers. You **They** can also draw up a plan for protecting yourself **themselves** from health and safety hazards. If there are several independent contractors in your ~~salon~~ **the establishment**, you **they** can work together to develop an IIPP that will protect everyone. IIPPs are a good idea for independent contractors, but they are not legally required as they are for **owners and employers**. To get ideas on how to construct an IIPP, you ~~will want to~~ visit Cal/OSHA's website. Cal/OSHA has provided a guide on how to develop your ~~own~~ **a** IIPP complete with checklists and self-inspection sheets to make the process simple. Go to: www.dir.ca.gov/dosh/dosh_publications/iipp.html.

California State Board of Barbering and Cosmetology The California State Board of Barbering and Cosmetology's primary responsibility is to protect the consumers who use your professional **barbering and beauty** services. To do that, the Board has set standards for each service. For example, it requires that all equipment be disinfected. The Board's examination tests your **a candidate's** ability to meet these standards to perform services without harming the client. However, the Board also sees the need for you **future professionals and licensees** to learn about the dangers you **that** may face **d** when using chemicals on clients. At the request of the Board, California law requires that the Board examination includes questions about harmful substances used on your **the** job. In the end, both you **workers** and the client are better protected from the harmful effects of chemicals. The Board also has a regulation that coincides with an agency already mentioned—the FDA. As we mentioned earlier, the FDA has restricted the use of lash/brow tints and dyes. So, as of January 1, 2015, schools may teach brow and lash tinting, but there are not currently any products on the market that can be used in California. Section 989 of the California Code of Regulations states, "No establishment or school shall use a product in a manner that is disapproved by the FDA, occupational safety and Health administration or EPA." So, until product manufacturers develop a tint that the FDA deems safe for use, no lash/brow tinting services should be performed by cosmetologists.

~~Now, let's review some main points from the lesson.~~

Questions for Review

Cal/OSHA helps both employees and employers. True or false?

The FDA and Board of Barbering and Cosmetology are primarily concerned with protecting worker safety. True or false?

What does it mean if a product is adulterated?

- A) It can be used by adults (ages 18 and over) only.
- B) It contains an ingredient that will harm users under normal conditions of use.
- C) The FDA has tested it and found it causes diseases.
- D) B and C
- E) All of the above

Which of the following statements about Cal/OSHA is false?

- A) They have two ventilation standards that apply to ventilation systems in ~~shop and salons~~ **establishments**.
- B) They require employers to keep a written record of all work-related injuries and illnesses.
- C) They protect employees and independent contractors.
- D) Their standards must be at least as strong as the standards set nationwide by federal OSHA.
- E) They cover almost all workers in the state, no matter what job they do.

Upon request, the employer must provide workers with:

- A) Records of work-related injuries and illnesses
- B) Copies of their own employee medical records
- C) Copies of employees' medical records
- D) All of the above
- E) A and B

For answers to all questions, please refer to your the exam booklet.

Our **This** lesson so far has given you **future professionals** a lot of information about health and safety laws and agencies. Now, let's use your new **this** knowledge and apply it to a real-life problem you **a worker** may face when working as a licensee in an establishment. Try your best to answer the questions below. As you will see, correcting health and safety problems can require many different strategies. There are several ways to approach these questions, and there are no "right" answers. Often, the laws and regulations are limited, or they have gaps or loopholes. However, in spite of these problems, the law does provide some very important protection. It can be a vital tool for you **workers** to use in making sure that your **the** workplace is safe.

Case Studies

Now you will **Read a few the following** case studies that reflect "real-life" problems you might run **that may be encountered** into when working in a ~~shop or salon~~ **an establishment**. Do your best to answer the questions presented.

For answers to all questions, please refer to your **the** exam booklet.

Case Study #1

You are concerned that other licensees in your ~~shop~~ **establishment** are not disinfecting their instruments properly.

Which agency could you turn to for help? What can that agency do?

Case Study #2

You think that a particular cosmetic product used in your ~~shop~~ **the establishment** might be causing skin irritation among clients and co-workers. You wonder if consumers have ever reported problems with the product.

Which agency could you turn to for help? What can that agency do?

Case Study #3

You have been working in a large salon for several years. Recently you have developed asthma and wonder if it could be related to something you're **you are** doing at work. You want to find out if any other employees in that salon have had similar problems in the past.

Under the law, what record can you get that might give you this information?

What is another way you could find out?

Case Study #4

You want to find out about the possible health effects of a new brand of hairspray you have recently begun using at work.

An SDS for this product should be available in your workplace. What is a SDS? What will it tell you?

Case Study #5

You have asked for a SDS. Your employer has it, but refuses to give it to you.

What regulation covers this problem?

How can you get your employer to give you the SDS? Which agency could you turn to for help?

Case Study #6

You want information on your employer's plan for preventing health and safety problems.

Under the law, where can you get this information? What does your employer's plan have to include?

Case Study #7

You are a sales **an establishment** owner and you want to provide your employees with the safest and healthiest work environment you can. However, you are not sure how to improve working conditions and comply with Cal/ OSHA standards.

Which agency can you turn to for help? What help can you get there?

~~This concludes our lesson on Health and Safety Laws and agencies. We learned how to use the law to solve problems in the shop. As we discussed, the law has limitations and is not always the best way to solve problems. Our next lesson will teach you how to investigate whether your workplace is safe and how to solve safety problems.~~

NEXT LESSON: Workplace Safety and Solving Safety Problems.

Notes

Section 7

Training Materials

7.1 Health and Safety Rights: Facts for California Workers

7.2 Health and Safety Agency Acronyms Word Search

section 8

Solving Health and Safety Problems

Learning Objectives

Section 8

Solving Health and Safety Problems

After completing this section, ~~you~~ **the future professional** will be able to:

- Describe how to use health surveys and workplace inspections to investigate health and safety hazards.
- ~~• Choose the most important hazards to correct in a typical workplace.~~
- Develop an action plan to correct hazards.
- Identify resource groups and organizations that are available for assistance.

In This lesson we will discuss protecting your clients from consumer harm, how to discover possible health and safety problems in the workplace and preventative measures that can be used by the future professional to prevent workplace harm to themselves and to their clients. how to solve them. Let's get started.

In previous lessons, we discussed several different ways to get information about chemicals and other health and safety hazards on your the job were considered. For example, we learned: future professionals learned:

- You can To use Safety Data sheets (SDSs) to find out about the chemicals you work with being used.
- You can Employees can request injury and illness records from your employers to learn about what problems you and your co-workers have had.
- When your an employer tests for chemicals in the air at work, employees have the right to know the results. You can Employees can use them to find out the amount of how much their chemical exposure you've had.

We will look for information in some new ways. In this lesson, We the future professional will see what we can be find found out about a workers' health by using a health survey and what you can find out about information can be obtained from a typical workplace by doing your own a non-official health and safety inspection.

The Health Survey

The first method to find what symptoms and health complaints you and your co-workers have that might be job-related is the health survey. When you want to learn more learning about the hazards on your the job, the survey is an important part of your the detective work. You can Use a survey form (like the one provided in the Training Materials file) to collect information about health problems or symptoms that you and your co-workers may have. Some of these problems might be related to work. The survey can sometimes give you individuals clues about what's what is causing them.

What is a Health Survey?

A health survey is usually a questionnaire that asks people individuals to answer specific questions about their health. You can use A survey can be used to find out about one particular problem or to get an overview of all the health problems that people individuals have are experiencing. The health survey in the Training Materials file is very thorough. You The future professional might want to use a shorter version in your own their workplace. Many different types of health surveys have been developed by unions, employers, and health and safety groups.

How Do I Use It? Using the Health Survey

When you do performing a health survey, it is best if everyone in the workplace fills out a copy of the questionnaire. The more complete the information, the better the chance you can an individual has at figuring out the reasons for any problems that show up.

The survey results can help identify the hazards that exist in your the workplace. For example, on the survey, do manicurists report frequent sneezing, coughing, or sore throats? Could chemicals in nail products be the cause? Are people getting skin rashes, which seem to be related to the chemicals they use? Has anyone developed allergies that might come from chemical vapors? See if people who do the same work report the same problems. For example, are many licensees who do perms getting skin rashes on their hands? If many people have the same symptoms, it is probably not an individual problem. It could be related to something they all have in common—their work. See if licensees say their symptoms are worse at work and clear up when they go home or if the symptoms are worse when they do certain tasks at work. These can be further clues that the problem is job-related.

The Follow-Up Plan

After you conducting a health survey, you need a follow-up plan may be created. First, make sure that you go over the review the results of the survey with each licensee worker who filled out the form. If licensees workers are told what problems are found, they may be able to take steps to protect themselves. Next, decide on a strategy for action. The

following questions may need to be considered:

Will you go to your employer with the problems that you found?

Will you form a health and safety committee to deal with the hazards in your workplace?

Will you call the California Occupational Safety and Health Administration (Cal/OSHA)?

Whichever approach you is chosen, efforts should be used to try to get as many co-workers as possible to join in.

We won't have time to fill out the health survey form in the Training Materials file, but look it over when you have spare time.

The Workplace Inspection

The other important method of detective work is the workplace inspection. You can Workers should conduct their own inspection to identify health and safety hazards. This is sometimes called a walkaround workplace inspection, since you an worker walks around the workplace looking at different areas of the establishment and look at different areas. It's a good idea to use a checklist during this a workplace inspection to be reminded you about of the possible hazards that may exist. to look for.

It's It is best to do your a workplace inspection at a time when licensees workers are actually working. This allows you to see what for potential hazards to be seen when there are when licensees are working, and using typical equipment, tools, and materials. In addition to filling out the checklist, take notes should be taken during the inspection to help you with remembering the details of the inspection. You might even want to take some Taking photos or drawing a diagram of the different work processes and maps showing the locations of possible hazards may be helpful. It can also be extremely useful to talk to co-workers as you do during the inspection, as they may be able to tell you provide information about other problems that are not covered on your the checklist. You want Try to get as much information as possible.

In your the Training Materials file you can find a copy of the a Workplace Inspection Checklist has been provided. The checklist has seven sections that deal with different types of hazards and an eighth section where you workers can list any hazards or problems you that may be found find that do not fit anywhere else on the checklist. In your spare time, Practice conducting a health and safety inspection of your school's clinic area to become familiarize yourself familiar with the checklist. and what to look for. Try to Spend some time on every section of the checklist during your the inspection, even though you may not answer every question may not be answered as some questions may not apply to your the school being inspected.

Now that we have This section has introduced discussed two methods to gather information in the shop or salon establishment about health and safety hazards, we will discuss the Health Survey and the Workplace Inspection. Now let's consider how to develop an action plan to correct these hazards.

The Action Plan

An action plan should include these steps:

1. Identify the hazards
2. Choose which problems to work on first
3. Get more information about the hazards
4. Figure out short-term and long-term goals
5. Involve your co-workers
6. Document the problems
7. Find out what steps have already been taken
8. Decide how to get changes made
9. Set a time limit for fixing the problems

10. Determine what obstacles there are to solving the problems

11. Find ways to overcome the obstacles

The first step of an action plan is to **identify the hazards**. How can you **the worker** find out what they are? We just learned about two ways to find hazards: **This can be accomplished by** conducting a health survey among your co-workers **the workers** and **by** doing your own **a** workplace inspection.

The second step in an action plan is to **choose which problems to work on first**. When you look **looking** for hazards in your **a** workplace, you are **it is quite** likely to **an individual many** find many problems that should be fixed. Since you can't **no one can** tackle everything at once, you need to set priorities **must be set**. Some hazards may be very important, while others are not so important. When choosing which problem to work on, you should **consideration should be given to** several factors. Try to **Choose** a problem that:

- People care about the most
- Everyone agrees is important
- Affects the most people
- Causes the most serious hazard(s)
- Is fairly easy and inexpensive to solve

The third step is to **get more information about the hazards**. As you have learned **discussed** in previous lessons, you **individuals** can get information by reading the Safety Data sheets (sdss), using the internet, and asking health and safety resource groups for help.

The fourth step is to **figure out short-term and long-term goals**. Sometimes the best solutions to a problem are not possible right away as they may require major changes in the workplace or they may be too expensive. You **Individuals** may need to separate your **their** solutions into short-term goals and long-term goals. Maybe, you could fix the problem temporarily and then fix it permanently later.

The fifth step is to **involve your the co-workers**. It's **It is** usually easier to solve problems when you **individuals** work as a group. In addition, solving one or two problems may get people enthusiastic and excited, which may make it easier to get their help in solving other problems later.

The sixth step is to **document the problems** you found. Get all your **the** records together: health survey results, inspection results, and information on products used in the shop **establishment**. The **establishment** owner may be able to help you **workers** gather some of this information.

The seventh step is to **find out what steps have already been taken**. You would **Do** not want to waste your time if the owner is already aware of the problems and **is** in the process of fixing them. Ask the owner if anything is already being done to correct the hazards.

The eighth step is to **decide how to get changes made**. **Along** with your co-workers, decide what needs to be done and how to make it happen. Set realistic goals and try to get everyone to agree on the plan so everyone will be committed to it.

The ninth step is to **set a time limit for fixing the problems**. Include a schedule in your **the** plan, showing when you want **the** different hazards **are** to be corrected. Setting a schedule **that** allows everyone involved to manage the time it takes to fix the problems. Once you have completed the steps thus far, you may want to present your **the** plan in a meeting with the whole staff, including the **establishment** owner.

Next, the 10th step is to **determine what obstacles there are to solving the problems**. The establishment owner and your **the** workers may be unwilling to make changes for various reasons, such as high costs and resistance to changing their work processes. Recognizing these obstacles will help you in your **in the completing the** next step.

If the owner or your co-workers respond to your **the** action plan with reluctance about the changes, you need to follow the 11th step and **find ways to overcome the obstacles**. This step is not always straightforward and may require you to try several different tactics. For example, if the **establishment** owner ~~doesn't~~ **does not** believe the health problems you found are work-related, point out that several people who work in the same area of the salon **establishment** and who do the same work have experienced the same problems. You could also **R**esearch the chemicals used in the different processes to see if they can cause the particular health problems that people have **reported**. Also, point out that Cal/OSHA may require the **establishment** owner to fix the problems anyway if someone files a complaint. If you **When** facing resistance from co-workers, remind them of the health problems they may face if they don't **do not** correct the hazards and protect themselves. Be creative and think of many ideas to get your **the** changes made.

Case Study

Now you will **Read a the following** case study that reflects a "real life" problem you might run into **that may be experienced** when working in an **establishment** shop or salon. Do your best to answer the questions presented.

For answers to all questions, please refer to your **the** exam booklet.

Case Study #1

You and some co-workers at a full-service salon named Kool Kuts did a health survey of your co-workers and a workplace inspection to find out what problems exist. From the health survey completed by eight workers (six licensees, one receptionist, and one owner), you found:

- Seven reported regular headaches and shortness of breath.
- Six reported shortness of breath.
- Five reported rashes or other skin problems.
- Four reported allergies.
- Three reported shoulder or back pain.

From the inspection, you found:

- Emergency phone numbers are not posted.
- There is only one fire extinguisher.
- Large, heavy containers are stored on high shelves.
- There is poor air circulation in the workplace.
- The air has a chemical smell.
- There are no vented manicure tables.
- There is no ventilation system.
- No protective gloves are available for use when licensees work with chemicals.
- No safety Data sheets (SDSs) are available.
- There are no cushioned mats for workers to stand on.

Based on these results, what two hazards would you choose to work on first?

Why did you choose these two particular hazards?

What changes would you need to make to correct the two hazards? What would be your short-term and long-term goals?

Now that you have decided on your goals, what would you do to get the two hazards corrected?

What obstacles are there to getting changes made?

What would you say to the **establishment** owner when she claims she doesn't have more information about product ingredients?

How could you convince the **establishment** owner that people's health problems might be work-related?

How would you respond to the **establishment** owner's concern about money?

What would you say to your co-workers who don't want to wear gloves?

The self-inspection checklist is currently available in multiple languages on the Board's website.

Where Can I Go for Help?

If you **an individual** needs help with any step of an action plan, locate the "Resource Agencies and Materials" handout in the Training Materials. There are various groups and public agencies listed that can help you **do with** research on hazards and **help** figure out effective solutions. There are also many groups, agencies, and organizations not listed—do your research and find one that best fits your needs.

