

The FresnoStartUp Guide

A consolidated guide to help you start your business in the City of Fresno.

FresnoStartUp.com

Come join our world



Fresno's **Business Assistance Hot Spot** provides the FresnoStartUp Guide, a consolidated booklet of start up resources available from participating agencies. The FresnoStartUp Guide provides a checklist that helps you through the process of registering your business and getting your business started. It also identifies other programs that may be useful as you continue to operate your business.

Starting your business consists of 10 easy steps. An important feature of this Guide enables users access to phone numbers for key agency contacts, and internet links to appropriate forms and information about requirements for doing business in Fresno. This Guide is also available online and may be viewed and downloaded at <http://www.FresnoStartUp.com>.

Contents

Step 1:
Getting Started..... 2

Step 2:
Building Your Business Plan..... 3

Step 3:
Choosing Your Business Structure and Name 4

Step 4:
Registering Your Business..... 5

Step 5:
Taxes..... 6

Step 6:
Licensing..... 8

Step 7:
Other Requirements 9

Step 8:
Hiring Employees 10

Step 9:
Leveraging Your Resources 11

Step 10:
Ongoing Registration Requirements 12

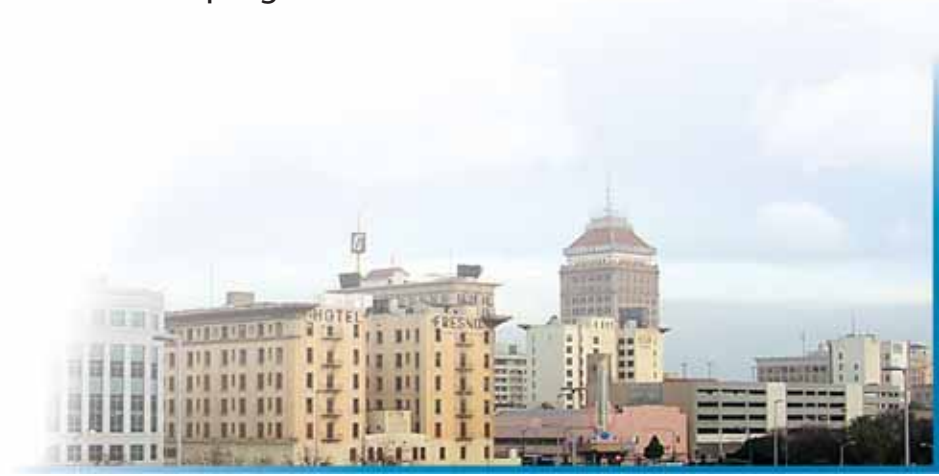
The role of the City of Fresno Economic Development Department is to help you successfully navigate your way through the process of starting, relocating, or expanding your business within the City of Fresno. Along with our partners, we look forward to assisting you with all of your business needs.

Congratulations on making the decision to start your own business! Your business is important to our community, and there are many resources throughout Fresno available to help you.

The **FresnoStartUp Guide** identifies those resources, and makes it easy to access them. For online assistance, go directly to www.FresnoStartUp.com to find convenient links to sites that will provide the information you need. You can obtain a copy of the FresnoStartUp Guide from the Economic Development Department at Fresno City Hall, or by calling (559) 621-8350. You can also download a copy at www.FresnoStartUp.com.

The Fresno Business Assistance Hot Spot is designed as a central resource for obtaining general information to start a business in Fresno. The staff provides information on legal requirements, financing options, site location/site selection, assistance with tax incentives, and project review and processing. In addition, the staff also offers referrals to business assistance programs available in Fresno.

City of Fresno
 Business Assistance Hot Spot
 Economic Development Department
 2600 Fresno Street, Room 3076
 Fresno, CA 93721
 (559) 621-8350
www.fresnoez.com
www.fresnostartup.com



Checklist for Starting a Business

- | Yes | No | |
|-----|-----|--|
| ___ | ___ | I like to do a professional job. |
| ___ | ___ | I am able to make decisions quickly and confidently. |
| ___ | ___ | I almost always stick with what I've decided. |
| ___ | ___ | I am a good planner |
| ___ | ___ | I pay close attention to details. |
| ___ | ___ | I am an energetic worker. |
| ___ | ___ | I know my business will require me to work long hours as many as 12 hours a day, six days a week, and maybe on holidays. |
| ___ | ___ | I value information. |
| ___ | ___ | I can take advice from others. |
| ___ | ___ | I am adaptable – I will be able to change if the business requires it. |
| ___ | ___ | My family supports my decision to start a business and understands that it will demand a great deal of my time and attention. |
| ___ | ___ | I realize that my customers, suppliers, family, and friends will occasionally have conflicting expectations of me that I'll have to balance. |
| ___ | ___ | I know it is likely my business will not show a profit right away. |
| ___ | ___ | I have sufficient financial reserves to cover my business (and family) needs for three to four months and possibly six to eight months. |
| ___ | ___ | I have determined that there is enough demand for my product in my community to support another business. |
| ___ | ___ | I have studied my competitors strengths and weaknesses and know how to make my product or service different or better. |
| ___ | ___ | I have sought advice about record keeping, taxes, legal matters, and insurance from qualified professionals. |
| ___ | ___ | I know there is a good chance that my business will fail, but it is worth the risk for me to try. |

Source: Entrepreneur.com

Before you Begin...

It is exciting to think about starting a new business. Putting your ideas into action requires a lot of careful preparation. Following is a list of recommendations to help you successfully start your business.

Knowledge

To start your business, you will need knowledge and skills in many different aspects of business. When you're creating your business plan, one of the first steps will be a frank assessment of your skills and expertise. Which aspects of the business are you qualified or willing to handle, and which aspects will necessitate either more learning on your part or calling in outside help? If you aren't knowledgeable enough about accounting to keep your own books, for instance, you're going to need to hire a bookkeeper and/or an accountant. If your business is Internet-based, you may need to hire a company to design your website and handle the backend. All the drive and determination in the world isn't going to help you if you don't have the knowledge to actually run a successful business and you don't take the time to research and plan for your success appropriately.

