

HR News for California Business Leaders



March 2017

Understanding California's Floating Holiday Rules



Many employers in California, as part of the paid time off benefits they provide to employees, offer a Floating Holiday. Like all paid time off granted to employees, Floating Holidays are a nice little extra gift used to promote morale and work-life balance.

Correctly setting up and administering Floating Holidays requires knowledge of California rules

[Link to Full Article](#)



Are you one of the 90% of Businesses Administering COBRA Benefits Incorrectly?

What is COBRA? COBRA is an acronym for the Consolidated Omnibus Budget Reconciliation Act, the federal law that also amended ERISA to enable temporary health insurance for people who have lost or left their jobs.

The IRS estimates that 90% of companies do not administer COBRA correctly. Learn the rules and move into the 10% group.

[Link to Full Article](#)

HR News Briefs / Alerts

When You Don't have to Pay Workers for Training Time

Kathryn Otico was training to be a Hawaiian Airlines customer service representative at Oakland International Airport in California. She spent 10 days in a training program, and she wasn't compensated for any of that time. So she sued to collect payment.

The US District Court reviewed the **Department of Labor's six criteria** for deciding whether a worker crosses the line from being a non-compensable "trainee" to a compensable "employee under the Fair Labor Standards Act (FLSA)

The court held that Kathryn did not have to be compensated under California wage law or the FLSA.

Due to the complexity of the DOL rule, before electing not to compensate a trainee, we recommend you seek advice from your HR professional or employment law attorney

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Jury Award \$51 Million for Age Discrimination

The jury award was based on a federal case brought by Robert Braden, a mid-level manager of Lockheed Martin. Braden was part of **six 6 person company unit** and he was the only employee fired from that unit as part of a company wide **Reduction in Workforce (RIF)**.

Braden proved he was the oldest of the six person unit and the company had a practice of giving younger workers better reviews and raises to retain them. In addition, two other younger workers had the same title and were allowed to keep their job

What can we learn? Employers must be aware of their potential liability for age discrimination. While implementing RIFs can be a bit of a fire drill, this jury verdict provides a valuable business reason to slow down, insure that the decision-making criteria is objective and as uniform as possible, and test the basis for the decision.

[Link to Full Article](#)

Employers Cannot Play "Father Knows Best" To Pregnant Employees

This article discusses when good intentions could be a EEOC violation. **A "forced leave of absence without pay due to her pregnancy" is a violation of Title VII.** This article discusses several actual cases when woman were forced to take a medical leave that was not requested

The take away - Pregnant women have the right to make their own decisions about working while pregnant, including the risks they are willing to assume. Even if there may be a potential health concern, **it is up to the woman and her doctors to evaluate.**

Companies must not impose **paternalistic notions** on pregnant women, as doing so can result in unlawful discrimination."

[Link to Full Article](#)

EEOC Releases Enforcement Stats for 2016

The Equal Employment Opportunity Commission (EEOC) released data on enforcement and litigation for fiscal year 2016, adding statistics on LGBT charges for the first time. A total of 91,503 charges of workplace discrimination were filed in FY 2016, an increase over the prior fiscal year.

More than \$482 million was awarded employees for EEOC violations. Of that amount, \$4.4 million was awarded for LBGT - sexual discrimination claims

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

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