Cal/OSHA can **give you provide** information on health and safety laws that might apply to your problems in the workplace. If you think the **establishment** owner is violating a health and safety regulation or standard, you can make a complaint to Cal/OSHA (for example, if the owner refuses to provide SDSs). The **establishment** owner can also get help from Cal/OSHA's Consultation service for advice if he or she decides to improve conditions.

The California State Board of Barbering and Cosmetology has several resources on its website about its regulations and how to stay in compliance. For health and safety tips, look on the Board's website for the CASafeSalon button for information on chemical safety, client protection, infection protection, workers' rights, and recourses for a safe, healthy salon.

In fact, the Board has a self-inspection worksheet that can be very helpful for future professionals and licensees. Conducting occasional self-inspections will help you remain in compliance with the Board's regulations and the laws of California. The checklist is currently available in multiple languages on the Board's website www.barbercosmo.ca.gov under "Forms/Publications."

For instance, click on the red "**CASafeSalon**" button on the home page at www.barbercosmo.ca.gov and click on "**Salon Sense**". Scroll to the self-inspection worksheet. This worksheet was designed to be used to make sure establishments and workspace areas are violation free. Future professionals will want to print a copy and keep it close by, so that they can always feel comfortable when visited by a Board inspector. For information on what to expect during the inspection process, the Board has an informational brochure that can be printed out that covers the inspection process from A to Z. In addition, the Board has provided a list of the most commonly cited violations and how to avoid being cited for these violations. Future professionals will want to take a moment to review this important information.

Now let's review everything you've learned in this lesson.

Questions for Review

Only licensees **workers** should fill out a health survey because they are the ones who use the chemicals. True or false?

It's **It is** best to do your inspection at a time when licensees aren't **workers are not** working so you're **are** not in the way. True or false?

Which of the following steps of an action plan is in the correct order?

- A) Identify the hazards, set a time limit for fixing the problems, decide how to get changes made.
- B) Document the problems, determine the obstacles, figure out short-term goals.
- C) Conduct a survey, find out what steps have been taken, choose which problem to work on.
- D) Get more information about the hazards, figure out short-term and long-term goals, involve your co-workers.
- E) B and C

What should you do if the establishment owner and your co-workers do not want to fix the health and safety hazards?

- A) Consult health and safety agencies for advice.
- B) Report the owner to Cal/OSHA.
- C) Remind co-workers of health problems that could be caused by hazards.
- D) Keep thinking of new ways to convince them.
- E) All of the above.

For answers to all questions, please refer to your the exam booklet.

The steps you take to solve problems will be similar to what we've just discussed, no matter which particular risks you face in your shop or salon. **Keep in mind**, if you have **there is** a health and safety problem at work, you'll **workers will** need an action plan. Remember that an action plan has several different steps. Try to remember them and follow them at your **the** job to make working conditions safer and healthier for everyone. Remember, work together with your co-workers to establish a safe, healthy shop or salon **establishment environment**.

NEXT LESSON: Understanding Your Workers' Rights and Responsibilities

Notes

Section 8

Training Materials

8.1 Health Survey

8.2 Workplace Inspection Checklist

8.3 Resource Agencies and Materials Informational Sheet

(Adapted from the Cal/OSHA *Guide to Developing Your Workplace Injury and Illness Prevention Program*, 2011)

1. Posting

Yes No

- ☐ Are emergency telephone numbers posted where they can be found quickly if needed?
- ☐ Are there clear signs marking exits from the building?
- ☐ Is the employer's Summary of Occupational Injuries and Illness (Cal/OSHA Log 300) posted?
- ☐ Is a written list of proper, safe work practices for all tasks done in the ~~shop~~ **establishment** either posted or circulated to employees?
- ☐ Is the California State Board of Barbering and Cosmetology's Consumer Notice posted in the reception area?
- ☐ Is the Department of Industrial Relations' Workplace Posting for All California Barbering and Cosmetology Licensees posted in the establishment?

2. Fire Protection

Yes No

- ☐ Does the ~~shop~~ **establishment** have a fire prevention plan?
- ☐ Does the ~~shop~~ **establishment** have a plan to fight fires and to evacuate in an emergency?
- ☐ Does everyone understand these plans?
- ☐ Are there fire drills?
- ☐ Are all exits kept free of obstructions?
- ☐ Are there enough exits to permit everyone to escape promptly?
- ☐ Are there enough fire extinguishers in convenient locations?
- ☐ Are the correct fire extinguishers available for the types of materials that could catch on fire?

Note: The common types are:

Class A: Ordinary combustible materials

Class B: Flammable liquid, gas, or grease

Class C: Electrical equipment

Class ABC: All-purpose

- ☐ Are employees trained in the use of fire extinguishers?
- ☐ Are flammable and combustible chemicals kept away from flames, sparks, and hot objects?

- ___ Is smoking prohibited around flammable and combustible chemicals?
- ___ Are there enough outlets for all the electrical equipment, so the system isn't overloaded?

3. General Environment

Yes

No

- ☐ Is the workplace kept clean and orderly?
- ☐ Are floors and work surfaces kept clean and dry?
- ☐ Are spilled liquids cleaned up immediately?
- ☐ Are hand washing stations available?
- ☐ Is there enough space to work, or is the work area small and cramped?
- ☐ Is the indoor temperature comfortable?
- ☐ Is there adequate lighting?
- ☐ Are electrical appliances, such as stationary hair dryers, grounded to prevent shocks?
- ☐ Are electrical equipment and cords kept in good condition so they ~~won't~~ **will not** cause a shock or fire?
- ☐ Are hot or sharp objects kept out of the way so people ~~won't~~ **will not** accidentally touch them?
- ☐ Is the ~~shop~~ **establishment** free of tripping hazards, like stools, equipment, cords, or wires?
- ☐ Is the ~~shop~~ **establishment** free of earthquake hazards, like shelves or cabinets that could fall over?
- ☐ Are workers under stress because of workload, overtime, or other pressure?

4. Ventilation

Yes

No

- ☐ Is there enough fresh air in the workplace?
- ☐ Is there a ventilation system?
- ☐ Is a vented table used for manicures?
- ☐ Are all ventilation systems working?
- ☐ Have the ventilation systems been inspected in the past year?
- ☐ Are repairs on the ventilation systems done promptly?

5. Hazardous Chemicals

Yes No

- ☐ Is there a Safety Data Sheet (SDS) readily available for each chemical product used in the ~~shop~~ establishment?
- ☐ Is there an employee training program on chemical hazards?
- ☐ Has the air in the ~~shop~~ establishment ever been tested for chemicals?
- ☐ If yes, were the amounts found considered safe?
- ☐ Are chemicals stored and mixed away from eating areas?
- ☐ Are chemicals mixed in an area separate from the main work area?
- ☐ Are chemical bottles and containers closed securely when not in use?
- ☐ Are chemical containers kept out of the way so people won't ~~will not~~ accidentally knock them over?
- ☐ Are chemicals stored in a cool, dry, well-ventilated place?
- ☐ Are incompatible chemicals stored away from each other?
- ☐ Are chemicals disposed of properly (for most chemicals, not down the drain)?
- ☐ Do people avoid eating and drinking around chemicals?

6. Protective and Safety Equipment

Yes No

- ☐ Are safety glasses provided to protect eyes from nail clippings?
- ☐ Are splash goggles available to protect eyes during chemical mixing?
- ☐ Are there eye wash stations in case chemicals get in to someone's eyes?
- ☐ Are dust masks available to manicurists, so they won't breathe dust when filing nails?
- ☐ Are surgical masks available to offer to clients who are coughing?
- ☐ Are protective gloves of the right type available to anyone who handles chemicals?
- ☐ Are protective gloves available to use to avoid exposure to a communicable disease?
- ☐ Are aprons and long-sleeve lab coats available to protect people's clothing and arms from chemicals?
- ☐ Are there enough well-stocked first aids kits in the ~~shop or salon~~ establishment?
- ☐ Do workers know CPR?

7. Ergonomic Hazards

Yes No

- ☐ Are cushioned mats available for ~~licensees~~ **workers** to stand on while working on clients?
- ☐ Are client chairs adjustable so workers have easy access to the client?
- ☐ Does the ~~shop~~ **establishment** have a good selection of shears and combs in different sizes so they "fit" each worker?
- ☐ Are all the shears kept sharp?
- ☐ Are portable carts available so workers can keep their tools with them and avoid reaching?
- ☐ Are stools and rolling seats available, so ~~licensees~~ **workers** can sit while they work?
- ☐ Have workers been trained in proper blending, reaching, and lifting techniques?

8. Other Observations

Use this space to list any other problems or hazards you find during the inspection.

1. Background Information

Age _____ Female _____ Male _____

Occupation _____

How long have you worked in that occupation? _____

How long have you worked on your present job? _____

Job Description _____

2. Musculoskeletal System

Do you often get any of the following?
(Check all that apply)

- ☐ Backache
- ☐ Shoulder ache
- ☐ Neck pain
- ☐ Arm pain
- ☐ Wrist pain
- ☐ Tendinitis

When does the problem occur? (At work?
After work? When you do a particular task?)

Do you often get any of the following?
(Check all that apply)

- ☐ Arthritis
- ☐ Bursitis
- ☐ Numbness of fingers
- ☐ Pain in hand or fingers
- ☐ Leg pain
- ☐ Foot pain
- ☐ Foot calluses

When does the problem occur? (At work?
After work? When you do a particular task?)

3. Respiratory Tract

Do you often get any of the following?
(Check all that apply)

- ☐ Colds
- ☐ Sore throat
- ☐ Coughing
- ☐ Sneezing
- ☐ Wheezing
- ☐ Runny nose
- ☐ Stuffy nose
- ☐ Dizziness
- ☐ Chest pain
- ☐ Chest tightness
- ☐ Trouble breathing

When does the problem occur? (At work?
After work? When you do a particular task?)

4. Eyes

Do you often get any of the following?
(Check all that apply)

- ☐ Itchiness
- ☐ Pain
- ☐ Redness
- ☐ Watering
- ☐ Blurred vision
- ☐ Other vision problems
- ☐ Tired feeling

When does the problem occur? (At work?
After work? When you do a particular task?)

5. Skin

Do you often get any of the following?
(Check all that apply)

- ☐ Rash
- ☐ Dermatitis (dry, flaking skin)
- ☐ Chemical burn
- ☐ Itchiness
- ☐ Cuts

When does the problem occur? (At work?
After work? When you do a particular task?)

6. Reproductive System

Have you or your partner had any of the following? (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Problems trying to get pregnant | <input type="checkbox"/> Miscarriages |
| <input type="checkbox"/> Children with birth defects | <input type="checkbox"/> Menstrual problems |

7. Allergies

Do you have any allergies? Yes ☐ No ☐ Explain _____

Are they worse at work? Yes ☐ No ☐ Explain _____

When did you first get them? _____

8. Other Symptoms

Do you often get any of the following?
(Check all that apply)

- ☐ Headache
- ☐ Stomachache
- ☐ Dizziness
- ☐ Muscle cramp
- ☐ Chills
- ☐ Fever
- ☐ Feeling hot or cold

When does the problem occur? (At work?
After work? When you do a particular task?)

9. Serious Illnesses

Have you ever had any of the following?

- | | |
|--|--|
| <input type="checkbox"/> Cancer | <input type="checkbox"/> Heart disease |
| <input type="checkbox"/> Immune disorder | <input type="checkbox"/> Lung disease |
| <input type="checkbox"/> Other serious illness | |

Describe _____

10. Immunizations

Yes ___ No ___ Explain _____

11. Job Injuries

Have you ever had an injury on the job?

Yes ___ No ___ Explain _____

Did you lose time from work?

Yes ___ No ___ Explain _____

Do you always report injuries to the employer?

Yes ___ No ___ Explain _____

12. Co-workers' Health

Have your co-workers complained of health problems that might be related to work?

Yes ___ No ___ Explain _____

13. Your Comments

Is there anything else you want to say about your health and your job?

Describe _____

Resource Agencies and Materials

WHERE TO CALL AND WHAT TO READ

GOVERNMENT AGENCIES: CALIFORNIA

California State Board of Barbering and Cosmetology
Protects consumers by licensing and regulating barbers, cosmetologists, estheticians, manicurists, electrologists, apprentices, and establishments. Administers and enforces health and safety regulations in licensed establishments. Call the Board with questions or concerns on any subject related to barbering and cosmetology.

Headquarters Location:

Board of Barbering and Cosmetology
2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Phone: (800) 952-7281

Website: www.barbercosmo.ca.gov

E-mail: barbercosmo@dca.ca.gov

Mailing Address:

P.O. Box 944226
Sacramento, CA 94244-2260

California Division of Occupational Safety and Health (Cal/OSHA) (To file a complaint)

Enforces workplace health and safety regulations in California. For information about health and safety regulations, or to file a confidential complaint and request an inspection of your workplace, call the District office closest to you to get the number of your local compliance office. For a full listing of contact information, please see the "Resource Groups, Agencies, Databases, and Publications" sheet found in the Training Materials file in Section 3 of this publication.

Cal/OSHA Consultation Offices (Shop/salon Establishment owners) Offers advice to employers on correcting health and safety hazards. For a full listing of contact information, please see the "Resource Groups, Agencies, Databases, and Publications" sheet found in the Training Materials file in Section 3 of this publication.

California Department of Public Health (CDPH)

The California Department of Public Health is dedicated to optimizing the health and well-being of the people in California.

Occupational Health Branch (Headquarters for HESIS, OHSEP, and CSCP)

850 Marina Bay Parkway, Building P, 3rd Floor
Richmond, CA 94804

Phone: (510) 620-5757

Fax: (510) 620-5743

Website: www.cdph.ca.gov

E-mail: occhealth@cdph.ca.gov

The CDPH offers the following programs:

- **Hazard Evaluation System and Information Service (HESIS)**

Provides information to employers and employees on the health effects of toxic substances and precautions for their safe use.

Workplace Hazard Helpline: (866) 282-5516

Free Publications on Workplace Hazards:

(866) 627-1586

Web: www.cdph.ca.gov/programs/hesis

- **Occupational Health and Surveillance and Evaluation Program (OHSEP) Branch (OHB)**

Information from OHSEP improves required workplace Injury and Illness Prevention Programs (HPP) and assists healthcare providers in early identification and treatment of work-related injuries and disease. **OHB is devoted to improving worker health and safety through prevention activities.**

Website: www.cdph.ca.gov/programs/ohsep

<https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/OHB/Pages/OHB.aspx>

- **California Safe Cosmetics Program (CSCP)**

Collects information on hazardous and potentially hazardous ingredients in cosmetic products sold in California and makes this information available to the public.

Website: www.cdph.ca.gov/programs/cosmetics

<https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/OHB/CSCP/Pages/CSCP.aspx>

E-mail: cosmeticsafecosmetics@cdph.ca.gov

Division of Workers' Compensation

Provides information on your rights to benefits and medical care when you have there is a job-related illness or injury.

Toll-free phone: (800) 736-7401

Website: www.dir.ca.gov/dwc

Labor Commissioner Office

Provides information about employment rights, discrimination, and wrongful filings. Takes worker complaints about discrimination for health and safety activity, and investigates them. Go to Their website for provides a list of offices located throughout the state.

Website: www.dir.ca.gov/dlse

Center for Occupational and Environmental Health (COEH)

A University of California program. Conducts research on occupational illnesses and injuries; offers degree programs and continuing education courses related to health and safety. Go to its See website for contact information for its offices located in Berkeley, San Francisco, and Davis.

Website: <http://coeh.berkeley.edu>

GOVERNMENT AGENCIES: FEDERAL

U.S. Food and Drug Administration (FDA) Regulates cosmetic products. Also takes consumer complaints and keeps records of them.

Website: www.fda.gov/cosmetics

National Institute for Occupational Safety and Health (NIOSH)

NIOSH is a federal agency that offers free publications and an online database of chemicals. They provide information on chemicals and other workplace hazards.

4676 Columbia Parkway
Cincinnati, OH 45226-1996

Phone: (800) 356-4674

Fax: (513) 533-8573

Website: www.cdc.gov/niosh

E-mail: pubstaft@cdc.gov

TRAINING, INFORMATION, AND HELP

American Lung Association (ALA)

Has information on occupational and environmental lung hazards.

Website: www.lung.org

National Council for Occupational Safety and Health (COSH)

Website: www.losh.ucla.edu

Local volunteers (trade unionists and professionals) have formed "COSH" groups through the United States. Most have regular meetings and offer training, information and help.