Experience

It is very useful to have some experience in managing people and finances. Most businesses fail due to lack of skills, managing employees, and money.

Business owners who have the highest chance of success are people who are able to leverage skills or experience they already possess. A business owner who wants to start a restaurant will have a better chance of success if he/she spent five to ten years managing somebody else's restaurant. Success will be even more likely if he/she knows how to cook, knows the restaurant business, has people identified to hire, and knows what kind of equipment to buy. Financing, either from a bank or from investors will be easier to arrange for the entrepreneur with industry experience. If you're looking to start your own business and you've identified which industry you want to go into, but you don't have the industry experience already, it would be best to go out and get some ASAP.

Research

Do your homework. Spend some time researching your proposed business ideas. Hours spent at the beginning will help you save time and money in the long run.

- Visit your local library <http://www.fresnolibrary.org>
- Check with relevant trade associations like:
- Central Valley Business incubator - <http://www.cvbi.org>
- Small Business Development Center (SBDC) - <http://www.ccsbdc.org>
- Various local Chambers of Commerce

In addition, research and determine what regulations will effect your business. The following is a list of agencies with an online link to their websites:

- Internal Revenue Services (IRS) - <http://www.irs.gov/business/index.html>
- Employment Development Dept. (EDD) - <http://www.edd.ca.gov>
- Worker's Comp Division - <http://workrescompensation.com/california.php>
- Contractors Board - <http://www.cslb.ca.gov>
- City of Fresno Economic Development Department - <http://www.fresnoez.com>

Business Plan

Develop a well thought out business plan. This is essential if you are seeking financial assistance from an outside source and is a crucial part of any loan application. The business plan should provide specific and organized information about your company and how you will repay the borrowed money. Your business plan should precisely define your business and identify your goals. The basic components include a current and pro forma balance sheet, an income statement, and a cash flow analysis.

Before you begin your business plan, consider these critical questions:

1. What type of business are you planning?
2. What products or services will you sell?
3. What type of opportunity is it ?
(Part-time, Expansion, seasonal, or year-round)?
4. Why does it promise to be successful?
5. What are the growth opportunities?
6. Why do you feel your strengths and interests make this the best business for you?

Marketing Plan

1. Who are the potential customers for your product or service and why will they buy from you?
2. How will you reach your potential customers?
3. Who are your competitors? How are their businesses prospering?
4. How will you promote sales?
5. Who will be your best supplier? Why?
6. Where will your business be located?
7. What factors will affect or influence your choice of location?

Organizational Plan

1. Who will manage the business?
2. What qualifications will you look for in a manager?
3. How many employees will you need and what will they be doing?
4. What are your plans for employee hiring, salaries and wages, benefits, training, and supervision?
5. How and who will manage your finances and record keeping?
6. What consultants or specialists will you need? And why?
7. What legal form of ownership will you choose? Why?
8. What licenses and permits will you need?
9. What state and local regulations will affect your business?

Financial Plan

1. What is your total estimated business income for the first year? Monthly for the first year? And Quarterly for the second and third years?
2. What will it cost you to open the business? How much more to sustain it for the next 18 months of operations?
3. What will be your monthly cash flow?
4. How much will you need for your personal financial needs monthly?
5. What sales volume will you need to make a profit in the first three years?
6. What will be the break-even point?
7. What are your projected assets, liabilities and net worth?
8. What will your total financial needs be?
9. What will your potential funding sources be?



Please contact the following resources for any help in developing your business plan:

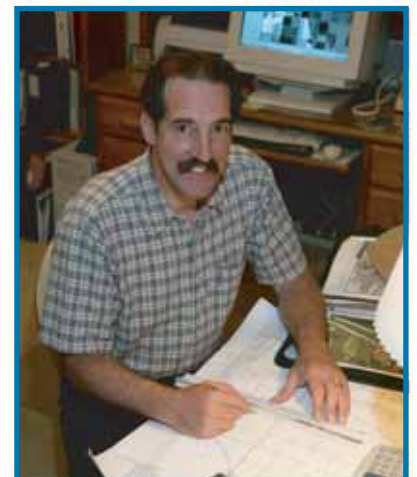
1. Central Valley Business Incubator
<http://www.cvbi.org>
2. Small Business Development Center
<http://www.ccsbdc.org>
3. Accelerator Online
<http://www.acceleratoronline.com>

Where will you get the financial resources to start your business?

Identify how you are going to finance your business. Most new business owners often underestimate the amount of money needed to start a new venture. To get a more accurate calculation, an entrepreneur needs to identify both the start-up capital cost and the cash flow requirements for a business. A total of the two, plus a reserve, is the capital recommendation for starting a business.

When looking for financing options, the following is a list of loan programs and local loan assistance programs you may want to look into to get more information:

1. City of Fresno
Economic Development Department
<http://www.fresnoez.com>
2. Cen Cal Business Finance Group
<http://www.cencalfinance.com>
3. Valley Small Business Development Center
<http://vsbdc.com>
4. Small Business Administration
<http://www.sba.gov/>
5. Micro-Enterprise Development Account Program
<http://www.fresnoeoc.org>



Choosing a good business name

Now that you have made the decision to go into business for yourself, you will want to choose a good business name. There are choices to be made and there is no single, correct answer. A business name is an individual decision you will want to consider carefully. The following is a list of suggestions to consider in choosing a business name:

- Descriptive business names
- Personal name
- Brandable business names
- Domain names

Descriptive Business Names

Generic, descriptive names make it easy for potential customers to work out what product or service your business provides. Descriptive names run a slight risk of not being able to “stand out from the crowd”, although the examples below didn't seem to have any trouble in making their mark!

