

HR News for California Business Leaders



February 2017

Complying with the Requirements of CA AB 2337

On September 14, 2016, Governor Jerry Brown signed AB 2337 into law which expands the employer notice requirements regarding domestic violence employee. The new law is effective July 1, 2017



Despite the protections under current law, many employees remain uninformed about their employment-related rights when it comes to domestic violence.

This article explains the employer's new notice requirements and the prohibition from discharging, discriminating or retaliating against an employee.

[Link to Full Article](#)



Is your Team Prepared? California AB 1676 Amends California Fair Pay Act

California AB 1676 amends California's Fair Pay Act (CFPA) to say that salary history cannot justify a gender pay gap.

The law stops short of prohibiting employers from asking about salary history during the hiring process, however, employers still need to tread carefully when making offers to candidates. When prior salary is known, employers should ensure that the pay offered is equal to others in the same or similar position.

This article walks you through the new amendment and also compares the Federal and California differences.

[Link to Full Article](#)

Tackling the Variations - CA Minimum Wage

Everyone know that on January 1, 2017, the California minimum wage increased to \$10.50 an hour, up from the current \$10.00 an hour, but only for employers with 26 or more employees. The current law increases the minimum wage each January for all employers



For complexity, if you have employees that work in City and County of Los Angeles, City of San Diego and City of Santa Monica, or salespeople who have accounts with these areas or

technicians or repair people who service these areas area, special minimum wage rules apply.

This article explains the basic rules, along with some special rules that we recommend you review.

[Link to Full Article](#)

HR News Briefs / Alerts

\$750,000 Award for Harassment Despite Employer's Investigation

In a case involving an employee's complaint that an Instagram photo posted by her co-workers compared her to a fictional chimpanzee from the movie "Planet of the Apes," liability may be imputed against the employer where "the employer either provided no reasonable avenue for complaint or knew of the harassment but did nothing about it," according to a federal district court.

In this case the employer **almost** did everything correct, but failed to take action when the hostile employee continued the harassment after being disciplined.

[Link to Full Article](#)

Apple Pay California Employees \$2 Million

With a few exceptions, most employers know that California law requires employers to provide most nonexempt employees with at least a 30-minute unpaid meal break for each five-hour period worked.

Brandon Felczer and three other former Apple employees in California filed a class-action complaint asserting various state-law wage and hour violations, including that Apple required them to work more than five hours without a meal break.

The tech company had a uniform scheduling practice that failed to allow retail employees to take their meal break by the start of their sixth hour worked. It is amazing that this tech giant allowed this violation.

[Link to Full Article](#)

Another Win for Job Descriptions

This is one of many ADA accommodation cases in which courts have deferred to an employer that has a detailed written job description addressing essential functions.

On 1/17/17, the Tenth Circuit Court of Appeals issued a decision **affirming summary judgment for an employer** in an ADA discrimination case, relying heavily on the employer's written job description of essential job functions. In this appeal the employee lost his discrimination case because he could not perform an "essential job function", operate a

[Link to Full Article](#)

Think Twice Before Jumping the Gun on Job Abandonment with an Employee on Leave

On January 13, the California Court of Appeal issued a decision in favor of an employee of San Diego Miramar College who was released for "job abandonment" while out on medical leave, holding a reasonable fact-finder could conclude the College retaliated against the employee for taking medical leave protected under the California Family Rights Act ("CFRA").

Many employers have experienced an employee with excessive absenteeism. **This case bluntly illustrates the importance of employers meeting their obligations under CFRA.** When CFRA-eligible employees are absent for medical reasons (even if the initial verification is insufficient, or the physician repeatedly extends the leave), the employer must give the employee a reasonable amount of time (up to 15 days) to provide proper verification. When the verification for a qualifying absence is inadequate or incomplete, the employer has a duty to inquire further.

[Link to Full Article](#)

CA Bills Introduced for Employers to Track in 2017

- **A.B. 5** proposes the Opportunity to Work Act, which would require employers with at least 10 employees to **first offer additional work hours** to existing nonexempt staff before hiring additional employees or contractors.
- **S.B. 62** would allow an employee to take leave to care for more individuals under the California Family Rights Act. The bill would expand the term "child" to include a domestic partner's children and would remove restrictions based on age and dependent status. It would also permit employees to take leave to care for a grandparent, grandchild, sibling or domestic partner with a serious health condition. Additionally, the definition of "parent" would be revised to include a parent-in-law.
- **Under S.B. 63**, employers with 20-49 employees in a 75-mile radius would have to provide eligible male and female employees with up to 12 weeks of job-protected baby-bonding leave. **The existing law now applies** to businesses with 50 or more workers.

Do you have an HR question or require tactical and strategic HR support or planning? Call us today for a no obligation consultation.

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