Website: www.coshnetwork.org

California Groups:

- Southern California Coalition for Occupational Safety and Health (SoCalCOSH)
1000 N. Alameda St., Suite 240
Los Angeles, CA 90012
Phone: (213) ~~346-3286~~ **346-3277**
Email: socalcosh@gmail.com
Website: <http://www.coshnetwork.org/node/164>
- Worksafe
~~55 Harrison St., Suite 400~~ **1736 Franklin St., Ste. 500**
Oakland, CA ~~94607~~ **94612**
Phone: ~~(510) 302-1011~~ **(510) 922-8075**
Website: www.worksafe.org

Labor Occupational Health Program (LOHP)

Offers information and advice on chemicals and other workplace hazards.

University of California

University Hall, Suite 451

~~2223 Fulton St., 4th Floor~~ **2199 Addison Street**

Berkeley, CA 94720-5120

Phone: (510) 642-5507

Fax: (510) 643-5698

Website: www.lohp.org

E-mail: lohp@berkeley.edu

Labor Occupational Safety and Health Program (LOSH)

Nationally recognized center promoting safe workplaces through teaching and education, research, and policy advocacy.

10945 Le Conte Ave., Suite 2107

Box 951478

Los Angeles, CA 90095-1478

Phone: (310) 794-5964

Fax: (310) 794-6403

LEGAL AID

Asian Law Caucus

Provides legal assistance to Asian workers.

55 Columbus Avenue
San Francisco, CA 94111

Phone: (415) 896-1701

Website: www.asianlawcaucus.org

Legal Aid at Work

Protects the rights and jobs of low-income workers by providing free legal help with urgent workplace problems.

180 Montgomery Street, Suite 600
San Francisco, CA 94104

Phone: (415) 864-8848

Website: www.legalaidthatwork.org

Employment Law Office at the Legal Aid Foundation of Los Angeles

Provides legal services to poor and low-income workers in greater Los Angeles.

Phone: (800) 399-4529

Website: <https://lafla.org/>

COMMUNITY ORGANIZATIONS

CA Healthy Nail Salon Collaborative

Protects the health, safety, and rights of nail salon and cosmetology workers, owners, and students through outreach, education, and organizing.

Phone (English): 510-986-6839 x267

Phone (Vietnamese): 510-986-6830 x241

Website: www.cahealthynailsalons.org

Black Women for Wellness

Committed to healing, educating, and supporting Black women and girls.

4340 11th Avenue, 2nd floor

Los Angeles, CA 90008

Phone: (323) 290-5955

Website: www.bwwla.org

Chinese for Affirmative Action

Provides assistance to Asian workers on legal rights and other workplace issues.

17 Walter U. Lum Place
San Francisco, CA 94108

Phone: (415) 274-6750

Website: www.caasf.org

Instituto Laboral de la Raza

Provides low-income workers assistance on legal rights and other workplace issues.

2947 16th Street

San Francisco, CA 94103

Phone: (415) 431-7522

Web: www.ilaboral.org

E-mail: info@ilaboral.org sshaker@ilaboral.org

poisonous or toxic substances.

Toll-free phone (available 24/7): (800) 222-1222

Website: www.calpoison.org

OCCUPATIONAL HEALTH CLINICS

Occupational Health Clinic, San Francisco

Diagnoses and treat occupational and environmental health problems by referral and appointment. Also offers industrial hygiene services and worksite evaluations.

San Francisco General Hospital, Building 9, Room 409 **115**

1001 Potrero Avenue

San Francisco, CA 94110

Clinic phone (to make an appointment):

(650) 821-5600

Occupational Health Clinic Center, UCLA

Gives California workers and employers access to the resources of the UCLA Medical Center. Services include medical examinations, worker training, and occupational medicine seminars.

~~1099 Heyburn Avenue, Suite 344~~

~~Los Angeles, CA 90024~~

10833 Le Conte Ave, Room 67-120 CHS

Los Angeles, CA 90095

Phone: ~~(310) 206-2086~~ **(310) 825-6771**

POISON CONTROL CENTERS

American Association of Poison Control Centers Supports the nation's 55 poison centers in their efforts to prevent and treat poison exposures.

Phone (available 24/7): (800) 222-1222

Website: www.aapcc.org

California Poison Control System

Provides immediate, free, and expert treatment advice and referral over the telephone in case of exposure to

LABOR AND TRADE ORGANIZATIONS

California Cosmetology Association

A professional cosmetology association that promotes, represents, and legislatively protects the entire cosmetology industry.

PO Box 291459

Phelan, CA 92329

Phone: (800) 482-3288

Website: <http://the-cca.com>

E-mail: info@the-cca.com

Electrologists' Association of California

Member-run organization affiliated with the American Electrology Association (AEA). Protects the public and provides members with a wide range of educational opportunities.

Web: www.electrologycalifornia.org

- Northern Chapter President
Denise LaFave, CPE
Phone: (909) 709-0832
E-mail: deniselafacepe@gmail.com
- Southern Chapter President
Honora Hertherington Tina
Reynolds, CPE
Phone: (949) 261-1951 (310) 474-4787
E-mail: honie26_2@yahoo.com Tina@zapahair.com

National Association of Barber Boards of America (NABBA)

The National Association of Barber Boards of America was formed in 1926 as a national organization dedicated to appointed State Board Members, officers, and administrators. Related industry partners are encouraged to join the National Association of Barber Boards. The association works to maintain the barber professional standards and policies of the barber and hair care industry.

Website: <http://nationalbarberboards.com>

Phone: (870) 230-0777

National Coalition of Estheticians, Manufacturers/Distributors and Associations (NCEA)

The mission of the NCEA is to define standards of practice through certification and continuing education accreditation in order to represent and advocate for the esthetic profession.

484 Spring Avenue, Ridgewood, NJ 07450-4624

Phone: (201) 670-4100

Fax: (201) 670-4265

Website: <https://nceacertified.org/>

E-mail: info@nceacertified.org

Associated Skin Care Professionals (ASCP)

ASCP is one of the nation's largest professional membership associations serving and connecting skin care professionals.

25188 Genesee Trail Road, Suite 200
Golden, CO 80401

Phone: 800-789-0411

Fax: 800-790-0299

Website: www.ascpskincare.com

Email: getconnected@ascpskincare.com

Professional Beauty Association

The Professional Beauty Association (PBA) advances the professional beauty industry by providing our members with education, charitable outreach, government advocacy, events, and more. PBA is the largest organization of salon professionals, with members representing salons/spas, distributors, manufacturers, and beauty professionals.

15825 N. 71st Street, #100

Scottsdale, AZ 85254-1521

Toll-free: (800) 468-2274

Phone: (480) 281-0424

Fax: (480) 905-0708

Website: <https://probeauty.org>

E-mail: <https://probeauty.org/contact/>

Professional Beauty Federation of California (PBFC) The PBFC works to raise the level of professionalism and the image of our industry in the State of California by working to influence public policy, industry regulation, and promoting positive public relations and perceptions of California's beauty and barbering profession.

Website: www.beautyfederation.org

E-mail: directors@beautyfederation.org

United Food and Commercial Workers International Union (UFCW)

A labor organization that conducts research and produces educational materials on the health and safety hazards facing barbers and cosmetologists.

Web: www.ufcw.org

UFCW Local No. 770

Barbers and Cosmetology Division

630 Shatto Place

Los Angeles, CA 90005

Phone: (213) 201-7028

Website: www.ufcw770.org

section 9

Workers' Rights

Learning Objectives

Section 9

Understanding Workers' Rights and Responsibilities

After completing this section, ~~you~~ the future professionals will be able to:

- Identify ~~your~~ worker classifications.
- Understand basic workers' rights and what options are available ~~to you~~ if those rights are being withheld.
- Identify agencies available for workers' rights assistance.

This lesson is about workers' rights. The barbering and cosmetology industry offers a number of employment options. A future professional may decide to be an employee of a cutting-edge salon or shop establishment, be an independent contractor (booth renter), or maybe own his or her own salon or shop establishment. Whichever direction you a career takes you in a person, it is important to know and understand your workers' rights and responsibilities.

Workers in every state have certain defined rights that cannot be violated, including the right to a minimum wage, safe working conditions, and reasonable breaks. It is important for all workers to know and understand their rights before taking any job and to understand these rights and obligations before becoming an establishment salon or shop owner.

The purpose of workers' rights is to ensure that all employees are treated lawfully, paid a minimum wage, and not subjected to any form of harassment within the workplace. We will summarize This lesson will present information on some basic workers' rights you are entitled to and what action you should be taken if you are not receiving these rights. those rights are not being provided. Please note that the material provided in this lesson are not all inclusive.

Workers' Rights and Responsibilities

Knowing you're the proper worker classification is essential in knowing what rights you are a person may be entitled to. For instance, your rights as of an employee of a salon an establishment are much different than the rights of the salon-establishment owner. Let's take a moment to discuss review the various worker classifications found in the barbering and beauty industry.

KNOW YOUR WORKER CLASSIFICATION

- **Salon Establishment Owner**

Establishment owners are in business for themselves. They are responsible for the business establishment and do not work for someone else. A business An establishment could be a sole proprietor, a partnership, or a corporation. Many owners are also workers. Salon Establishment owners are responsible for reporting all income and expenses to the Internal Revenue Service (IRS), withholding employment taxes (if they have employees), securing municipal (county/city) business permits, and paying all taxes due. Salon Establishment owners are responsible for classifying workers correctly as employees or independent contractors (booth renters).

Example

Tiffany owns Clips Barbershop. Tiffany purchases all the supplies used in the Barbershop and sets the shop's establishments hours of operation. She has determined the cost of services provided and menu of services. She maintains a lease agreement with the property owners. She has put in place a strict dress code requirement and since the barbershop has six barbers, she completes an employee work schedule. She arranges regularly offers training for the employees so they can keep up-to-date with current trends. She regularly offers technical assistance to her team members. Tiffany sends each of her employees a W-2 because she is the owner of the salon establishment.

- **Independent Contractor (Booth Renter)**

Independent contractors (booth renters) are licensees who rent or lease a workstation in someone else's salon or shop establishment. They are typically self-employed and are often responsible for record keeping, setting their work hours, and menu of services, and collecting their own client payments. They hold a key to the shop establishment and can come and go depending on workflow. They are financially responsible for the profit or loss in their own business and receive all income generated from their work. They are responsible for the timely filing of their tax returns and payment of taxes related to their business as well as getting their own municipal business permit. An independent contractor (booth renter) may work inside of an establishment shop or salon owned by an establishment salon owner but maintains a separate identity. An independent contractor (booth renter) works for himself or herself and is not subject to the will or control of the salon establishment owner.

Example

Marisol is a manicurist and esthetician who has a business contract with two large salons **establishments** where she provides her services. In her contracts, she is provided with a workstation for which she pays \$600 per month to each salon **establishment**. She keeps her own appointment book and sets her own hours of operation at her convenience and has created her own menu of services. She has been provided with a key to the **establishment** shop. She provides her own tools, nail polish, and makeup. Marisol handles her own payments from customers and is responsible for filing and paying tax on her income and tips. Marisol is an independent contractor booth renter.

Note: If the business contract specifies that Marisol must:

- Work four days a week, 9 a.m. to 5 p.m.
- Only use the products the salon **establishment** markets
- Provide only the services listed on the shop's **establishment's** menu of services
- Charge the prices established by the salon **establishment** owner

Then Marisol may no longer be an independent contractor (booth renter) but now may be considered an employee, **as someone else has the right to control her work.**

• Employee

Employees receive a W-2 form from their employer for wages earned and are responsible for reporting their tips to their employer. They follow a work schedule established by the salon **establishment** owner. They offer services in the salon **establishment** that have been determined by the salon **establishment** owner. They are subject to the will and control of the employer, who has the authority to tell him or her what to do and how to do it.

Example

Patricia works at Blaze Hair Salon owned by Judy. Patricia is told to be at work Tuesday through Saturday, 9 a.m. – 5 p.m. Patricia does not purchase the products used on her clients, rather she uses the products supplied by the **establishment** shop. The **establishment** shop has a receptionist who books Patricia's appointments. Patricia would prefer to only do haircuts, however, the shop **establishment** is a **full-service shop establishment** and so Patricia must provide chemical services to her clients when requested. Judy observes the work that Patricia does and provides technical direction when needed. Patricia reports all her tips to Judy. Patricia is Judy's employee.

Now that you understand each worker classification, let's discuss tax obligations. Read the worker classification below and take a few moments to review what may be required of you by the IRS. The summary provided below is not all-inclusive. You will want to contact the IRS, legal counsel, and an accountant representative for detailed information regarding tax obligations.

Additional information on tax obligations can be found in the Training Materials file. You will want to keep the information provided as reference material as you progress in your career.

KNOW YOUR **TAX** OBLIGATIONS

Contact the IRS, legal counsel, or a tax accountant for detailed information regarding specific tax obligations. The summary provided below is a guideline, it is not all inclusive.

• Salon **Establishment** Owner

~~As a salon~~ An establishment owner with employees may:

- ✓ File employment tax on all employees
- ✓ Prepare and file a W-2 form wage and tax statement to report to the IRS wages, tips, and other compensation paid to all employees
- ✓ File Social Security and Medicare tax withholdings on all employees
- ✓ Maintain workers' compensation insurance on all employees
- ✓ Maintain unemployment insurance on all employees
- ✓ Collect and pay sales taxes
- ✓ Be responsible for state and local taxes and business permit

• **Independent Contractor (Booth Renter)**

In addition to reviewing the salon establishment owner tax obligations stated above, as an independent contractor you may complete a W-9 form (Request for Taxpayer Identification Number and Certification).

• **Employee**

As An employee, you will receive a W-2 form from each employer you have worked for during the year. Employers issue these forms in January of the following year. The W-2 form combines all wages and reported tips. It shows the amount of federal taxes withheld and paid throughout the year.

Additional information on tax obligations can be found in the Training Materials. The information provided should be kept as reference material as a future professional progresses thorough their career.

~~Now that you have an understanding of your worker classification and tax obligation, let's review.~~

Questions for Review

An independent contractor (booth renter):

- A) Uses the salons-establishment's products, pays rent, calls the owner to see if she has to come to work.
- B) Uses her own products, has a key to the establishment shop, pays rent, books her own appointments.
- C) Has the receptionist book her appointments, pays rent, has to check the work schedule to see when the owner wants her in the shop establishment.

The purpose of workers' rights is to:

- A) Ensure that all employees are treated lawfully, paid at least a minimum wage, and are not subjected to any form of harassment within the workplace.
- B) Put the power back in the hands of the people who do all the work.
- C) Make sure people are earning enough to make a fair living.

To understand all of my tax obligations I should contact:

- A) The department of Industrial Relations
- B) The labor Commissioner
- C) The Internal Revenue service

For answers to all questions, please refer to your the exam booklet.

~~Now that you know your worker classification and tax obligation, let's take a few minutes to discuss income. Generally speaking,~~ As a future professional licensee working as an employee, your income will probably be earned in three different ways: tips, wages (or salary), and commission on product sales.

Minimum Wage

Effective January 1, 2017, the state mandated minimum wage for California is \$10.50 per hour. If you live **an employee works** in a county or city **in California** that has adopted a higher mandated minimum wage, **your the** employer is required to pay the higher mandated minimum wage.

To find out the minimum wage amount for your city or county go to:

www.minimum-wage.org/wage-by-state.asp

or search online for:

City/County, California+minimum wage amount

The minimum wage requirement cannot be waived by any work agreement made between the employee and the shop **establishment** owner. In other words, an employee cannot agree to work for just tips and no minimum wage **nor can an employee just be paid a flat commission without a base minimum wage**. Employers are expected to pay the minimum hourly wage, and the employee may keep his or her tips. Tips do not belong to the shop **establishment** owner. If you find that you have **an employee has** not been paid the mandated minimum wage and the shop **establishment** owner has made no efforts to rectify the situation, **you the employee** may file a wage claim with the Division of Labor Standards or file a lawsuit against **your the** employer for lost wages.

Overtime

An employer who requires or permits an employee to work overtime is generally required to pay the employee overtime at time and one half of the regular rate of pay for all hours worked in excess of **8 hours per day or** 40 per week. The overtime requirement may not be waived by an agreement between the employer and employees. An announcement by the employer that no overtime work will be permitted or that overtime work will not be paid for unless authorized in advance also will not impair the employee's right to compensation. To gain additional information, call toll-free at (866) 487-9243 or visit the U.S. Department of Labor's Wage and Hour Division website: **www.wagehour.dol.gov**

Tips are taxable and must be reported to your employer.