Examples of descriptive business names:

- **International Business Machines (IBM)**
- **British Airways**
- **Kentucky Fried Chicken (now KFC)**

Brandable Business Names

Any company name can become a brand. Simple, “nonsense” words are probably the easiest to brand, especially if they are easy to remember.

Examples of brandable business names:

- **Apple**
- **Google**
- **Microsoft**

Brandable names have popular appeal—Google would not have enjoyed the same rise to popularity if it was called “The Search Engine Company”. The biggest problem with nonsense names like these is educating your potential customer as to what services you actually provide. Remember that building a brand takes time and usually requires significant resources (i.e.money) for marketing.

Domain Names (for website)

It is wise to check the available domain names before choosing a business name. Good domain names are becoming harder to find, so it pays to make sure the domain name you want is available before choosing your business name. Choosing a domain name is an important part of setting up your business, so take some time to research it and select wisely.

In summary, as part of the naming process, try searching Google for your potential business name. Put it inside double quote marks when searching. See if there are any other businesses with the same name.

There are many options for your business name. Brainstorm potential names by listing all the possible choices. Eventually, the right name for your business will become obvious.



Using Personal Names

Naming your business after yourself is relatively easy to do. Some feel that it adds credibility to your business. It could be your full name, first name or surname. Using all or some of your initials is also fairly common. The business may be a partnership of two or more people, which provides more possibilities. As with a brandable business name, a problem with using a person's name is that it is not immediately apparent what products and services your company offers.

Examples of companies named after people:

Giorgio Armani

McDonald's

Calvin Klein

A combination of descriptive terms and personal names is also fairly common. It allows you to add a personal touch but also to include your products or services in your business name.

Examples of combined business names:

Ford Motor Company (Henry Ford)

Dell Computers (Michael Dell)

Fictitious Names

If you establish a business under a name different from your own, you must register that name -- known as a fictitious, or assumed, business name -- with the County of Fresno at the following address:

Fresno County Clerk
2221 Kern Street
Fresno, Ca 93721
Phone: (559)488-3428

<http://www.co.fresno.ca.us/2850/Post/FBNapp.pdf>



There are many ways of organizing your business. You could run your business by yourself (sole proprietorship), with another person (partnership), or as a separate legal entity (corporate, limited liability company, limited partnership, or limited liability partnership). Each type of business structure has its own advantages and disadvantages. If you have questions regarding which type of structure best suits your business, it is best to consult a qualified tax consultant or an attorney.

Partnerships

General Partnership

A General Partnership exists when two or more individuals or businesses join to operate a business. Under a general partnership, a separate business entity exists, but creditors can still look to the partners' personal assets for satisfaction of debts. General partners share equally in assets and liabilities. It is best to consult an attorney when drawing up your partnership agreement so that each partner clearly understands in the beginning what rights and obligations each partner has to the business.

Limited Partnership

A limited partnership has one or more general partners responsible for managing the business and liable for the total debts incurred. This type of partnership also includes one or more limited partners who are liable only to the extent of their investment. Again, it is best to consult an attorney when forming your limited partnership.

Sole Proprietorship

A sole proprietorship is the simplest form of business organization. A sole proprietor is personally liable for all debts. Business ownership is nontransferable. The life of the business is limited to the life of the individual proprietor. Unlike an LLC or a corporation, you generally don't have to file any special forms or pay any fees to start working as a sole proprietor. All you have to do is declare your business to be a sole proprietorship when you complete the general registration requirements that apply to all new businesses.

In Fresno, to setup your business as a sole proprietor, you will need to register with the City of Fresno to report on business tax. You may download the form from: http://www.fresno.gov/Lic_Permits/. In return, your business will receive a business license or tax registration certificate. You may also have to obtain an employer identification number from the IRS (if you have employees), www.irs.gov. For other locations, check with the respective cities for their requirements.

Foreign Corporation

Before transacting intrastate business in California, the Corporation must first qualify/register with the California Secretary of State. (Corp. Code § 2105, 15692 or 17451) California Corporations Code sections 191, 15611(ag)(1) and 17001(ap) define "transacting intrastate business" as "entering into repeated and successive transactions of its business in this state". The Secretary of State's office cannot advise you as to whether or not the business must qualify/register to do business in California. If you require assistance in making that determination, you should consult with private legal counsel.

To qualify a foreign corporation, the corporation must file with the Secretary of State a **Statement and Designation by Foreign Corporation form**. Attached to the completed form must be a certificate from an authorized public official of the state or place of domicile indicating that the corporation is in good standing in that state or place. (Corp. Code § 2105) The fee for filing the Statement and Designation by Foreign Corporation is \$100.00. Please refer to the form for filing information and instructions.

To register a foreign limited partnership, the limited partnership must file with the Secretary an **Application for Registration (Form LP-5)**. (Corp. Code § 15692.) The fee for filing the Application for Registration is \$70.00. Please refer to the form for filing information and instructions.

To register a foreign limited liability company, the limited liability company must file with the Secretary of State an **Application for Registration (Form LLC-5)**. Attached to the completed form must be a certificate from an authorized public official of the state or place of domicile indicating that the limited liability company is in good standing in that state or place. (Corp. Code § 17451.) The fee for filing the Application for Registration is \$70.00. Please refer to the form for filing information and instructions.

Limited Liability Company

A limited liability company is an unincorporated business entity which shares some of the aspects of a Corporation and Limited Partnership, and yet has more flexibility than more traditional business entities.

When planning to form a California limited liability company, register a foreign (out of state) limited liability company or change the name of an existing limited liability company, while not required, it is suggested that you **reserve** the proposed name, prior to submitting documents to the Secretary of State's office, because documents are constantly being received and processed and the availability of a name can change at any time.

