

# HR News for California Business Leaders



January 2017

## Do You Do Business in the City of Los Angeles?

Effective on January 22, employers with 10 or more employees, located in or doing business within the City of Los Angeles, must comply with the *Fair Chance Process*, colloquially known as the "Ban the Box" law.



This article explains the employer's restrictions regarding the asking about or the disclosure of an applicant's criminal history. This ordinance mandates new requirements for job postings, employment applications, the hiring/interview process and required postings.

[Link to Full Article](#)

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## Do Not Rule Out Unpaid Leave as an ADA Accommodation

Under the Americans with Disabilities Act (ADA), an employer must consider granting unpaid leave as a reasonable accommodation if the employee requests the accommodation.

Our Principal Consultant, Lauren Sims, explains how an unpaid leave of some limited duration, may be considered a reasonable accommodation in most cases..

[Link to Full Article](#)

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## Considering Abolishing Employee Performance Reviews?

There is a new trend among employers to abolish the performance review in their organization. Both managers and employees complain about the annual ritual and many employers have said "enough!"

A problem we often see is that most managers don't like being honest with employees about their shortcomings or tracking employees performance during the review period.

This article list the many opportunities performance reviews provide employees and managers.

[Link to Full Article](#)

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Reminder

## **Wage Anti-discrimination Laws Now Applies to Race and Ethnicity**

Under the Fair Pay Act employers are prohibited from paying an employee at wage rates less than the rates paid to employees of the opposite sex in the same establishment for equal work on jobs where the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions.

**The Fair Pay Act provides for exceptions, such as if the wage differential is based upon one or more of the following factors:**

1. A seniority system;
2. A merit system;
3. A system that measures earnings by quantity or quality of production; **and**
4. A bona fide factor other than sex, such as education, training or experience.

The later factor will apply if the employer shows that the factor was not the result of a sex-based differential in compensation, is job related to the position, and is consistent with business necessity. (Drinker Biddle & Reath LLP)

## **HR News Briefs / Alerts**

### **Reminder - California Exempt Salary Increased on January 1st**

Under California law, exempt employees must earn a fixed monthly salary of at least **double the minimum wage for full-time employment**. The current salary threshold is \$3,640.00 a month (\$43,680 annualized) based on the current \$10.50 per-hour state minimum wage.

[Link to Full Article](#)

### **On-Call Rest Periods Not Allowed in CA**

In a disappointing decision for California businesses, the California Supreme Court ruled recently that **on-call rest periods** are not permissible. This decision will require many California employers to re-examine their rest-break policies and practices.

[Link to Full Article](#)

### **IRS 2017 Mileage Rates**

Beginning January 1, 2017, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be 53.5 cents (down from 54 cents in 2016).

[Link to Full Article](#)

## **Fair Hiring Practices - Prior Salary History**

Although previously vetoed, Governor Brown, he has approved AB 1676, as amended. This law establishes that an employee's prior salary cannot, by itself, justify any disparity in compensation. It is important to note the bill was modified to take out language that would have prohibited employers from obtaining an applicant's prior salary

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## Waiting Time Penalties

Reminder - If an employee isn't paid "all wages due" upon termination, he or she may continue to receive pay for up to 30 additional working days.

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## Surprise - California made the List Again

Once again, California made the list of the nation's top "Judicial Hellholes," according to the latest rankings of the "most unfair" civil litigation courts by the American Tort Reform Foundation.

[Link to Full Article](#)

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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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