Tips

Tips are not gifts. If you have provided a service **has been provided** to a customer and they have paid you more than what you have **was** stated is your **as the** fee, then that additional amount is a tip. Tips are taxable and must be reported to your employer. For additional information regarding how to report tips, please see: **<https://www.irs.gov/uac/About-publication-531>**.

Salon/shop **Establishment** owners will want to access the Training Materials file and review the IRS publication, *Tips on Tips*.

Tips belong to **you,** the service provider. Unlike under federal regulations, in California an employer cannot use an employee's tips as a credit toward its obligation to pay the minimum wage. California law requires that employees receive the minimum wage plus any tips left for them by patrons **clients** of the employer's business. See Labor Code Section 351 **which states:**

"No employer or agent shall collect, take, or receive any gratuity or a part thereof that is paid, given to, or left for an employee by a patron, or deduct any amount from wages due an employee on account of a gratuity, or require an employee to credit the amount, or any part thereof, of a gratuity against and as a part of the wages due the employee from the employer. Every gratuity is hereby declared to be the sole property of the employee or employees to whom it was paid, given, or left for. An employer that permits patrons to pay gratuities by credit card shall pay the employees the full amount of the gratuity that the patron indicated on the credit card slip, without any

deductions for any credit card payment processing fees or costs that may be charged to the employer by the credit card company. Payment of gratuities made by patrons using credit cards shall be made to the employees not later than the next regular payday following the date the patron authorized the credit card payment."

• Piece Rate v. Commission Wages

A piece rate paid employee is a person paid on a piece-rate basis for any work performed during a pay period, which differs from traditional commission wages. On January 1, 2016, Assembly Bill 1513 went into effect which added section 226.2 to the California Labor Code, which no longer permits an establishment employer to only pay a flat commission or percentage wage without a base wage amount for both productive time and rest periods. This section of law pertains to the piece rate wage model and establishes:

- compensation and wage statement requirements for rest and recovery periods and "other nonproductive time" for piece-rate employees;
- establishes for certain employers and under certain circumstances, an "affirmative defense" to any claim or cause of action for damages or statutory penalties based on an employer's alleged failure to pay compensation due for rest and recovery periods and other nonproductive time for time periods prior to the effective date of the statute.

For specifics on this method of compensation, please review the FAQ's provided by the Department of Industrial Relations found at: http://www.dir.ca.gov/pieceratebackpayelection/AB_1513_FAQs.htm

Filing a Wage Claim

~~You may be wondering~~ What can be done if an employer withholds my an employee's tips or refuses to pay me minimum wage or overtime? What if I an employee tells my an employer that I am they are going to report him or her to the Labor Commissioner's office and he or she the owner fires me the employee? Is there anything I can do that can be done?

You Employees have legal options if an employer withholds wages or tips. You They have the right to file a wage claim or file a lawsuit against your the employer for lost wages.

~~Filing a Wage Claim~~

An employee or former employee may file an a-individual wage claim to recover:

- Unpaid wages, including overtime, commissions, and bonuses
- Wages paid by check issued with insufficient funds
- Final paycheck not received
- Unused vacation hours that were not paid upon termination of the employment relationship, e.g., left job, discharge, or layoff
- Unauthorized deductions from paychecks
- Unpaid/nonreimbursed business expenses
- ~~Reporting time pay/split shift premiums~~
- Failure to provide a meal and/or rest period in accordance with the applicable Industrial Welfare Commission order
- Liquidated damages for failure to receive minimum wage for each hour worked, including rest periods
- Waiting time penalties for failure to receive final wages timely upon separation of employment
- Penalties for paycheck(s) that have bounced or are not negotiable within 30 days of receipt. Penalties for employer's failure to allow inspection or copying of payroll records within 21 days of request
- Sick Leave Pay for time accrued and used for which you were not paid (effective July 1, 2015)

For an in-depth discussion on how to file a wage claim and the procedures and forms involved, visit: www.dir.ca.gov/dlse/faq_minimumwage.htm.

A copy of the publication *Recovering Your Unpaid Wages with the California Labor Commissioner's Office* can be found in the Training Materials file.

If your employer discriminates or retaliates against you, you can file a discrimination/retaliation complaint.

Discrimination or Retaliation

If your **an** employer discriminates or retaliates against you **an employee** (for example, he fires you **an employee** because you **the employee** asked him why you **they** weren't being paid the minimum wage, or because you **the employee** files a claim or threatens to file a claim with the Labor Commissioner) you **the employee** can file a discrimination/retaliation complaint with the Labor Commissioner's Office (also called the Division of Labor Standards Enforcement). In the alternative, you **an employee** can file a lawsuit in court against your **the** employer. For more details, please see the booklet located in the Training Materials file, *Health and Safety Rights: Facts for California Workers*.

As an **Employees** in the State of California, you have the right to speak to representatives of the office of the California Labor Commissioner or any other government or law enforcement agency about any issues affecting your working conditions. Your **Employers** cannot fire, demote, suspend, or discipline you **employees** for answering questions or providing information to a government agency.

Filing a Lawsuit

If you **an employee** decides to file a lawsuit for lost wages, you **they should may choose to** consult with legal representation on how to proceed.

Workers' Compensation

Workers' compensation benefits are designed to provide employees with the medical treatment necessary to recover from work-related injuries or illness, partially replace wages that are lost while recovering, and help the employee return to work. Workers' compensation benefits do not include damages for pain and suffering or punitive damages.

The Division of Workers' Compensation (DWC) monitors the administration of workers' compensation claims and provides administrative and judicial services to assist in resolving disputes that arise in connection with claims for workers' compensation benefits.

California employers are required by law to have workers' compensation insurance, even if they only have one employee. If your employees get hurt or sick because of work, you **employers** are required to pay for workers' compensation benefits. Workers' compensation insurance provides six basic benefits: medical care, temporary disability benefits, permanent disability benefits, supplemental job displacement benefits, or vocational rehabilitation and death benefits.

DWC's mission is to minimize the adverse impact of work-related injuries on California employees and employers. There are several offices throughout the state. Benefits assistance and enforcement Phone: (800) 736-7401

- DWC contact information: www.dir.ca.gov/dwc/contactdWc.htm
- For locations: www.dir.ca.gov/dwc/dir2.htm

The Family and Medical Leave Act

The Family and Medical Leave act (FMLA) applies to employers who employ 50 or more employees. You **Employees** may be eligible for this benefit if you **working** for a large chain **establishment** **salon**. Eligible employees are entitled to take unpaid, job-protected leave with continuation of group health insurance coverage for up to 12 work weeks in a 12-month period for:

- The birth of a newborn child
- The placement and care of a child for adoption or foster care
- For the serious health condition of the employee or the employee's spouse, child, or parent
- For qualifying needs arising out of a covered military member's active duty status and 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness.

For information regarding FMLA visit: www.dol.gov/whd/fmla/index.htm.

Immigrant Workers

The Department of Labor's Wage and Hour Division continues to enforce the Fair Labor standards act without regard to whether an employee is documented or undocumented. Regardless of your citizenship status, employees have the right to work for a minimum wage, keep their tips, and have a safe, healthy workplace.

Right to Refuse Service

Employees and establishment owners have the right to refuse service to a client if there is a justifiable reason that does not discriminate against a protected class and if they are applying the refusal of service evenly to all clients. In general, refusal of service is justified in cases where a client's presence interferes with the safety and well-being of other clients, staff and the establishment itself. The most basic examples of this include clients who have an infection or parasitic infestation, clients causing a disturbance or being unreasonably rowdy or clients lacking adequate hygiene.

The California Code of Regulations, Article 12, Section 984 provides State mandated conditions when it is necessary to refuse service on a client. This would include clients with an infection or parasitic infestation capable of being transmitted to the service provider, other staff or clients. The infection or parasitic infestation includes but is not limited to:

- Cold, influenza or other respiratory illness accompanied by a fever
- Strep Throat
- Pink Eye
- Whooping cough
- Chicken Pox
- Mumps
- Tuberculosis
- Impetigo
- Head lice
- Scabies
- Skin or scalp that is broken, abraded or cut
- Skin or scalp that is inflamed or an eruption is present

Employees and establishment owners *cannot* refuse service based on a protected class. In California, protected classes include:

- Race or color
- National origin or citizenship status
- Religion or creed
- Sex
- Age
- Disability, pregnancy, or genetic information
- Veteran status
- Marital status
- Sexual orientation or gender identity
- Medical condition, or AIDS/HIV status
- Military or veteran status
- Political affiliations or activities
- Status as a victim of domestic violence, assault, or stalking

Please consult with a legal representative for details on how California handles its antidiscrimination law as pertaining to refusal of service.

Local, State and Federal Requirements for Establishment Ownership

The California Governor's Office of Business and Economic Development (Go-Biz) provides an abundance of information for business owners in California, including a list of local, state, and federal requirements for owner's opening a business in the Barbering and Beauty industry. When considering opening a new establishment, review the information provided on the Quick Start Guide for Beauty and Barber Shops.

<http://businessportal.ca.gov/Portals/0/Documents/QuickStartGuides/Barber%20Shops%20and%20Beauty%20Salons%20-%20Quick%20Start%20Guide.pdf>

In addition, since different municipalities may have different requirements, make sure to visit the CalGold site for assistance in permit requirements and fees. <http://www.calgold.ca.gov/>

Agency Contact Information:

FEDERAL CONTACTS

UNITED STATES DEPARTMENT OF LABOR (Wage and Hour Division)

Website: www.wagehour.dol.gov

1-866-4USWAGE (1-866-487-9243)

TTY: 1-877-889-5627

Monday-Friday, 8 a.m. to 5 p.m.

INTERNAL REVENUE SERVICE

Many tax questions can be answered online at the IRS website.

Website: <https://www.irs.gov>

For a face-to-face meeting, find local office information at: <https://www.irs.gov/uac/Contact-My-Local-Officein-California>

IRS SMALL BUSINESS AND SELF-EMPLOYED TAX CENTER

Website: <https://www.irs.gov/Businesses/Small-Businesses-Self-Employed>

STATE OF CALIFORNIA CONTACTS

CALIFORNIA BUSINESS PORTAL

Website: <http://businessportal.ca.gov/>

Monday–Friday, 9 a.m. to 5 p.m. (877) 345-4633

E-mail: support@go-biz.desk-mail.com

STATE OF CALIFORNIA FRANCHISE TAX BOARD

Website: <https://www.ftb.ca.gov/>

Monday–Friday, 7 a.m. to 5 p.m. (800) 852-5711

24/7 Automated Support (800) 338-0505
Outside the United States (916) 845-6500
TTY/TDD (800) 822-6268

BOARD OF EQUALIZATION

Website: <http://www.boe.ca.gov>
General Tax Questions (Toll-free) (800) 400-7115
Outside the United States (916) 445-6362
California Relay Service (CRS) 711 (for hearing and speech disabilities)

EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD)

Website: www.edd.ca.gov/About_EDD/Contact_EDD.htm
Ask EDD: <https://askedd.edd.ca.gov/>
Department Directory: http://www.edd.ca.gov/About_EDD/Department_Directory.htm

LABOR COMMISSIONER'S OFFICE (also known as the Division of Labor Standards Enforcement [DLSE])

The Labor Commissioner provides information about employment rights, discrimination, and wrongful firings. The Labor Commissioner's Office also takes worker complaints about discrimination for health and safety activity and will investigate them. There are several locations throughout the State. The 'Required Workplace Posting for All California Barbering and Cosmetology Licensees' has been provided in the Training Material (section 9.9).

Website: www.dir.ca.gov/dlse/dlse.html
For locations and contact information: www.dir.ca.gov/dlse/DistrictOffices.htm
E-mail: dlse2@dir.ca.gov

~~LABOR COMMISSIONER'S OFFICE (also known as the division of labor standards enforcement [DLSE])~~

~~The Labor Commissioner provides information about employment rights, discrimination, and wrongful firings. The Labor Commissioner's office also takes worker complaints about discrimination for health and safety activity and will investigate them. There are several locations throughout the state.~~

~~Website: www.dir.ca.gov/dlse/dlse.html~~

~~For locations and contact information: www.dir.ca.gov/dlse/districtoffices.htm~~

~~E-mail: dlse2@cir.ca.gov~~

INTERNAL REVENUE SERVICE

~~Many tax questions can be answered online at the IRS website.~~

~~Website: <https://www.irs.gov>~~

~~If you require a face-to-face meeting, you can find your local office information at: <https://www.irs.gov/uac/Contact-My-Local-Office-in-California>~~

~~IRS SMALL BUSINESS AND SELF-EMPLOYED TAX CENTER~~

Website: ~~<https://www.irs.gov/Businesses/Small-Businesses-Self-Employed>~~

~~State of California Franchise Tax Board~~

Website: ~~<https://www.ftb.ca.gov/>~~

Monday–Friday, 7 a.m.–5 p.m. _____ (800) 852-5711

24/7 Automated Support _____ (800) 338-0505

Outside the United States _____ (916) 845-6500

TTY/TDD _____ (800) 822-6268

~~BOARD OF EQUALIZATION~~

General Tax Questions (Toll-free) _____ (800) 400-7115

Outside the United States _____ (916) 445-6362

California Relay Service (CRS) _____ 711 (for hearing and speech disabilities)

~~EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD)~~

Website: ~~www.edd.ca.gov/About_EDD/Contact_Edd.htm~~

Ask EDD: ~~<https://askedd.edd.ca.gov/>~~

Department Directory: ~~http://www.edd.ca.gov/About_EDD/Department_Directory.htm~~

~~In Conclusion~~

In ~~This lesson you learned about~~ **highlighted** some basic workers' rights, what to do, and whom to contact if you ~~are not receiving those rights~~ **those rights are not being provided**. Take a moment and review the materials located in the Training Materials file. You ~~will want to keep these materials close at hand for easy reference~~. Please note that the materials provided in this lesson are not **comprehensive** all inclusive. Always make it a priority to stay updated on your basic rights by contacting the agencies listed on the previous page.

~~You have reached the end of California State Board of Barbering and Cosmetology's Health and Safety Curriculum. Hopefully you have gained a wealth of knowledge that you will be able to use in your future as a licensee. Thank you for working with the Board of Barbering and Cosmetology so that all licensees and consumers can have a safe, healthy salon or shop experience.~~

NEXT LESSON: Awareness of the different types of physical and sexual abuse that the licensee may encounter while providing services to clients. Identification of organizations the licensee may direct a victim to for assistance.

Section 9

Training Materials

9.1 Independent Contractor or Employee

9.2 Tax Tips for The Cosmetology and Barber Industry

9.3 Tips on Tips

9.4 OSHA's Workers' Rights

9.5 Nail Salon Workers Wage and Hour Rights

9.6 Recover Your Unpaid Wages With the California Labor Commissioner's Office

9.7 Health and Safety Rights: Facts for California Workers

9.8 All Workers have Rights in California

9.9 DIR Required Workplace Posting for All California Barbering and Cosmetology Licensees

Acknowledgements

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No Attachment



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Barbering and Cosmetology-Department of Consumer Affairs

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MEMORANDUM

DATE February 5, 2018

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Report on Certification of Student Hours

Background

The selling of hours has been a long-standing issue in the barbering and cosmetology industry. Allegations of selling hours are forwarded to the Bureau for Private Postsecondary Education due to the fact that the Board of Barbering and Cosmetology (Board) has limited authority over approved schools. For example, the Board inspects for health and safety violations and minimum equipment but does not inspect student records.

Over the past year the selling of hours has increased to alarming numbers. Board staff believe this to be true based on the number of applications received from certain schools. For example:

School A

This school has 20 Hair Stations, 10 Manicuring Stations and 5 Foot Basins

License Category	# Candidates for Practical Exam 2015	# Candidates for Practical Exam 2016	# Candidates for Practical Exam 2017
Cosmetology	29	109	86
Barbering	38	51	34
Manicuring	131	253	358
Esthetics	58	103	149

School B

This school has 15 Hair Stations, 14 Manicuring Stations and 6 Foot Basins

License Category	# Candidates for Practical Exam 2015	# Candidates for Practical Exam 2016	# Candidates for Practical Exam 2017
Cosmetology	33	75	30
Manicuring	417	560	298
Esthetics	140	161	112

Please note that the numbers above for 2017 are low because Board staff are currently validating Proof of Trainings (POT's) on multiple applications received from these two schools. The following are the number of applications received currently pending further review that were received in 2017:

School A: 504

School B: 290

Board staff believe it is physically impossible to educate the number of students that are applying in these schools given the small space and equipment. The two schools noted are only an example. The Board has a total of 30 schools that are currently under review for similar issues.