Even though a proposed limited liability company name has been checked and/or reserved, you should not order stationery, signs, etc. until you have receive notification of filing from the Secretary of State's office. The limited liability company is not created or registered until appropriate documents have been filed with the Secretary of States office.

You may obtain the application form for filing from the following link:

California Business Portal - Secretary of State
http://www.ss.ca.gov/business/llc/llc_forms/es.htm

Step 5 : Taxes



All businesses in California must fulfill their tax obligation for the State, Federal, and local government. If you are going to be in business, you'll want to know what types of business taxes may apply, including:

- State and Federal Tax
- Sales and Use Tax
- Self-Employment Tax
- Property Tax

California Business Tax at a Glance....

When you have a business, you must report your net income, and pay California and federal income taxes.

- Make estimated tax payments to the Franchise Tax Board (FTB) and IRS each quarter when you don't have an employer to deduct and pay income taxes for you.
- File your California and federal income tax returns each year, and find out if you still owe income taxes or if you paid too much for the year and may be entitled to a refund.
- If you have employees, deduct payroll taxes including income taxes from their wages, and pay the taxes to the Employment Development Department (EDD) and IRS. You also have to report new employees to EDD.
- If you pay people other than employees to do work for you, you may have to report information on these independent contractors to EDD, FTB, and IRS.
- Pay sales tax on the items you sell. Generally, you add the amount of tax to the purchase price, then pay the tax to the Board of Equalization (BOE)
- If you own personal property that you use in your trade or business, it is taxable and its cost must be reported every year to the city or county assessor's office.

What you need to know about Federal Tax when doing business in California.

Sole Proprietor

If you are a sole proprietor, use the information in the chart below to help you determine some of the forms that you may be required to file. You may also visit the following link:

<http://www.irs.gov/businesses/small/article/0,,id=98202,00.html>

If you are a sole proprietor then you may be liable for...	Use Form...
Income Tax	1040 and Schedule C or C-EZ (Schedule F for farm business)
Self-Employment Tax	1040 and Schedule SE
Estimated Tax	1040-ES
Employment Taxes: • Social Security and Medicare taxes and income tax withholding • Federal unemployment (FUTA) tax • Depositing employment taxes	941 (943 for farm employee) 940 or 940-EZ 8109

Partnership

If you are a partnership or a partner (individual) in a partnership use the information in the charts below to help you determine some of the forms that you may be required to file. You may also visit the following link:

<http://www.irs.gov/businesses/small/article/0,,id=98214,00.html>

Chart 1 (Partner)

If you are a partnership then you may be liable for...	Use Form...
Annual return of income	1065
Employment Taxes: • Social Security and Medicare taxes and income tax withholding • Federal unemployment (FUTA) tax	941 (943 for farm employee) 940 or 940-EZ 8109

Chart 2 (Partner (individual) in a Partnership)

If you are a partner (individual) in a partnership, then you may be liable for...	Use Form...
Income Tax	1040 and Schedule E
Self-Employment Tax	1065
Estimated Tax	1065

Corporation

The profit of a corporation is taxed to the corporation when earned, and then is taxed to the shareholders when distributed as dividends. However, shareholders cannot deduct any loss of the corporation.

If you are a corporation or an S corporation use the information in the charts below to help you determine some of the forms that you may be required to file. You may also wish to visit the following link:

<http://www.irs.gov/businesses/small/article/0,,id=98240,00.html>

Chart 1 - Corporation or S Corporation

If you are a corporation or an S corporation then you may be liable for...	Use Form...
Income Tax	1120 or 1120-A (corporation) 1120S (S corporation) Form 2553 (1st year only)
Estimated Tax	1120-W (corporation only)
Employment Taxes: • Social Security and Medicare taxes and income tax withholding • Federal unemployment (FUTA) tax • Depositing employment	941 (943 for farm employees) 940 or 940EZ 8109

Chart 2 - S Corporation Shareholders

If you are a S corporation shareholder then you may be liable for...	Use Form...
Income Tax	1040 and Schedule E
Estimated Tax	1040ES

Limited Liability Corporation (LLC)

A Limited Liability Company (LLC) is a relatively new business structure allowed by state statute.

LLCs are popular because, similar to a corporation, owners have limited personal liability for the debts and actions of the LLC. Other features of LLCs are more like a partnership, providing management flexibility and the benefit of pass-through taxation.

If you are a LLC then you may be liable for..	Use Form...
Income Tax	1040, Shedule C, Schedule E, Shedule F, Schedule SE, or 1065 or 1120
Estimated Tax	1120-W or 1040-ES
Employment Taxes	941 (943 for farm employees) 940 or 940EZ

Do I need a Tax Certificate from the City of Fresno?

Owners and persons having ownership interests in businesses operating in the City of Fresno are required by the Fresno Municipal Code to obtain a Business Tax Certificate. The following questions are intended to help you assess your potential need to obtain a Tax Certificate. Check with each city as they may have their own criteria.

- Am I involved in the retail or wholesale selling of merchandise, equipment, or other material items?
- Am I leasing equipment or other items to others?
- Am I receiving revenue for providing personal, business or other services, including consulting and lobbying services?
- Am I receiving revenue from the rental of living accommodations, including rooming house lodgings, apartments, flats, courts or single family residences?
- Am I receiving rental revenue from commercial real property used by others to conduct business?
- Do I have a California State Contractor's License?
- Am I an attorney, physician, certified public accountant, insurance broker, dentist, architect, mortician, psychologist, psychiatrist, real estate agent or engaged in any other profession for which I have special certifications or licensings issued by governmental or professional organizations?
- Am I a broker dealing in commodities, securities or services?
- Am I engaged in any activities not mentioned above which might be perceived by members of the community to be of a "business" nature?

If you answered "yes" to any of the above questions, and you do not already have a Business Tax Certificate for the activities mentioned above, you should contact:

City of Fresno
Finance Department - Business Tax & Licensing
2600 Fresno Street
Fresno, CA 93721
1st floor of City Hall
Tel: (559) 621-6880
<http://www.fresno.gov/adminservices/finance>

You can find out more information about Federal Tax issues by using the following resources:

- **Tax assistance by telephone: (1-800-829-1040)**
- **Order forms by telephone: (1-800-829-3676)**
- **IRS on the internet: www.irs.gov**
- **Publication 15 (Employer's Tax Guide)**
- **Publication 334 (Tax Guide for Small Business)**
- **Publication 541 (Partnerships)**
- **Publication 542 (Corporations)**
- **Publication 1635 (Understanding Your Employer)**
- **Identification Number (EIN)**
- **Form 8832 (Entity Classification Election)**

Business License Law 101

California Business License law requires that any person operating a business under a fictitious or assumed name must file a statement disclosing the business owners' names or business owner's name. What this means is that it establishes a presumption that the registrant has the exclusive right to use the Business License as a trade name.

Business License Code Requirements

As identified by the Fresno Municipal Code, particular businesses will be required to have both business license/tax certificate(s) and specific permit(s) for activities stipulated by the code within the City of Fresno.

There are other agencies and/or departments within the City of Fresno system, as well as county, state and federal governments, that may require permits that are in addition to and/or need prior approval.

It is important that business owners be responsible to provide accurate and complete information on the application[s]. Modified, or incomplete information may cause delays. It may also stop the City of Fresno from complying with your requests to legally conduct business.

For more information:

State of California Board of Equalization 5070 N. Sixth St., Suite 110 Fresno, CA 93721 (559) 248-4219	City of Fresno Finance Department Business Tax/Licensing 2600 Fresno St. Rm.1098 Fresno, CA 93721 (559-621-6880 FAX (559) 498-2544	City of Fresno Planning and Development Department - Zoning 2600 Fresno St. Rm. 3043 Fresno, CA 93721 (559) 621-8111
--	--	---

CalGOLD

The CalGOLD database provides detailed information on the business permit, license, and registration requirements from all levels of government (State, Federal, County and City). The information includes a description of the requirement, the name, address, and telephone number of the agency, and frequently, even a direct link to that agency's internet web pages. The information identified is specific to the type of business and its location in California.

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

ADA Public Access Requirements

Americans with Disabilities Act (ADA) requires that businesses that serve the public modify policies and practices that discriminate against people with disabilities. It includes complying with accessible design standards when constructing or altering facilities; removing barriers in existing facilities where readily achievable; and providing auxiliary aids and services when needed to ensure effective communication with people who have hearing, vision, or speech impairments.

All businesses, even those that do not serve the public, must comply with accessible design standards when constructing or altering facilities.

For more information on ADA codes or federal requirements, please visit: <http://www.usdoj.gov/crt/ada/stdspdf.htm>

Building Code, Zoning

New businesses or expanding businesses under renovation may need to meet local City building codes, and local zoning requirements. Please check with each city as they may have their own criteria.

To submit a building permit:

City of Fresno
Planning Department
2600 Fresno St
Fresno, CA 93721

The Planning Department's Application Assistance Center is readily available to assist anyone with the permit process. Please visit the Planning Department's website for electronic submission at <http://www.fresno.gov/egov/>

Seller's Permit—Who needs one?

Any business that sells or leases merchandise, vehicles, or other tangible personal property in California, even if temporary, is required to register with the Board of Equalization and pay sales tax on the taxable sales.

Any business that holds a seller's permit must fulfill the following obligations:

- File periodic sales and use tax returns with the Board
- Pay any sales or use tax due on your sales and purchases

Applying for a seller's permit

The application may be obtained from: www.boe.ca.gov. When applying for the permit, the following information needs to be provided:

- Information about your business
- Bank account details
- Estimated income
- Information about yourself
- Copies of your driver's license
- Social Security Card information

Temporary Permit

Temporary permits are issued to those whose sales activity will last no longer than 30 days, such as Christmas tree sales, and or sales at craft fairs; etc.

Fresno Branch Office:
5070 N. Sixth St., Suite 110
Fresno, Ca 93710
(559) 248 4217

Protecting your Idea

Most people do not think of ideas as property, but for some businesses their ideas represent some of their most valuable business assets. If you delay registering your idea until a future date, you may find that someone else has already registered your idea, and it is too late to protect your ownership interest. Before you begin your research, or consult with an attorney, you may want to clearly define what your idea is, what you intend to do with it, and determine the level of protection you are going to need.

Patents protect processes, methods and inventions that are "novel," "non-obvious" and "useful". If granted, a patent gives you a 20-year monopoly on selling, using, making or importing an invention "in" and "into" the United States. Depending on the details of your concept, it might qualify for patent protection. Patent protection requires full public disclosure of the work in detail and therefore precludes maintaining any trade secret protection in the same work. For more information visit:

<http://www.uspto.gov/main/patents.htm>

Copyright © protection gives the author of "original works of authorship" the rights to reproduce, to modify and to display the works publicly. This includes all literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. In the case of works made for hire, the employer and not the employee is considered to be the author. For more information visit:

<http://www.copyright.gov>

Trademarks show who made the product. It could be a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods. Any time you claim rights in a mark, you may use the "TM" (trademark) or "SM" (service mark) designation to alert the public to your claim, regardless of whether you have filed an application with the United States Patent and Trademark Office (USPTO). However, you may use the federal registration symbol "®" only after the USPTO actually registers a mark, and not while an application is pending. Also, you may use the registration symbol with the mark only on or in connection with the goods and/or services listed in the federal trademark registration. For more information visit:

<http://www.uspto.gov/main/trademarks.htm>

Air Quality Compliance

Complying with air quality rules and regulations can be confusing for businesses in California. For many small businesses, determining if the rules even apply can be problematic. Most businesses operating in California need to understand what permits are required, who issues the permits, and the specific requirements of the permits. As a small business owner, getting familiar with air quality compliance can be very confusing. The California Air Resources Board (ARB) Small Business Assistance Program is set up specifically to help the business community find the resources needed to comply with the rules and determine which rules apply to you. One of the best starting points is the Cal/EPA's CalGOLD web site <http://www.calgold.ca.gov/>. CalGOLD provides businesses with information on permits and other requirements of California agencies at all levels of government, including addresses, telephone numbers, and links to agency Internet web pages. For more information about The California Air Resources Board, please visit: <http://www.arb.ca.gov>

Specialized Federal Licenses

Most owners of small businesses will not need any type of specialized licenses from the federal government. However, the following is a list of the activities that require special federal licenses.