Other Findings

Aside from the number of applications being received, there have been several other findings that have raised the question of the validity of the applications. For example:

- Multiple candidates with home addresses of the school.
- Multiple candidates with the same home address (some at over 20 candidates at one address)
- Multiple candidates living outside of California
- Multiple candidates living far distances to the school of attendance.

In one scenario, a school that submitted 177 applications had the following breakdown:

# of Students	Distance from Residence to School
14	Same city as school
6	Neighboring City
2	95 miles
24	100-150 miles
46	150-200 miles
79	More than 200 miles
6	Out Side of California

Based on this information, most of this school's students commuted 200 miles one-way to attend school.

School Visits

Since the data we were seeing was extremely alarming, Board staff decided to conduct site visits of schools that are in question. This revealed even more alarming facts which are listed (and not limited to) below:

- Schools have time clocks but are not using them
- Some schools had absolutely no tracking of student hours.
- Some schools had zero product (no nail polish, no hair products)
- School employees could not tell us how many students were currently enrolled.
- When questioned about students that were physically in the school but not clocked in, Board staff were advised that they are just practicing for their exam
- There are no lesson plans.
- There are no class times (no class start time and no class end time).
- School employees cannot state the tuition cost of any of the cosmetology programs
- Students are only being taught how to pass the test
- Schools have no approved text books
- Students have no access to the Boards Laws and Regulations
- Proof of Training documents are readily available for anyone to take

Pending Applications

The Board only has authority over the Proof of Training document. This document is to be submitted along with each application that shows when the students began their schooling and when they completed. Because we believe many POT's are fraudulent we are contacting each individual applicant to determine the validity of the education. Among many of the issues we have found, some are noted below:

- Students could not provide the name of their school.
- Students cannot name their instructor.
- Students cannot name a single classmate.
- Students state they just practiced on themselves.
- Students cannot name any neighboring businesses to the school.
- Students have admitted that they have come from out-of-state to just take the examination and admit they never attended school.

Most importantly, over 80 students from one school have admitted that they did not attend school and withdrew their applications from the Board.

Difficulty in Prosecuting Schools

It would seem with the data that the Board has we should be able to take immediate action against these violations, unfortunately that is not the case. Several issues that the Board can and should consider are:

- There is no citation authority for improper equipment.
While regulation requires a school to have a time clock, there are no regulations for how to use the time clock, how to track the students hours etc.
- There is no ratio for the number of equipment vs. the number of students
- Cite and Fine authority is very limited for schools and is mostly for health and safety violations.

Lack of Witnesses

One of the most significant issues in taking action against schools is the lack of individuals that are willing to come forward. Often, when the realization happens that the Board has found their POT to be fraudulent, the individuals will withdraw their application and disappear. Most are not willing to speak out against the school.

Bureau for Private Postsecondary

The Bureau does investigate allegations of selling of hours however the Board is very limited in the information received from the Bureau. Board staff continue to work to improve communication with the Bureau.

Actions

Staff recommend that the Board consider the following actions:

Draft regulatory language to:

- Set a ratio of equipment to students
- Require lesson plan as part of the approval process
- Require that approved schools have an office, dispensary, lockers for students, classroom (theory area) and clinic area.
- Require schools to post curriculum.
- Have available for review a lesson plan and syllabus
- Establish a ratio for instructor per student
- Establish requirements for the use of timeclocks/time reporting:
 - Each student must personally clock in/out for himself/herself
 - No credit given for times written in except in documented failure of the time reporting system
 - Students must clock out for lunch
- Establish requirements to validate the Proof of Training:
 - Schools shall maintain a daily record of attendance for 48 months

The information above is only a recommendation and was found to be in regular practice in other states. The Board may wish to establish a working group to further develop these recommendations.

The Board may also wish to pursue statutory authority to require schools to register students with the Board upon enrollment.



Board of Barbering and Cosmetology

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MEMORANDUM

TO: Board Members
Board of Barbering and Cosmetology

Date: January 17, 2018

FROM: Tami Guess, Board Project Manager
Board of Barbering and Cosmetology

SUBJECT: Know Your Workers' Rights publication

Staff has edited the Know Your Workers' Rights publication. The changes made are the direct result from input obtained from Board Members, the Health and Safety Advisory Committee, staff recommendations, and from public comments heard at Board meetings.

Summary of Edits

- Publication title change;
- Grammatical corrections, changes to writing style, reorganization of material;
- Additional photos have been included;
- The phrase "shop/salon" has in most cases been removed and replaced with "establishment";
- An explanation of Piece Rate Pay vs. Commission Pay has been added;
- Information regarding a worker's right to refuse service has been added;
- Select words will have a pop-up box and will direct the reader to an internet site or a word definition (online version only).

Action Required:

If the Board, by motion, adopts the *Understanding Workers' Rights and Responsibilities* and if the members should delegate the authority and the ability to make all non-substantive changes that may arise during the editing/printing process to the Executive Officer.

Understanding Workers' Rights and Responsibilities



BarberCosmo
Board of Barbering & Cosmetology

Understanding Workers' Rights and Responsibilities

The barbering and cosmetology industry offers a number of employment options. A licensee may decide to be an employee of a cutting-edge establishment, be an independent contractor (booth renter), or maybe own his or her own establishment. Whichever direction a career takes a person, it is important to know and understand workers' rights and responsibilities.

Workers in every state have certain defined rights that cannot be violated, including the right to a **minimum wage**, safe working conditions, and reasonable breaks. It is important for all workers to know and understand their rights before taking any job and to understand these rights and obligations before becoming an establishment owner.

The purpose of workers' rights is to ensure that all employees are treated lawfully, paid a minimum wage, and not subjected to any form of harassment within the workplace. This document will present information on basic workers' rights and what action should be taken if those rights are not being provided.

Please note that the materials provided in this document are not all-inclusive.

Workers' Rights and Responsibilities

Knowing the proper worker classification is essential in knowing what rights a person may be entitled to. For instance, rights of an employee of an establishment are much different than the rights of the establishment owner. Let's take a moment to review the various worker classifications found in the barbering and beauty industry.

KNOW YOUR WORKER CLASSIFICATION

• Establishment Owner

Owners are in business for themselves. They are responsible for the establishment and do not work for someone else. An establishment could be a **sole proprietor**, a **partnership**, or a **corporation**. Many owners are also workers. Establishment owners are responsible for reporting all income and expenses to the Internal Revenue Service (IRS), withholding employment taxes (if they have employees), securing municipal (county/city) business permits, and paying all taxes due. Establishment owners are responsible for classifying workers correctly as employees or independent contractors (booth renters).



Establishment owners are responsible for the business and do not work for someone else. Many establishment owners are also workers.

Example

Tiffany owns Clips Barbershop. Tiffany purchases all the supplies used in the Barbershop and sets the establishment's hours of operation. She has determined the cost of services provided and menu of services. She maintains a lease agreement with the property owners. She has put in place a strict dress code requirement and since the barbershop has six barbers, she completes an employee work schedule. She regularly offers training for the employees so they can keep up-to-date with current trends. She regularly offers technical assistance to her team members. Tiffany sends each of her employees a W-2 because she is the owner of the establishment.

- **Independent Contractor (Booth Renter)**

Independent contractors (booth renters) are licensees who rent or lease a workstation in someone else's establishment. They are typically self-employed and are often responsible for record keeping, setting their work hours, menu of services, and collecting their own client payments. They hold a key to the establishment and can come and go depending on workflow. They are financially responsible for the profit or loss in their own business and receive all income generated from their work. They are responsible for the timely filing of their tax returns and payment of taxes related to their business as well as getting their own municipal business permit. An independent contractor (booth renter) may work inside of an establishment owned by an establishment owner but maintains a separate identity. An independent contractor (booth renter) works for himself or herself and is not subject to the will or control of the establishment owner.



An independent contractor (booth renter) may work inside of an establishment owned by an establishment owner but maintains a separate identity.

Example

Marisol is a manicurist and esthetician who has a business contract with two large establishments where she provides her services. In her contracts, she is provided with a workstation for which she pays \$600 per month to each establishment. She keeps her own appointment book and sets her own hours of operation at her convenience and has created her own menu of services. She has been provided with a key to the establishment. She provides her own tools, nail polish, and makeup. Marisol handles her own payments from customers and is responsible for filing and paying tax on her income and tips. Marisol is an independent contractor booth renter.

Note: If the business contract specifies that Marisol must:

- Work four days a week, 9 a.m. to 5 p.m.
- Only use the products the establishment markets
- Provide only the services listed on the establishment's menu of services
- Charge the prices established by the establishment owner

Then Marisol may no longer be an independent contractor booth renter but now may be considered an employee, as someone else has the right to control her work.

• Employee

Employees receive a W-2 form from their employer for wages earned and are responsible for reporting their tips to their employer. They follow a work schedule established by the establishment owner. They offer services in the establishment that have been determined by the establishment owner. They are subject to the will and control of the employer, who has the authority to tell him or her what to do and how to do it.

Example

Patricia works at Blaze Hair Salon owned by Judy. Patricia is told to be at work Tuesday through Saturday, 9 a.m. - 5 p.m. Patricia does not purchase the products used on her clients, rather she uses the products supplied by the establishment. The establishment has a receptionist who books Patricia's appointments. Patricia would prefer to only do haircuts; however, the establishment is a full-service establishment and so Patricia must provide chemical services to her clients when requested. Judy observes the work that Patricia does and provides technical direction when needed. Patricia reports all her tips to Judy. Patricia is Judy's employee.



Employees follow a work schedule established by the establishment owner and offer services in the establishment that have been determined by the establishment owner.

TAX OBLIGATIONS

Contact the IRS, legal counsel, or a tax accountant for detailed information regarding specific tax obligations. The summary provided below is a guideline; it is not all-inclusive.

• Establishment Owner

An establishment owner with employees may:

- ✓ File employment tax on all employees
- ✓ Prepare and file a W-2 form wage and tax statement to report to the IRS wages, tips, and other compensation paid to all employees
- ✓ File Social Security and Medicare tax withholdings on all employees
- ✓ Maintain workers' compensation insurance on all employees
- ✓ Maintain unemployment insurance on all employees
- ✓ Collect and pay sales taxes
- ✓ Be responsible for state and local taxes and business permit

- **Independent Contractor (Booth Renter)**

In addition to reviewing the establishment owner tax obligations stated above, an independent contractor may complete a W-9 form (Request for Taxpayer Identification Number and Certification).

- **Employee**

An employee will receive a W-2 form from each employer worked for during the year. Employers issue these forms in January of the following year. The W-2 form combines all wages and reported tips. It shows the amount of federal taxes withheld and paid throughout the year.

Additional information on tax obligations can be found in the Reference Publications section of this document.



One of the ways income can be earned is through commission on product sales.

INCOME

As a licensee working as an employee, income will probably be earned in three different ways: wages (or salary), tips, and commission on product sales.

- **Minimum Wage**

If an employee works in a county or city in California that has adopted a higher mandated minimum wage, the employer is required to pay the higher mandated minimum wage.

To find out the minimum wage amount for your city or county, go to:

www.minimum-wage.org/wage-by-state.asp

or search online for:

City/County, California+minimum wage amount

The minimum wage requirement cannot be waived by any work agreement made between the employee and the establishment owner. In other words, an employee cannot agree to work for just tips and no minimum wage, nor can an employee just be paid a flat commission without a base minimum wage. Employers are expected to pay the minimum hourly wage, and the employee may keep his or her tips. Tips do not belong to the establishment owner. If an employee has not been paid the mandated minimum wage and the establishment owner has made no efforts to rectify the situation, the employee may file a wage claim with the Division of Labor Standards or file a lawsuit against the employer for lost wages.

- **Overtime**

An employer who requires or permits an employee to work overtime is generally required to pay the employee overtime at time and one half of the regular rate of pay for all hours worked in excess of 8 hours per day or

40 per week. The overtime requirement may not be waived by an agreement between the employer and employees. An announcement by the employer that no overtime work will be permitted or that overtime work will not be paid for unless authorized in advance also will not impair the employee's right to compensation. To gain additional information, call (866) 487-9243 or visit the U.S. Department of Labor Wage and Hour Division website: www.wagehour.dol.gov.

- **Tips**

Tips are not gifts. If a service has been provided to a customer and they have paid more than what was stated as the fee, then that additional amount is a tip. Tips are taxable and must be reported to the employer. For additional information regarding how to report tips, please see: <https://www.irs.gov/uac/About-Publication-531>.



Tips are taxable and must be reported to the employer.

Establishment owners will want to access the Reference Publications section of this document and review the IRS publication *Tips on Tips*.

Tips belong to the service provider. Unlike under federal regulations, in California an employer cannot use an employee's tips as a credit toward its obligation to pay the minimum wage. California law requires that employees receive the minimum wage plus any tips left for them by clients of the employer's business. See Labor Code section 351, which states:

"No employer or agent shall collect, take, or receive any gratuity or a part thereof that is paid, given to, or left for an employee by a patron, or deduct any amount from wages due an employee on account of a gratuity, or require an employee to credit the amount, or any part thereof, of a gratuity against and as a part of the wages due the employee from the employer. Every gratuity is hereby declared to be the sole property of the employee or employees to whom it was paid, given, or left for. An employer that permits patrons to pay gratuities by credit card shall pay the employees the full amount of the gratuity that the patron indicated on the credit card slip, without any deductions for any credit card payment processing fees or costs that may be charged to the employer by the credit card company. Payment of gratuities made by patrons using credit cards shall be made to the employees not later than the next regular payday following the date the patron authorized the credit card payment."



An employer cannot withhold tips or refuse to pay overtime.

• Piece Rate vs. Commission Wages

A piece rate paid employee is a person paid on a piece-rate basis for any work performed during a pay period, which differs from traditional commission wages. On January 1, 2016, Assembly Bill 1513 went into effect that added section 226.2 to the California Labor Code, which no longer permits an establishment employer to only pay a flat commission or percentage wage without a base wage amount for both productive time and rest periods. This section of law pertains to the piece rate wage model and establishes:

- Compensation and wage statement requirements for rest and recovery periods and "other nonproductive time" for piece-rate employees.
- Establishes for certain employers and under certain circumstances, an "**affirmative defense**" to any claim or cause of action for damages or statutory penalties based on an employer's alleged failure to pay compensation due for rest and recovery periods and other nonproductive time for time periods prior to the effective date of the statute.

For specifics on this method of compensation, please review the FAQs provided by the Department of Industrial Relations found at: www.dir.ca.gov/pieceratebackpayelection/AB_1513_FAQs.htm.

Filing a Wage Claim

What can be done if an employer withholds an employee's tips or refuses to pay minimum wage or overtime? What if an employee tells an employer that they are going to report him or her to the Labor Commissioner's Office and the owner fires the employee? Is there anything that can be done?

Employees have legal options if an employer withholds wages or tips. They have the right to file a wage claim or file a lawsuit against the employer for lost wages.

An employee or former employee may file a wage claim to recover:

- Unpaid wages, including overtime, commissions, and bonuses



An employee may be able to file a wage claim if they were not provided a meal and/or rest period in accordance with the applicable Industrial Welfare Commission Order.

- Wages paid by check issued with insufficient funds
- Final paycheck not received
- Unused vacation hours that were not paid upon termination of the employment relationship, e.g., left job, discharge, or layoff
- Unauthorized deductions from paychecks
- Unpaid/nonreimbursed business expenses
- Failure to provide a meal and/or rest period in accordance with the applicable Industrial Welfare Commission Order
- Liquidated damages for failure to receive minimum wage for each hour worked, including rest periods
- Waiting time penalties for failure to receive final wages in a timely manner upon separation of employment
- Penalties for paycheck(s) that have bounced or are not negotiable within 30 days of receipt. Penalties for employer's failure to allow inspection or copying of payroll records within 21 days of request
- Sick Leave Pay for time accrued and used for which you were not paid (effective July 1, 2015)

For an in-depth review on how to file a wage claim and the procedures and forms involved, visit:
www.dir.ca.gov/dlse/faq_minimumwage.htm.

A copy of the publication, *Recovering Your Unpaid Wages with the California Labor Commissioner's Office* can be found in the Reference Publications section of this document.