Activity	Federal Agency	Website
Rendering investment advice	U.S. Securities & Exchange Commission	http://www.sec.gov/
Preparation of meat products	Food & Drug Administration	http://www.fda.gov/
Production of drugs or biological products	Food & Drugs Administration	http://www.fda.gov/
Making tobacco or alcohol	Treasury Department – The Alcohol and Tobacco Tax and Trade Bureau (TTB)	http://www.ttb.gov/
Labeling	Federal Trade Commission	http://www.ftc.gov/
Making or dealing in firearms	Treasury Department – The Alcohol and Tobacco Tax and Trade Bureau (TTB)	http://www.ttb.gov/
Radio or television broadcasting	Federal Communications Commission	http://www.fcc.gov/

If only hiring employees was as easy as saying "You are hired." As an employer, there are many requirements that you must consider as you hire your workforce. This is particularly critical if you own a small business without a professional Human Resource Department or Manager that specializes in this discipline. The following checklist is intended to help you explore some of the most critical Human Resources topics facing a small business today. It is also recommended that a member of your business stay current on changes in human relations laws.

Hiring Checklist

- Job description for each position
- Withholding Tax Reporting
- Federal Tax Withholding
- Unemployment Tax Reporting
- Unemployment Insurance
- Occupational Health and Safety Regulations (OSHA)
- Federal Immigration Requirements
- Bureau of Labor and Industrial Requirements
- California Department of Justice Requirements
- Workers Compensation Insurance
- Americans with Disability Act (ADA)



Workers Compensation

Workers' Compensation, sometimes referred to as "Workman's Compensation" or "Workers' Comp", is the name given to a system of laws meant to protect injured workers. The goal is to make sure that somebody who is injured at work receives appropriate medical care, lost wages relating to the on-the-job injury, and, if necessary, retraining and rehabilitation, so as to be able to return to the workforce. When workers are killed on the job, members of the workers' families are eligible for benefits.

For more information on this, please visit:
http://www.dir.ca.gov/dwc/dwc_home_page.htm

What to keep for Employees Record?

When you hire employees, there is information that you need to secure for your records. Following is a list of things you may need to obtain:

- Have the employees you hire fill out [Form I-9](#), [Form W-4](#), and Employee's Withholding Allowance Certificates. Verify that each new employee is legally eligible to work in the United States.
- If your employees qualify and want to receive advanced earned income credit payments, have your employees complete [Form W-5](#) and Earned Income Credit Advanced Payment Certificates.
- You are required to get each employee's name and Social Security Number (SSN) and to enter them on [Form W-2](#). (This requirement also applies to resident and nonresident alien employees.)
- A copy of the employee's physical report if required. Please note that the physical report must be kept in a separate employee's file.
- After the calendar year is over, you must furnish copies of [Form W-2](#), Wage and Tax Statement, for each employee to whom you paid wages during the year.

OSHA Requirements

OSHA stands for Occupation Safety and Health Administration. Employers have certain responsibilities under the Occupation Safety and Health Act of 1970.

The mission of OSHA is to ensure that employers provide a safe working environment for employees by setting and enforcing standards and by, providing training, outreach, and education.

To obtain more information about an employer's responsibilities, please visit:

<http://www.osha.gov/as/opa/worker/employer-responsibility.html>

U.S. Department of Labor

The U.S. Department of Labor mandates that employers meet certain requirements. The following is a minimum list of the requirements. For more detailed information, please visit:

<http://www.dol.gov/dol/audience/aud-employers.htm>

- Wages & Work Hours
- Workplace Safety & Health
- Retirement & Health Benefits
- Veterans' Employment & Training
- Hiring Person with Disability
- Workers' Compensation
- Layoff Procedures

State and Federal Agencies

1. Employment Development Department

3302 N. Blackstone Ave. Ste 155
Fresno, CA 93726
(559) 230-3600
www.edd.ca.gov

2. Workforce Connection

3302 N. Blackstone, #155
Fresno, CA 93726
(559) 230-3600
www.workforce-connection.com

3. Social Security Administration

5090 N. West Ave
Fresno, CA 93711
(559) 487-5061
www.ssa.gov

4. IRS

5104 N. Blythe Ave
Fresno, CA 93722
(800) 829-3676
www.irs.gov

5. U.S. Department of Labor

State Labor Commissioner
Division of Labor Standards Enforcement
Department of Industrial Relations
455 Golden Gate Ave., 9th Floor
San Francisco, CA 94102
415-703-4810 Fax: 415-703-4807
www.dir.ca.gov

Financial Resources/Loan

Small Business Administration
Fresno District Office
2719 N. Air Fresno Dr., Suite 200
Fresno, CA 93727
(559) 487-5791
(559) 487-5636 Fax
(800) 359-1833 then press 6
www.sba.gov/ca/fresno/

Valley Small Business
Development Center
Fresno Office
7035 N. Fruit Ave.
Fresno, CA 93711
(559) 438-9680
(559) 438-9690 Fax
www.vsbdc.com

Central California Small Business
Development Center
3302 N. Blackstone, Suite 225
Fresno, CA 93726
(559) 230-4056
(559) 230-4045 Fax
www.ccsbdc.org

Central Valley Fund
2743 East Shaw Avenue, Suite 120
Fresno, CA 93710
(559) 294-6668
(559) 294-6655 Fax
www.centralvalleyfund.com

Central Valley Community Bank
Fig Garden Village Office
5180 N. Palm, Suite 105
Fresno, CA 93704
(559) 221-2760

River Park Office
8375 North Fresno Street
Fresno, CA 93720
(559) 447-3350
www.cvcb.com

City of Fresno
Economic Development
Department
2600 Fresno St., Room 3076
Fresno, CA 93721
(559) 621-8360
(559) 488-1078 Fax
www.fresnoez.com

Cen Cal Business Finance Group
2580 West Shaw, Suite 101
Fresno, CA 93711
(559) 432-4889 ext 14
(559) 432-4891 Fax
www.cencalfinance.com

There are numerous resources in the community to assist employers as they grow their business. In this section, the list of resources will be separated into three major categories:

1) Financial Resources/Loan 2) Marketing & International Trade 3) Management & Technical Services

Marketing & International Trade

Central California Hispanic
Chamber of Commerce
2331 Fresno Street
Fresno, CA 93721
(559) 495-4817/485-6640
(559) 495-4811 Fax
www.cchcc.net

Fresno Area Hispanic Chamber of
Commerce
1456 W. Shaw Ave.
Fresno, CA 93711
(559) 222-8705
(559) 222-8706 Fax
www.fahcc.org

San Joaquin Valley Black Chamber of
Commerce
2331 Fresno Street, Suite 115
Fresno, Ca 93721
(559) 441-7929
(559) 495-4811 Fax
www.sjvbcc.org

Center for International Trade
Development
550 E. Shaw Ave. Suite 155
Fresno, CA 93710
(559) 241-6566
www.citd.org

U.S. Department of Commerce
550 E. Shaw Ave. Suite 155
Fresno, CA 93710
(559) 227-6582
(559) 227-6509 Fax
www.buyusa.gov/fresno

Greater Fresno Area Chamber of
Commerce
2331 Fresno Street
Fresno, CA 93721
(559) 495-4800
(559) 495-4811 Fax
www.fresnochamber.com

Management & Technical Services

City of Fresno
Economic Development
Department
2600 Fresno St, Room 3076
Fresno, CA 93721
(559) 621-8360
(559) 488-1078 Fax
www.fresnoez.com

Economic Development
Corporation serving Fresno
County
906 N. Street, Ste 120
Fresno, CA 93721
(559) 233-2564
(559) 233-2156 Fax
www.fresnoedc.com

Economic Opportunity
Commission
1900 Mariposa Mall, Suite 280
Fresno, CA 93721
(559) 499-3715
(559) 485-1071 Fax
www.fresnoeoc.org

Fresno Business Council
Fig Garden Financial Center
5250 No Palm, Suite 300
Fresno, CA 93704
(559) 449-6398
(559) 431-5244 Fax

Fresno City College
1101 E. University Avenue
Fresno, CA 93741
(559) 442-4600
www.fresnocitycollege.edu

Fresno County Workforce
Connection
3302 N. Blackstone, Suite 155
Fresno, CA 93726
(559) 230-3600
www.workforce-connection.com

Fresno West Coalition
302 Fresno Suite 212
Fresno, CA 93706
(559) 485-1273
(559) 485-1276 Fax
www.fwced.org

Lyles Center for Innovation and
Entrepreneurship
2743 E. Shaw Avenue
Suite 120 M/S OF126
Fresno, California 93710-8205
(559) 294-2045
(559) 294-6655 Fax
www.lylescenter.com

One by One Leadership
1727 L Street
Fresno, CA 93721
(556) 233-2000
www.onebyoneleadership.com

Pacific Gas & Electric
705 P Street
Fresno, CA 93721
(800) 743-5000
www.pge.com

California State University
Fresno School of Business
5245 North Backer Avenue
Fresno, CA 93740
(559) 278-2482
(559) 278-6931 Fax
www.craig.csufresno.edu

Central Valley Business Incubator
2555 Clovis Avenue
Clovis Ca 93612
(559) 292-9033
(559) 294-6537
www.cvbi.org

Central California Small Business
Development Center
3302 N. Blackstone, Suite 225
Fresno, CA 93726
(559) 230-4056
(559) 230-4045 Fax
www.ccsbdc.org

Service Corps of Retired
Executives (SCORE)
SBA District Office
2719 N. Air Fresno Dr., Suite 200
Fresno CA 93727
(559) 487-5605 by appointment only



Step 10: Ongoing Requirements

State and Federal Mandatory Posting

In California, all employers must meet workplace posting obligations. Workplace postings are usually available at no cost from the requiring agencies. The Department of Industrial Relations requires employers to post information related to wages, hours, and working conditions in an area frequented by employees where it may be easily read during the workday. Additional posting requirements apply to some workplaces. For a list of available safety and health postings, visit the Cal/OSHA publications page.