Discrimination or Retaliation

If an employer discriminates or retaliates against an employee (for example, he fires an employee because the employee asked him why they weren't being paid the minimum wage, or because the employee files a claim or threatens to file a claim with the Labor Commissioner), the employee can file a discrimination/retaliation complaint with the Labor Commissioner's Office (also called the Division of Labor Standards Enforcement). In the alternative, an employee can file a lawsuit in court against the employer. For more details, please see the booklets located in the Reference Publications section of this document, *Health and Safety Rights: Facts for California Workers* and *All Workers Have Rights in California*.

Employees in California have the right to speak to representatives of the office of the California Labor Commissioner or any other government or law enforcement agency about any issues affecting working conditions. Employers cannot fire, demote, suspend, or discipline employees for answering questions or providing information to a government agency.



If an employer discriminates or retaliates against an employee, he or she can file a discrimination/retaliation complaint.

Filing a Lawsuit

If an employee decides to file a lawsuit for lost wages, they may choose to consult with legal representation on how to proceed.

Workers' Compensation

Workers' compensation benefits are designed to provide employees with the medical treatment necessary to recover from work-related injuries or illness, partially replace wages that are lost while recovering, and help the employee return to work. Workers' compensation benefits do not include damages for pain and suffering or punitive damages.

The Division of Workers' Compensation (DWC) monitors the administration of workers' compensation claims and provides administrative and judicial services to assist in resolving disputes that arise in connection with claims for workers' compensation benefits.

California employers are required by law to have workers' compensation insurance, even if they only have one employee. If employees get hurt or sick because of work, employers are required to pay for workers' compensation benefits. Workers' compensation insurance provides six basic benefits: medical care, temporary disability benefits, permanent disability benefits, supplemental job displacement benefits, vocational rehabilitation, and death benefits.

DWC's mission is to minimize the adverse impact of work-related injuries on California employees and employers. There are several offices throughout the state. Benefits Assistance and Enforcement Phone: (800) 736-7401.

- DWC contact information:
www.dir.ca.gov/dwc/ContactDWC.htm.
- For locations: **www.dir.ca.gov/dwc/dir2.htm.**



An employee may be eligible for FMLA due to the birth of a newborn child, or the placement and care of a child for adoption or foster care.

The Family Medical Leave Act

The Family Medical Leave Act (FMLA) applies to employers who employ 50 or more employees. Employees may be eligible for this benefit if working for a large chain establishment. Eligible employees are entitled to take unpaid, job-protected leave with continuation of group health insurance coverage for up to 12 work weeks in a 12-month period for:

- The birth of a newborn child
- The placement and care of a child for adoption or foster care
- The serious health condition of the employee or the employee's spouse, child, or parent
- Qualifying needs arising out of a covered military member's active-duty status and 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness.

For information regarding FMLA, visit:
www.dol.gov/whd/fmla/index.htm.

Immigrant Workers

The Department of Labor's Wage and Hour Division continues to enforce the Fair Labor Standards Act without regard to whether an employee is documented or undocumented. Regardless of citizenship status, employees have the right to work for a minimum wage, keep their tips, and have a safe, healthy workplace.



Regardless of citizenship status, employees have the right to work for a minimum wage, keep their tips, and have a safe, healthy workplace.

Right to Refuse Service

Employees and establishment owners have the right to refuse service to a client if there is a justifiable reason that does not discriminate against a protected class and if they are applying the refusal of service evenly to all clients. In general, refusal of service is justified in cases where a client's presence interferes with the safety and well-being of other clients, staff, and the establishment itself. The most basic examples of this include clients who have an infection or parasitic infestation, clients causing a disturbance or being unreasonably rowdy, or clients lacking adequate hygiene.

The California Code of Regulations, Article 12, Section 984 provides state-mandated conditions when it is necessary to refuse service to a client. This would include clients with an infection or parasitic infestation capable of being transmitted to the service provider, other staff, or clients. The infection or parasitic infestation includes, but is not limited to:

- Cold, influenza or other respiratory illness accompanied by a fever
- Strep throat
- Pink eye
- Whooping cough
- Chicken pox
- Mumps
- Tuberculosis
- Impetigo
- Head lice
- Scabies
- Skin or scalp that is broken, abraded or cut
- Skin or scalp that is inflamed or an eruption is present



Employees and establishment owners have the right to refuse service to a client who has an infection or parasitic infestation such as head lice.



Employees and establishment owners cannot refuse service based on race, religion, sex, or age.

Employees and establishment owners *cannot* refuse service based on a protected class. In California, protected classes include:

- Race or color
- National origin or citizenship status
- Religion or creed
- Sex
- Age
- Disability, pregnancy, or genetic information
- Veteran status
- Marital status
- Sexual orientation or gender identity
- Medical condition, or AIDS/HIV status
- Military or veteran status
- Political affiliations or activities
- Status as a victim of domestic violence, assault, or stalking

Please consult with a legal representative for details on how California handles its anti-discrimination law as pertaining to refusal of service.

Local, State, and Federal Requirements for Establishment Ownership

The California Governor's Office of Business and Economic Development (Go-Biz) provides an abundance of information for business owners in California, including a list of local, state, and federal requirements for owners opening a business in the barbering and beauty industry. When considering opening a new establishment, review the information provided on the *Quick Start Guide for Beauty and Barber Shops*: www.businessportal.ca.gov/Portals/0/Documents/QuickStartGuides/Barber%20Shops%20and%20Beauty%20Salons%20-%20Quick%20Start%20Guide.pdf.

- In addition, since different **municipalities** may have different requirements, make sure to visit the CalGold site for assistance in permit requirements and fees at www.calgold.ca.gov.

Agency Contact Information

FEDERAL CONTACTS

U.S. DEPARTMENT OF LABOR (WAGE AND HOUR DIVISION)

Website: www.wagehour.dol.gov

Monday-Friday, 8 a.m. to 5 p.m.

Phone (866) 4USWAGE ([866] 487-9243)

TTY (877) 889-5627

INTERNAL REVENUE SERVICE

Many tax questions can be answered online at the IRS website.

Website: <https://www.irs.gov>

For a face-to-face meeting, find local office information at: <https://www.irs.gov/uac/Contact-My-Local-Office-in-California>

IRS SMALL BUSINESS AND SELF-EMPLOYED TAX CENTER

Website: <https://www.irs.gov/Businesses/Small-Businesses-Self-Employed>

STATE OF CALIFORNIA CONTACTS

CALIFORNIA BUSINESS PORTAL

Website: <http://businessportal.ca.gov>

E-mail: support@go-biz.desk-mail.com

Monday-Friday, 9 a.m. to 5 p.m.

Phone (877) 345-4633

STATE OF CALIFORNIA FRANCHISE TAX BOARD

Website: <https://www.ftb.ca.gov/>

Monday-Friday, 7 a.m.-5 p.m. (800) 852-5711

24/7 Automated Support (800) 338-0505

Outside the United States (916) 845-6500

TTY/TDD (800) 822-6268

BOARD OF EQUALIZATION

General Tax Questions (800) 400-7115
(Toll-free)

Outside the United States (916) 445-6362

California Relay Service (CRS) 711

(for hearing and speech disabilities)

EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD)

Website: www.edd.ca.gov/About_EDD/Contact_EDD.htm

Ask EDD: <https://askedd.edd.ca.gov>

Department Directory: www.edd.ca.gov/About_EDD/Department_Directory.htm

LABOR COMMISSIONER'S OFFICE (ALSO KNOWN AS THE DIVISION OF LABOR STANDARDS ENFORCEMENT [DLSE])

The Labor Commissioner provides information about employment rights, discrimination, and wrongful firings. The Labor Commissioner's Office also takes worker complaints about discrimination for health and safety activity and will investigate them. There are several locations throughout the state. The *Required Workplace Posting for All California Barbering and Cosmetology Licensees* has been provided in the Reference Publications section of this document.

Website: www.dir.ca.gov/dlse/dlse.html

For locations and contact information:
www.dir.ca.gov/dlse/DistrictOffices.htm

E-mail: dlse2@dir.ca.gov

In Conclusion

This publication highlighted some basic workers' rights, what to do, and whom to contact if those rights are not being provided.

Take a moment and review the materials located in the Reference Publications section. Simply click on the publication name and you will be directed to the online document.

Please note that the materials provided in this publication are not comprehensive. Always make it a priority to stay up-to-date on your basic rights by contacting the agencies listed on the previous page.

Thank you for working with the Board of Barbering and Cosmetology to ensure the health and safety of all California workers and consumers.

Reference Publications

- 1 **Independent Contractor or Employee**
<https://www.irs.gov/pub/irs-pdf/p1779.pdf>
- 2 **Tax Tips for the Cosmetology and Barber Industry**
<https://www.irs.gov/pub/irs-pdf/p4902.pdf>
- 3 **Tips on Tips**
<https://www.irs.gov/pub/irs-pdf/p3144.pdf>
- 4 **OSHA's Workers' Rights**
<https://www.osha.gov/Publications/osh3021.pdf>
- 5 **Nail Salon Workers' Wage and Hour Rights**
<https://www.dol.gov/whd/FLSAEmployeeCard/NailSalonFlyer.pdf>
- 6 **Recover Your Unpaid Wages with the California Labor Commissioner's Office**
www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Recover%20your%20unpaid%20wages%20with%20the%20Labor%20Commissioner%27s%20Office/Brochure-WCA_WEB-English.pdf
- 7 **Health and Safety Rights: Facts for California Workers**
<http://www.dir.ca.gov/dosh/documents/health-and-safety-rights-for-workers.pdf>
- 8 **All Workers Have Rights in California**
<http://lohp.org/wp-content/uploads/2015/06/English.pdf>
- 9 **DIR Required Workplace Posting for All California Barbering and Cosmetology Licensees**
www.dir.ca.gov/dlse/publications/Barbering%20and%20cosmetology%20posting%20notice.pdf

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MEMORANDUM

TO: Members
 Board of Barbering and Cosmetology

Date: January 10, 2018

FROM: Tami Guess, Board Project Manager
 Board of Barbering and Cosmetology

SUBJECT: Implementation Update on Chaptered Legislation

The following bills have been signed by Governor Edmund G. Brown Jr. in 2017 and have become law. Below is a brief summary of the law, the law's effective date and an update on the Board's implementation plan/progress.

1. AB 326 (Salas)

This bill authorizes the Board to promote physical and sexual abuse awareness. It requires the Board update its Health and Safety Training course to include a section on physical and sexual abuse awareness. It allows the Health and Safety Advisory Committee to advise the Board on ways to promote this awareness. Effective: January 1, 2019

Board Position: Support if amended

Implementation Update: Section 10 (Physical and Sexual Abuse) of the Health and Safety Training Course is currently being written and will be presented to the Members for adoption at the May 20, 2018 Board meeting. Upon adoption by the Members, the Health and Safety Training course will be pilot tested with a small group of select school instructors. An instructional video will be created and will be posted to the Board's website. The instructional video will be designed to prepare school instructors to effectively use the course. At the February 2018 Board meeting, the compilation of the Health and Safety Advisory committee will need to be reassessed with the intent to include additional members with a background in domestic/sexual abuse prevention education and educational consulting. With the assistance of DCA, staff has begun developing and implementing a consumer domestic/sexual abuse awareness campaign. Proposed Regulatory changes to Sections 917, 921, 921.1, 921.2, 950.1, 950.2, 950.3, 950.4, 950.5, and 950.12 of the California Code of Regulations are under development.

2. AB 1516 (Cunningham)

Made non-substantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature. In part, as pertaining to the Board of Barbering and Cosmetology (Board), amends the California Health and Safety Code § 25257.2 (g), and clarifies that a recognized Healthy Nail Salon must be in compliance with Article 12 commencing with Section 977 of Division 9 of Title 16 of the California Code of Regulations. Effective: January 1, 2018

Board Position: No declared position

Implementation Update: This law merely clarifies the portion of Article 12 of the California Code of Regulations applicable to the requirement of maintaining the status of being a recognized Healthy Nail Salon participant. No action is required by the Board.

3. AB 1615 (Eduardo Garcia)

Requires the Board to include an informational pamphlet (created by the Department of Consumer Affairs) that explains the Gender Tax Repeal Act of 1995, to establishments at the time the establishment applies for or renews a license. Requires that inspectors provide the pamphlet to establishments when performing an inspection. Effective: January 1, 2019

Board Position: No declared position

Implementation Update: Staff is currently receiving monthly updates regarding the creation of the pamphlet from the Departments staff. Staff has initiated BreEZe work order tickets to ensure timely online implementation. Once the Board receives the pamphlet, staff will hold Inspector meetings to ensure all Inspectors realize their role in the distribution process.

4. SB 490 (Bradford)

Requires commission wages paid to any employee who is licensed under the Barbering and Cosmetology Act to be due and payable at least twice during each calendar month on a day designated in advance by the employer as the regular payday and would authorize the employee and employer to agree to a commission in addition to the base hourly rate (least 2 times the state minimum wage rate in addition to commissions paid). Effective: January 1, 2018.

Board Position: No declared position

Implementation Update: This law is written within the Labor Code, BBC does not enforce the Labor Code. There are no fiscal or enforcement impacts.

5. SB 547 (Hill)

This bill defines the term "under the supervision of a licensee" for these provisions to mean a person supervised at all times by a licensee while performing services in a licensed establishment. The bill also prohibits an apprentice from being the only person working in an establishment and deems an apprentice who is not being supervised by a licensee to be practicing under the act without a license. Effective: January 1, 2018.

Board Position: Support

Implementation Update: The Board currently operates its enforcement unit under these established specifications.



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Quirk-Silva**Subject:** Master Business License**Bill Number:** AB 767**Version:** May 3, 2017

IMPACTED LICENSES								IMPACT		
Apprentice	Barber	Cosmo	Mani	Esti	Elect.	Establishment	Schools	Regulations	Enforceable	Fiscal
No	No	No	No	No	No	Yes	No	No	No	Yes

Existing Law:

Provides the licensure and regulation of the practices of Barbering, Cosmetology and Electrology by the California Board of Barbering and Cosmetology. (Board) (BP&C* §7312)

Requires any person, firm or corporation operating an establishment where activity regulated under the Board is practiced, to apply for an establishment license. Existing law prohibits the Board from issuing a license to any applicant who has committed specified acts or crimes which are grounds for denial of licensure. (BP&C § 7347)

Establishes the Governor's Office of Business and Economic Development (GO-Biz) to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. (Government Code §12096.2)

Creates within the Governor's Office of Business and Economic Development the Office of Small Business Advocate to advocate for the causes of small business and to provide small businesses with the information they need to survive in the marketplace. (Government Code §12098)

This Bill:

- Creates within the Governor's Office of Business and Economic Development (office), or its successor, a business license center to develop and administer a computerized master business license system to simplify the process of engaging in business in this state and sets forth the duties and responsibilities of the business license center. Requires office to establish a uniform business identification number (UBIN) for each business. The UBIN is to be used by all affected state agencies for facilitating information sharing between state agencies and improving customer service to businesses. The Requires each state agency to cooperate and provide reasonable assistance to the office to implement these provisions.
- Authorizes the office to borrow up to \$140,000 from the General Fund (GF) and implement this bill and other state agencies, with the approval of the office, to also borrow GF funds to upgrade their application processes to connect to the Master License platform. It specifies that the funding will be repaid through the payment of user fees.

- Authorizes a person that applies for 2 or more business licenses that have been incorporated into the master business license system to submit a master application to the office requesting the issuance of the licenses. Requires the office to develop and adopt an Internet-based platform that allows the business to electronically submit the master application to the office, as well as the payment of every fee required to obtain each requested license and a master application fee, which would be deposited into the Master License Fund, which would be created by the bill. The bill would authorize moneys in the fund, upon appropriation, to be expended only to administer this bill or be transferred to the appropriate licensing agencies. The bill would also require, upon issuance of the license or licenses, the office to transfer the fees, except for the master license fee, to the appropriate accounts under the applicable statutes for those regulatory agencies' licenses.
- The bill would require the office to establish a reasonable fee for each master license application and to collect those fees for deposit into the Master License Fund established by this bill. Funds derived from the master license application fees would be expended to administer the master business license program upon appropriation by the Legislature.
- The bill would require the license fees of the regulatory agencies deposited into the fund to be transferred to the appropriate accounts of the regulatory agencies, as provided.
- The bill would also require the Director of Small Business Advocate to work with small business owners and all regulatory agencies to ensure the state's implementation of a consolidated business license and permit system.