Posting	Additional Information	Who Must Post
Industrial Welfare Commission (IWC) Wage orders	IWC wage orders regulate wages, hours, and working conditions and are numbered by industry or occupation group.	All employers
Minimum wage (state)	Sets forth California's minimum wage. The Industrial Welfare Commission wage orders contain the minimum wage and are printed in English, so employers with English-speaking workers need not post the minimum wage notice. Employers with workers who speak and read only Spanish must post the minimum wage notice in Spanish.	All employers
Payday notice	Must specify the regular paydays and the time and place of payment. An employer-developed notice is permitted.	All employers
Safety and health protection on the job	Contains pertinent information regarding safety rules and regulations. Available in English and Spanish.	All employers
Emergency phone numbers	Lists emergency responders' phone numbers. Title 8, California Code of Regulations, Construction Safety Orders section 1512 (e).	All employers
Access to medical and exposure records	Provides information about rights of employees working with hazardous/toxic substance. Available in English and Spanish.	All employers using hazardous or toxic substance
Notice to employees injuries caused by work	Advises employees of workers' compensation benefits. Claims administrators and employers need to revise the notice they are currently using and send it to the DWC Administrator Director (Division of Workers Compensation) for review and approval. Employers may obtain professionally printed copies of the poster and workers' comp claim form from their claims administrator. Title 8, California Code of Regulations, Division of Workers' Compensation section 9810	All employers
Notice of workers compensation carrier and coverage	States the name of the employer's current compensation insurance carrier, or the fact that the employer is self-insured. Obtained from the employer's workers' compensation insurance carrier.	All employers
Whistleblower Protection	Must be prominently displayed in lettering larger than size 14 type and include a list of employee rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. Labor Code section 1102 B.	All employers
No smoking signage	Signage must be posted designating where smoking is prohibited/permitted in a place of employment. This Law is enforced by local law enforcement agencies. Labor Code section 6404.5 (c)(1)	All employers
Log and summary of occupational injuries and illnesses	Form 300 is for logging recordable injuries, form 301 is for collecting details and form 300A is the annual summary form. All three forms are available in various downloadable formats with instructions on the Cal OSHA publications page.	Employers with 11 or more employees in the previous year

Step 10 : Ongoing Requirements (continued)

Posting	Additional Information	Who Must Post
Farm labor contractor statement of pay rates	Reference DLSE poster 445 must be displayed prominently where work is to be performed and on all vehicles used by the licensee for transportation of employees. Must be at least 12 inches high and 10 inches wide.	Farm labor contractors licensed by the Division of Labor Standards Enforcement (DLSE)
Prevailing wage rate determinations	The body awarding any contract for public work or otherwise undertaking any public work shall cause a copy of the prevailing wage determination for each craft, classification, or type of worker needed to execute the contract to be posted at each job site. Labor Code section 1773.2	Public works awarding bodies and contractors
Harassment or discrimination in employment is prohibited by law	Obtained from the Department of Fair Employment and Housing (DFEH), reference number 162, available in English and Spanish. (800) 884-1684	All employers agencies
Pregnancy disability leave	Obtained from the Department of Fair Employment and Housing (DFEH), reference notice A. (800) 884-1684 Title 2, California Code of Regulations section 7291.16(d)	Employers of five to 49 employees
Family care and medical leave (CFRA leave) and pregnancy disability leave	Obtained from the Department of Fair Employment and Housing (DFEH), reference notice B. (800) 884-1684 Title 2, California Code of Regulations sections 7297.9 and 7291.16(e)	All employers with 50 or more employees and all public agencies
Notice to employees	Advises employees of potential unemployment insurance, disability insurance and paid family leave insurance benefits. Obtained from the Employment Development Department, reference number DE 1857A, available in English, Spanish, Vietnamese, and Chinese. (916) 322-2835	All employers agencies
Notice to employees: unemployment insurance benefits	Obtained from the Employment Development Department, reference number DE 1857D, available in English, Spanish, Vietnamese and Chinese. (916) 322-2835	All employers agencies
Notice to employees: time off to vote	Not less than 10 days before every statewide election, every employer shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of section 14000.Elections Code section 14001 et seq.	All employers agencies
Equal employment opportunity is the law	Includes Americans with Disabilities Act (ADA) poster. Obtained from the U.S. Equal Employment Opportunity Commission. (800) 669-3362	All employers agencies
Minimum wage (Federal Fair Labor Standards Act)	Obtained from the U.S. Department of Labor, reference number WH 1088. (415) 744-5590	All employers agencies
Notice: Employee Polygraph Protection Act	Obtained from the U.S. Department of Labor, reference number WH 1462. Also available in Spanish. (415) 744-5590	All employers agencies
Family and Medical Leave Act (Federal FMLA)	Obtained from the U.S. Department of Labor, reference number WH 1420. Also available in Spanish. (415) 744-5590	All employers with 50 or more employees and all public agencies

Acknowledgement



The City of Fresno, Economic Development Department wishes to acknowledge the efforts of their staffs and of the many agencies, organizations and individuals who contributed to the development of "The FresnoStartUp Guide". Without their efforts and input it would not have been possible.

-
- | | |
|--|--|
| Bertz-Rosa Design | Economic Development Corporation |
| Black Chamber of Commerce | Economic Opportunities Commission |
| California State University Fresno, Craig School of Business | Fresno Area Hispanic Chamber of Commerce |
| CenCal Business Finance Group | Fresno Business Council |
| Center for International Trade Development | Fresno City College |
| Central California Hispanic Chamber | Fresno County Workforce Investment Board |
| Central California Small Business Development Center | Fresno Convention & Visitors Bureau |
| Central Valley Business Incubator | Fresno County Office of Tourism |
| Central Valley Community Bank | Fresno Hispanic Chamber of Commerce |
| Central Valley Fund | Fresno West Coalition |
| City of Fresno Business Tax | Fresno Works for Better Health |
| City of Fresno Economic Development Department | Greater Fresno Chamber of Commerce |
| City of Fresno Mayor's Office of Education | HUD |
| City of Fresno Planning and Development | I-5 Business Development Corridor, Inc |
| City of Fresno Public Utilities | Lyles Center for Innovation and Entrepreneurship |
| City of Fresno Public Works | Office of Community and Economic Development, CSUF |
| County of Fresno/Employment and Temporary Assistance | One by One Leadership |
| Council of Governments | Pacific Gas & Electric |
| County Board of Education | Redevelopment Agency |
| County of Fresno Economic Development | Regional Jobs Initiative |
| County of Fresno/ Local Agency Formation Commission | Small Business Administration |
| County of Fresno/CAO | U.S. Department of Commerce |
| Downtown Association | Valley Small Business Develop Center |
| | Wells Fargo Community Development |