Background (as noted by Assembly Appropriations Analyst Daisy Gonzales):

In April 2010, the Governor's Office of Economic Development was established to provide a one-stop-shop for serving the needs of businesses and economic developers. Existing law establishes GO-Biz to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. Among other duties, GO-Biz is authorized to make recommendations to the Governor and the Legislature on new state policies, programs, and actions, or amendments to existing programs, in order to advance statewide economic goals, respond to emerging economic problems, and ensure that all state policies and programs conform to the state economic and business development goals.

The Permit Assistance Unit within GO-Biz provides businesses with comprehensive permit, regulatory, and compliance assistance. Among other services, the unit schedules pre-application meetings between businesses and the appropriate regulatory agencies to help streamline the permitting process. In some instances, GO-Biz can assign a project manager to personally guide an applicant through the entire permit process. Services are confidential and provided without cost. The goal of the unit is to help businesses solve permitting and regulatory challenges.

The Office of Permit Assistance works in partnership with the California Business Investment Service and other GO-Biz units in serving employers, corporate executives, business owners, and site location consultants who are considering California for business investment and expansion. In July 2015, GO-Biz launched the California Business Portal, which expands on the utility and availability of a searchable online application that could provide individualized information to businesses.

Analysis:

Since the Office is designated to develop the IT interface used to communicate with the Board, it is unknown at this time the means being used to accomplish the interaction with the BreZE database. Therefore, the workforce impact for staff consultation is unknown.

It is assumed that regulatory language would need to be implemented to change the form numbers used by the Board and designated within the California Code of Regulations.

Only Board establishment licenses will qualify for the Master License designation.

Fiscal Impact:

Costs (mailing, public meetings, etc.) involved in promulgating regulations are estimated at \$1,000.00 per regulatory package. **Projected Fiscal Impact:** \$1,000.00

Workforce impact for staff consultation(s). **Projected Fiscal Impact:** Assumed minor and absorbable by the Board.

Fiscal impact for establishing a BreEZe (IT) interface. **IT Fiscal Impact:** Unknown

Department of Consumer Affairs (DCA) reported fiscal impact: Approximately \$18.7 million from general fund for administrations and system modification costs and on-going cost of \$240,000 annually.

Current Bill Status:**Progress:**

Senate:								1st
Assembly:	1st	Cmt	2nd	Cmt	2nd	3rd	Pass	

Committee Location: Senate Rules Committee

Last Historical Action: In Senate, read first time. To committee on Rules for assignment.

Board Position:

No declared position.

*BP&C refers to the California Business and Professions Code.

AMENDED IN ASSEMBLY MAY 3, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 767

Introduced by Assembly Member Quirk-Silva

February 15, 2017

An act to add Part 12.5 (commencing with Section 15930) to Division 3 of Title 2 of the Government Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

AB 767, as amended, Quirk-Silva. Master Business License Act.

Existing law authorizes various state agencies to issue permits and licenses in accordance with specified requirements to conduct business within this state. Existing law establishes the Governor's Office of Business and Economic Development to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. Existing law creates within the Governor's Office of Business and Economic Development the Office of Small Business Advocate to advocate for the causes of small-business businesses and to provide small businesses with the information they need to survive in the marketplace.

This bill would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer a computerized *an online* master business license system to simplify the process of engaging in business in this state. The bill would set forth the duties and responsibilities of the business license center. The bill would require each state *regulatory* agency to cooperate and provide reasonable assistance to the office to implement these provisions.

This bill would authorize a person that applies for 2 or more business licenses that have been incorporated into the master business license system to submit a master application to the office requesting the issuance of the licenses. The bill would require the office to develop and adopt an Internet-based platform that allows the ~~business~~ businesses to electronically submit the master application to the office, as well as the payment of every fee required to obtain each requested license and a master application fee, which would be deposited into the Master License Fund, which would be created by the bill. *The bill would authorize the office to borrow up to \$140,000 from the General Fund. The bill would authorize a state agency that the office has determined to have a license and fee that is appropriate for inclusion in the master business license system to borrow money as needed from the General Fund to support the reasonable costs of integrating into the system. The bill would require these General Fund moneys to be deposited into the Master License Fund.* The bill would authorize moneys in the fund, upon appropriation, to be expended only to administer this bill or be transferred to the appropriate licensing agencies. The bill would also require, upon issuance of the license or licenses, the office to transfer the fees, except for the master license fee, to the appropriate accounts under the applicable statutes for those regulatory agencies' licenses.

The bill would require the office to establish a reasonable fee for each master license application and to collect those fees for deposit into the Master License Fund established by this bill. Funds derived from the master license application fees would be expended to administer the master business license program upon appropriation by the Legislature. The bill would require the license fees of the regulatory agencies deposited into the fund to be transferred to the appropriate accounts of the regulatory agencies, as provided.

The bill would require the office, in consultation with other regulatory agencies, to establish a uniform business identification number for each business that would be recognized by all affected state agencies and used to facilitate the information sharing between state agencies and to improve customer service to businesses.

The bill would also require *the office, including* the Director of Small Business ~~Advocate~~ Advocate, to work with small business owners and all regulatory agencies to ensure the state's implementation of a consolidated business license and permit system.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Part 12.5 (commencing with Section 15930) is added to Division 3 of Title 2 of the Government Code, to read:

PART 12.5. MASTER BUSINESS LICENSE ACT

CHAPTER 1. GENERAL PROVISIONS

15930. This part may be known, and may be cited as, the Master Business License Act.

15931. As used in this part, the following words shall have the following meanings:

(a) "Business license center" means the business registration and licensing center established by this part and located in and under the administrative control of the office.

(b) "Director" means the Director of the Governor's Office of Business and Economic Development.

(c) "License information packet" means a collection of information about licensing requirements and application procedures custom assembled for each request.

(d) "License" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency regulation, to engage in any activity.

(e) "Master application" means a document incorporating pertinent data from existing applications for licenses covered under this part.

(f) "Master business license system" or "system" means the mechanism by which licenses are issued, license and regulatory information is disseminated, and account data is exchanged by state agencies.

(g) "Office" means the Governor's Office of Business and Economic Development or its successor.

(h) "Person" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, state or local government agency, and any other organization required to register with the state to do business in the state and to obtain one or more licenses from the state or any of its agencies.

1 (i) "Regulatory" means all licensing and other governmental or
2 statutory requirements pertaining to business activities.

3 (j) "Regulatory agency" means any state agency, board,
4 commission, or division that regulates one or more industries,
5 businesses, or activities.

6
7 CHAPTER 2. BUSINESS LICENSE CENTER
8

9 15932. (a) There is created within the office a business license
10 center.

11 (b) The duties of the center shall include, but not be limited to,
12 all of the following:

13 (1) Developing and administering ~~a computerized onestop an~~
14 *online* master business license system capable of storing, retrieving,
15 and exchanging license information with due regard to privacy
16 statutes.

17 (2) Providing a license information service detailing
18 requirements to establish or engage in business in this state.

19 (3) Identifying types of licenses appropriate for inclusion in the
20 master business license system.

21 (4) Recommending in reports to the Governor and the
22 Legislature the elimination, consolidation, or other modification
23 of duplicative, ineffective, or inefficient ~~licensing or inspection~~
24 *requirements. licensing.*

25 (5) Incorporating licenses into the master business license
26 system.

27 15933. (a) ~~The director may~~ *office shall* adopt regulations as
28 may be necessary to effectuate the purposes of this part.

29 (b) The director shall encourage state ~~entities~~ *regulatory entities*
30 to participate in the online master business license system.

31 15934. Each state *regulatory* agency shall cooperate and
32 provide reasonable assistance to the office in the implementation
33 of this part.

34
35 CHAPTER 3. MASTER LICENSE
36

37 15935. (a) Any person that applies for two or more business
38 licenses that have been incorporated into the master business
39 license system may submit a master application to the office
40 requesting the issuance of the licenses. The office shall develop

1 and adopt an Internet-based platform that allows the business to
2 electronically submit the master application to the office, as well
3 as the payment of every fee required to obtain each requested
4 license and a master application fee established pursuant to Section
5 15936.

6 (b) Irrespective of any authority delegated to the office to
7 implement this part, the authority for approving the issuance and
8 renewal of any requested license that requires a preclicensing or
9 renewal investigation, inspection, testing, or other judgmental
10 review by the regulatory agency otherwise legally authorized to
11 issue the license shall remain with that agency.

12 (c) Upon receipt of the application and proper fee payment for
13 any license for which issuance is subject to regulatory agency
14 action under subdivision (a), the office shall immediately notify
15 the business of receipt of the application and fees.

16 15936. (a) The office shall establish a fee for each master
17 application that does *not* exceed the reasonable costs of
18 administering this part and collect that fee.

19 (b) *The office may borrow up to one hundred forty thousand*
20 *dollars (\$140,000) from the General Fund in the State Treasury.*

21 (c) *A state agency that the office has determined to have a*
22 *license and fee that is appropriate for inclusion in the master*
23 *business license system may borrow money from the General Fund*
24 *in the State Treasury in an amount necessary to support the*
25 *reasonable cost of integrating into the system.*

26 (d) *The loans made pursuant to subdivisions (b) and (c) shall*
27 *be repaid with interest, calculated at the rate earned by the Pooled*
28 *Money Investment Account at the time of the transfer from the*
29 *General Fund, from the fees collected pursuant to this section.*

30 15937. All fees collected under the master business license
31 system, including the master license application fee and the fees
32 of the regulatory agencies, *and all moneys borrowed under Section*
33 *15936* shall be deposited into the Master License Fund, which is
34 hereby created in the State Treasury. Moneys in the fund from
35 master application fees may, upon appropriation by the Legislature,
36 be expended only to administer this part or be transferred to the
37 appropriate licensing agencies. Moneys in the fund from other fees
38 shall be transferred to the appropriate accounts under the applicable
39 statutes for those regulatory agencies' licenses.

1 CHAPTER 4. UNIFORM BUSINESS IDENTIFICATION NUMBER

2
3 15940. (a) The office, in consultation with other regulatory
4 agencies, shall establish a uniform business identification number
5 for each business. The uniform business identification number
6 shall be recognized by all affected state agencies and shall be used
7 by state agencies to facilitate information sharing between state
8 agencies and to improve customer service to businesses.

9 (b) It is the intent of the Legislature that the uniform business
10 number would permit the office to do both of the following:

11 (1) Register a business with multiple state agencies electronically
12 as licenses and permits are processed.

13 (2) Input and update information regarding a business once,
14 thereby reducing the number of duplicate or conflicting records
15 from one state agency to another.

16
17 CHAPTER 5. OVERSIGHT

18
19 15945. The *office, including the* Director of Small Business
20 Advocate from the Governor's Office of ~~Planning and Research~~
21 *Business and Economic Development* shall work with small
22 business owners and all regulatory agencies to ensure the state's
23 implementation of a consolidated business license and permit
24 system under this part.



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Kalra**Subject:** Cosmetic Labeling**Bill Number:** AB 1575**Version:** July 10, 217

IMPACTED LICENSES								IMPACT		
Apprentice	Barber	Cosmo	Mani	Esti	Elect.	Establishment	Schools	Regulations	Enforceable	Fiscal
No	No	No	No	No	No	No	No	No	No	No

Existing Law:

Defines the term 'ingredient' as any single chemical entity or mixture used as a component in the manufacture of a cosmetic product. (Section 700.3 of Part 700 of Chapter 1 of Title 21 of the Code of Federal Regulations)

Establishes that a cosmetic is adulterated if it bears or contains any poisonous or deleterious substance that may render it injurious to users under the conditions of use prescribed in the labeling or advertisement of the cosmetic, or under conditions of use as are customary or usual. (Health and Safety Code §111670)

Requires a manufacturer of any cosmetic product subject to regulation by the federal Food and Drug Administration that is sold in California shall, on a schedule and in electronic or other format, as determined by the division, provide the division with a complete and accurate list of its cosmetic products that, as of the date of submission, are sold in the state and that contain any ingredient that is a chemical identified as causing cancer or reproductive toxicity. (Health and Safety Code §111792)

Requires the label on each package of a cosmetic bear a declaration of the name of each ingredient in descending order of predominance, except that fragrance or flavor. (21 Code of Federal Regulations (CFR) 701.3)

The Federal Fair Packaging Act requires all household consumer commodities to be labeled with a statement identifying the commodity, e.g., detergent, sponges, etc.; the name and place of business of the manufacturer, packer, or distributor and the net quantity of contents in terms of weight, measure, or numerical count (measurement must be in both metric and inch/pound units). (16 CFR Parts 500, 501, 502, 503)

The Toxic Substances Control Act of 1976 (TSCA) provides the Environmental Protection Agency with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides. (15 United States Code § 2601 et seq.)

This Bill:

Requires a professional cosmetic manufactured on or after July 1, 2019, for sale in California, to have a label affixed on the container that satisfies all of the labeling requirements necessary for any other cosmetic pursuant to the Federal Food, Drug and Cosmetic Act and the Federal Fair Packaging and Labeling Act.

Defines the terms: Ingredient, Professional, and Professional Cosmetic. Defines "Professional" as a person that has been granted a license by the State Board of Barbering and Cosmetology to practice in the field of cosmetology, nail care, barbering or esthetics.

Analysis:

Board licensees working in the professions are oftentimes exposed to compounded chemicals throughout the average working day. Studies conducted to establish safe exposure limits to do not generally reflect the type of compounded exposure to multiple chemicals Board licensees experience within the average working day. Federal law does not regulate professional cosmetics in the same manner as retail cosmetics. Chemical ingredients in professional cosmetics do not have to be listed on product labels. Federal law requires that retail cosmetics have the ingredients listed on the product label. This bill would require ingredients to be listed on the professional products.

The bill's author notes, "Many employers can get information from products Safety Data Sheets (SDS). The California Division of Occupational Safety and Health's (CalOSHA) Hazard Communication Standard requires product manufacturers to provide salon owners with an SDS for each product used in the salon that may contain a hazardous chemical at 1% or more (or at 0.1% or more for chemicals that may cause cancer) or that could be released into the air above limits set by CalOSHA or the American Conference of Governmental Industrial Hygienists. The SDS explains the health risks of the product and lists precautions for worker protection. In general, the SDS must provide information about the hazard of chemicals in the product. The challenge is that employees may request SDSs from their employer, but they are difficult to obtain and do not necessarily have all the ingredients listed. Additionally, many workers are characterized as 'independent contractors' and therefore do not have the same rights under occupational safety and health law as 'employees' to demand those from salon owners."

With the recent legalization of the recreational use of cannabis in California, the Board has become aware that some licensees are now offering various cosmetic services (manicures, pedicures, facials, etc.) with cannabis infused cosmetic products. For instance, some cosmetic bath bombs, lotions and serums are now being infused with cannabis. Most of these products contain either Cannabidiol (CBD) or Δ -9 tetrahydrocannabinol (THC). CBD does not produce any conduct-altering effects in an individual and have historically been used in cosmetic preparations. Products infused with THC, in certain amounts, may produce conduct-altering effects. Requiring the ingredient labeling of these types of cosmetics may allow for increased consumer and licensee awareness as to the possible physical effects of the cosmetic preparation.

In defining the term "Professional" the bill has inadvertently excluded the Board's Electrology licensees.

Fiscal Impact:

No fiscal impact to the Board.

Current Bill Status:

Progress:

Senate:								1st	Cmt	2nd	Cmt
Assembly:	1st	Cmt	2nd	Cmt	2nd	3rd	Pass				

Committee Location:

Senate Appropriations Committee

Last Historical Action:

In committee; held under submission

Board Position:

7/17/17 – Support if Amended. Board proposed amendment: When defining the term “Professional” the bill language should also include the practice of Electrology (Section 110371 (b)(2))

AMENDED IN SENATE JULY 10, 2017
AMENDED IN SENATE JUNE 26, 2017
AMENDED IN SENATE JUNE 21, 2017
AMENDED IN ASSEMBLY MAY 30, 2017
AMENDED IN ASSEMBLY APRIL 27, 2017
AMENDED IN ASSEMBLY APRIL 20, 2017
AMENDED IN ASSEMBLY MARCH 30, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1575

Introduced by Assembly Member Kalra
(Principal coauthor: Senator Jackson)
(Coauthor: Assembly Member Chiu)

February 17, 2017

An act to add Section 110371 to the Health and Safety Code, relating to professional cosmetics.

LEGISLATIVE COUNSEL'S DIGEST

AB 1575, as amended, Kalra. Professional cosmetics: labeling requirements.

(1) The Sherman Food, Drug, and Cosmetic Law, among other things, regulates the labeling of cosmetics and authorizes the State Department of Public Health to require a cosmetic label to list ingredients under specified circumstances. The law generally defines the term "cosmetic" as an article, or its components, intended to be applied to the human body, or any part of the human body, for cleansing, beautifying,

promoting attractiveness, or altering the appearance. The law makes a violation of its provisions a crime.

This bill would require a professional cosmetic manufactured on or after July 1, 2019, for sale to a professional for use in this state to declare ~~its ingredients on the container label by having the content of the container label comply with the requirements in the same manner as required for a cosmetic that is regulated by~~ *in this state to have a label affixed on the container that satisfies all of the labeling requirements required for any other cosmetic pursuant to specific federal laws.* By expanding the requirements of this law, the bill would expand the scope of a crime, and thus would impose a state-mandated local program. The bill would define terms for its purposes and make legislative findings in support of its provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) According to the State Board of Barbering and Cosmetology,
- 4 there are over 129,000 licensed manicurists, and almost 53,000
- 5 licensed salon businesses, many of which provide manicure
- 6 services. There are over 312,000 licensed cosmetologists who are
- 7 licensed to provide nail and hair services.
- 8 (b) Most cosmetologists and manicurists are of reproductive
- 9 age and, therefore, are particularly vulnerable to chemical
- 10 exposures.
- 11 (c) It is estimated that as many as 59 to 80 percent of manicurists
- 12 in California are Vietnamese immigrants, many with limited
- 13 English skills.
- 14 (d) Existing federal law does not regulate professional cosmetics
- 15 in the same manner as cosmetics sold to consumers. Information
- 16 on the ingredients in professional salon products is essential to
- 17 ensuring that workers and owners can make safer product choices

1 and take steps to protect themselves and their customers against
2 harmful exposures.

3 SEC. 2. Section 110371 is added to the Health and Safety Code,
4 to read:

5 110371. (a) A professional cosmetic manufactured on or after
6 July 1, 2019, for sale to a professional for use in this state shall
7 ~~declare its ingredients on the container label by having the content~~
8 ~~of the container label comply with the requirements in the same~~
9 ~~manner as required for a cosmetic that is regulated by in this state~~
10 *shall have a label affixed on the container that satisfies all of the*
11 *labeling requirements required for any other cosmetic pursuant*
12 *to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301,*
13 *et seq.), and the federal Fair Packaging and Labeling Act (15*
14 *U.S.C. Sec. 1451, et seq.).*

15 (b) The following definitions shall apply to this section:

16 (1) "Ingredient" has the same meaning as in Section 111791.5.

17 (2) "Professional" means a person that has been granted a license
18 by the State Board of Barbering and Cosmetology to practice in
19 the field of cosmetology, nail care, barbering, or esthetics.

20 (3) "Professional cosmetic" means a cosmetic product as it is
21 defined in Section 109900 that is intended or marketed to be used
22 only by a professional on account of a specific ingredient, increased
23 concentration of an ingredient, or other quality that requires safe
24 handling, or is otherwise used by a professional.

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

AMENDED IN SENATE APRIL 17, 2017

SENATE BILL

No. 296

Introduced by Senator Nguyen

February 13, 2017

An act to amend Section ~~7401~~ 7316 of the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

SB 296, as amended, Nguyen. Barbering and ~~cosmetology~~.
cosmetology: nail care: superfluous hair removal.

The Barbering and Cosmetology Act provides for the licensure and regulation of barbers, cosmetologists, estheticians, manicurists, electrologists, and apprentices by the State Board of Barbering and Cosmetology, which is within the Department of Consumer Affairs. Existing law requires a licensee, at the time of license renewal, to report certain information to the board, including whether he or she is an employee, an independent contractor, a booth renter, or a salon owner. *defines nail care as the practice of cutting, trimming, polishing, coloring, tinting, cleansing, manicuring, or pedicuring the nails of any person or massaging, cleaning, or beautifying from the elbow to the fingertips or the knee to the toes. Existing law requires an applicant for a license as a manicurist to meet certain criteria, including that he or she has completed a course in nail care from a school approved by the board.*

This bill would ~~make nonsubstantive changes to these provisions~~. *additionally define nail care as removing superfluous hair from the lip, eyebrows, the elbow to fingertips, or knees to toes by the use of tweezers or waxing. The bill would authorize a licensee as a manicurist to remove superfluous hair only if he or she meets specified educational requirements. The bill would require the board to determine, by*

regulation, the required number of hours to be added to the existing manicuring curriculum that will allow sufficient training in the practice of superfluous hair removal and would require an approved school to add the required number of training hours to the school's curriculum for any course in manicuring by a specified date.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7316 of the Business and Professions
2 Code is amended to read:

3 7316. (a) The practice of barbering is all or any combination
4 of the following practices:

5 (1) Shaving or trimming the beard or cutting the hair.

6 (2) Giving facial and scalp massages or treatments with oils,
7 creams, lotions, or other preparations either by hand or mechanical
8 appliances.

9 (3) Singeing, shampooing, arranging, dressing, curling, waving,
10 chemical waving, hair relaxing, or dyeing the hair or applying hair
11 tonics.

12 (4) Applying cosmetic preparations, antiseptics, powders, oils,
13 clays, or lotions to scalp, face, or neck.

14 (5) Hairstyling of all textures of hair by standard methods that
15 are current at the time of the hairstyling.

16 (b) The practice of cosmetology is all or any combination of
17 the following practices:

18 (1) Arranging, dressing, curling, waving, machineless permanent
19 waving, permanent waving, cleansing, cutting, shampooing,
20 relaxing, singeing, bleaching, tinting, coloring, straightening,
21 dyeing, applying hair tonics to, beautifying, or otherwise treating
22 by any means, the hair of any person.

23 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
24 arms, or upper part of the human body, by means of the hands,
25 devices, apparatus or appliances, with or without the use of
26 cosmetic preparations, antiseptics, tonics, lotions, or creams.

27 (3) Beautifying the face, neck, arms, or upper part of the human
28 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
29 or creams.

1 (4) Removing superfluous hair from the body of any person by
2 the use of depilatories or by the use of tweezers, chemicals, or
3 preparations or by the use of devices or appliances of any kind or
4 description, except by the use of light waves, commonly known
5 as rays.

6 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
7 or manicuring the nails of any person.

8 (6) Massaging, cleansing, treating, or beautifying the hands or
9 feet of any person.

10 (c) Within the practice of cosmetology there exist the specialty
11 branches of skin care and nail care.

12 (1) Skin care is any one or more of the following practices:

13 (A) Giving facials, applying makeup, giving skin care, removing
14 superfluous hair from the body of any person by the use of
15 depilatories, ~~tweezers~~ tweezers, or waxing, or applying eyelashes
16 to any person.

17 (B) Beautifying the face, neck, arms, or upper part of the human
18 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
19 or creams.

20 (C) Massaging, cleaning, or stimulating the face, neck, arms,
21 or upper part of the human body, by means of the hands, devices,
22 apparatus, or appliances, with the use of cosmetic preparations,
23 antiseptics, tonics, lotions, or creams.

24 (2) ~~(A) Nail care is the~~ is both of the following:

25 (i) The practice of cutting, trimming, polishing, coloring, tinting,
26 cleansing, manicuring, or pedicuring the nails of any person or
27 massaging, cleansing, or beautifying from the elbow to the
28 fingertips or the knee to the toes of any person.

29 (ii) The removing of superfluous hair from the lip, eyebrows,
30 the elbow to the fingertips, or knees to the toes of any person. An
31 individual who is licensed by the board as a manicurist shall only
32 be authorized to remove superfluous hair if he or she has met the
33 educational requirements required by the board pursuant to
34 subparagraph (C).

35 (B) An individual who is licensed by the board as a manicurist
36 who desires to perform the removal of superfluous hair; as
37 described in clause (ii) of subparagraph (A), and who has not
38 obtained the required number of hours of education on the removal
39 of superfluous hair required by the board, pursuant to
40 subparagraph (C), shall obtain the required additional education

1 prior to performing the removal of superfluous hair, as described
2 in clause (ii) of subparagraph (A), and shall submit proof of the
3 completion of the required education to the board. Upon
4 completion of the required education, the licensee shall be required
5 to take and pass an examination.

6 (C) The board shall determine, by regulation, the required
7 number of hours to be added to the existing manicuring curriculum
8 that will allow for sufficient training in the practice of superfluous
9 hair removal, which shall include removing superfluous hair from
10 the lip, eyebrows, the elbows to the fingertips, and knees to toes
11 by the use of tweezers or waxing. A licensee described in
12 subparagraph (B) shall be required to complete the required hours
13 of training under this subparagraph consistent with the
14 requirements of subparagraph (B).

15 (D) On and after _____, an approved school shall add the
16 required number of hours in subparagraph (C) to the school's
17 curriculum for any course in manicuring.

18 (d) The practice of barbering and the practice of cosmetology
19 do not include any of the following:

20 (1) The mere sale, fitting, or styling of wigs or hairpieces.

21 (2) Natural hair braiding. Natural hair braiding is a service that
22 results in tension on hair strands or roots by twisting, wrapping,
23 weaving, extending, locking, or braiding by hand or mechanical
24 device, provided that the service does not include haircutting or
25 the application of dyes, reactive chemicals, or other preparations
26 to alter the color of the hair or to straighten, curl, or alter the
27 structure of the hair.

28 (3) Threading. Threading is a technique that results in removing
29 hair by twisting thread around unwanted hair and pulling it from
30 the skin and the incidental trimming of eyebrow hair.

31 (e) Notwithstanding paragraph (2) of subdivision (d), a person
32 who engages in natural hairstyling, which is defined as the
33 provision of natural hair braiding services together with any of the
34 services or procedures defined within the regulated practices of
35 barbering or cosmetology, is subject to regulation pursuant to this
36 chapter and shall obtain and maintain a barbering or cosmetology
37 license as applicable to the services respectively offered or
38 performed.

1 (f) Electrolysis is the practice of removing hair from, or
2 destroying hair on, the human body by the use of an electric needle
3 only.

4 "Electrolysis" as used in this chapter includes electrolysis or
5 thermolysis.

6 ~~SECTION 1. Section 7401 of the Business and Professions~~
7 ~~Code is amended to read:~~

8 ~~7401. (a) An individual licensed pursuant to Section 7396~~
9 ~~shall, at the time of license renewal, report to the board his or her~~
10 ~~practice status, designated as one of the following:~~

11 ~~(1) Full-time practice in California.~~

12 ~~(2) Full-time practice outside of California.~~

13 ~~(3) Part-time practice in California.~~

14 ~~(4) Not working in the industry.~~

15 ~~(5) Retired.~~

16 ~~(6) Other practice status, as may be further defined by the board.~~

17 ~~(b) An individual licensed pursuant to Section 7396 shall, at the~~
18 ~~time of license renewal, identify himself or herself on the~~
19 ~~application as one of the following:~~

20 ~~(1) Employee.~~

21 ~~(2) Independent contractor or booth renter.~~

22 ~~(3) Salon owner.~~

23 ~~(c) An individual licensed pursuant to Section 7347 shall, at the~~
24 ~~time of license renewal, report to the board whether either of the~~
25 ~~following is applicable to him or her:~~

26 ~~(1) He or she has a booth renter operating in the establishment.~~

27 ~~(2) He or she has an independent contractor operating in the~~
28 ~~establishment.~~



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BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Senate Member Newman**Subject:** Removal of Board Members**Bill Number:** SB 715**Version:** April 25, 2017

IMPACTED LICENSES								IMPACT		
Apprentice	Barber	Cosmo	Mani	Esti	Elect.	Establishment	Schools	Regulations	Enforceable	Fiscal
No	No	No	No	No	No	No	No	No	No	No

Existing Law:

Authorizes the Governor to remove any member of any board under the Department of Consumer Affairs (DCA) that the Governor has appointed for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. (BP&C* §106)

Authorizes the Governor to remove a board member if it is shown that the member has knowledge of the specific questions to be asked on the licensing entity's next examination and directly or indirectly discloses any such question(s) in advance of or during the examination to any applicant. (BP&C* §106.5)

Requires newly appointed board members to complete a training and orientation program offered by the DCA within one year of appointment. This training includes an explanation of the board member's functions, responsibilities and obligations as a member of the board. (BP&C § 453)

Defines "meeting", for the purpose of the Bagley-Keene Open Meeting Act which sets forth perimeters for public meetings of all state boards, as any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. (Government Code § 11122.5)

This Bill:

Adds the failure to attend board meetings to the justification for removal of an appointed board member by the Governor.

Analysis:

The California Board of Barbering and Cosmetology (BBC) currently has nine board members serving in appointed positions (four Industry members and five public members). Seven of the members are Governor appointed, one member is appointed by the Senate Rules Committee and the final member is appointed by the Speaker of the Assembly. BBC is subject to the Bagley-Keene Open Meetings Act which requires a quorum for the Board to meet and conduct official business or take official actions

such as voting on an agenda item. Repeated failure to attend board meetings negatively impacts the Board and may be a detriment to the member's ability to successfully serve.

The bill author states, "discretion for the removal of board members for instances of absences is a good government approach to ensuring the effectiveness and efficiency of the important regulatory boards within the DCA. Member absences can impact the professionals and public alike, as key decisions are made, and votes taken at board meeting directly related to oversight of licensees. The Governor should have authority to remove board members from their position when their absences impact their ability to successfully serve."

Fiscal Impact:

None.

Current Bill Status:

On September 14, 2017 this bill was order to the Assembly Inactive File.

Progress:

Senate:	1st	Cmt	2nd	3rd	Pass				
Assembly:						1st	Cmt	2nd	3rd

Committee Location:

Not applicable (in floor process).

Last Historical Action:

Ordered to the inactive file on the request of Assembly Member Calderon.

Board Position:

No declared position.

*BP&C refers to the California Business and Professions Code.

**CCR refers to the California Code of Regulations.

AMENDED IN SENATE APRIL 25, 2017

SENATE BILL

No. 715

Introduced by Senator Newman

February 17, 2017

~~An act to amend Section 5503 of the Public Resources Code, relating to park districts. An act to amend Section 106 of the Business and Professions Code, relating to consumer affairs.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 715, as amended, Newman. ~~Park and open-space districts. Department of Consumer Affairs: regulatory boards: removal of board members.~~

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes the Governor to remove from office any member of any board within the department appointed by him or her, on specific grounds, including continued neglect of duties required by law.

This bill would specifically include the failure to attend meetings of the board as one example of continued neglect of duties required by law that the Governor can use as a reason to remove a member from a board.

~~Existing law provides a procedure for the formation of a regional park district, regional park and open-space district, or a regional open-space district.~~

~~This bill would make nonsubstantive changes to one of those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 106 of the Business and Professions Code
2 is amended to read:

3 106. The Governor has power to remove from office at any
4 time, any member of any board appointed by him *or her* for
5 continued neglect of duties required by law, *which may include*
6 *the failure to attend board meetings*, or for incompetence, or
7 unprofessional or dishonorable conduct. Nothing in this section
8 shall be construed as a limitation or restriction on the power of the
9 Governor, conferred on him *or her* by any other ~~provision of law~~,
10 to remove any member of any board.

11 ~~SECTION 1. Section 5503 of the Public Resources Code is~~
12 ~~amended to read:~~

13 ~~5503. Whenever it is desired to form a district under this article,~~
14 ~~a petition requesting the creation and maintenance of a district,~~
15 ~~and describing the exterior boundaries of the proposed district,~~
16 ~~shall be signed by at least 5,000 electors residing within the~~
17 ~~territory proposed to be included in the district. The petition shall~~
18 ~~be presented to the board of supervisors of the county containing~~
19 ~~the largest area within the proposed district.~~



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MEMORANDUM

DATE	February 12, 2018
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	Regulations Update

Status Updates:

The Health and Safety Poster: This rulemaking was approved by the Office of Administrative Law and went into effect January 1, 2018.

The following regulations are undergoing the pre-review process with the Department of Consumer Affairs:

- Definition of Access
- Transfer of Credit or Training
- National Interstate Council Translation Guide
- Administrative Fine Schedule
- Disciplinary Review Committee
- Health and Safety Update

Action Needed:

Staff requests that the Board approve the language for the following regulations (attached):

- Title 16, CCR Section 972 (Disciplinary Guidelines)
- Title 16, CCR Section 974.3 (Citation of Establishments, Individuals for Same violation)
- Title 16, CCR Section 974.4 (Installment Payment Plan for Fines)

No Attachment