

HR News for California Business Leaders



September 2016



- Your Employee Quits or is Terminated - Do you know the CA Final Paycheck Regulations?

If you infrequently have an employee leave, it may be time to review these rules to avoid a penalty or claim with DLSE. This article reviews the current timing and allowable methods of final wage payments regulations in California

[Link to Full Article](#)

Can You Use English Only Policy in the Workplace?

Many employers believe that only English should be spoken in the workplace. Employers cite complaints from other employees about coworkers who might feel uncomfortable or excluded when coworkers speak other languages.



This article explains **when English can be required** and the federal and CA anti-discrimination laws that prohibit national origin discrimination.

[Link to Full Article](#)



Do You Remember the Regulations for Elections?

The November 8th elections are fast approaching. Now is the time for you to review the employee time off requirements and special CA posting regulations.

[Link to Full Article](#)

HR News Briefs / Alerts

Time Clock Rounding - Legal?

Time clock rounding is a longstanding employer practice whereby employers round employee starting and stopping times to the nearest five minutes, or to the nearest one-tenth or quarter of an hour. **Is the practice legal?**

Recently the Ninth Circuit, which has jurisdiction over CA, determined that the federal

regulation **could NOT be read to mean that an employee must always come out even or ahead**. California has adopted the federal regulations

The court reasoned that a rounding policy will mean that some pay periods an employee may come out ahead and sometimes he or she may come out behind. However, in the end, rounding is meant to average out over the course of time.

[See Full Article](#)

Workplace Drug Use on the Rise

A recent Survey Shows **Positive Workplace Drug Test Results Are On The Rise**, Especially for Heroin, Marijuana and Amphetamines.

According to a new study published by Quest Diagnostics Today, positive workplace drug test results have been increasing steadily every year since 2011 and the rate of amphetamine, marijuana and heroin detection has increased every year for the past five years.

[See Full Article](#)

Workplace Rest Breaks Employer Wins - 90 Million Dollar Judgement Reversed

Certain employees, like security personnel, maybe required to remain on the premises and remain available. However, during their rest breaks, the employee is free to engage in personal activities, such as surfing the internet, reading or attending to personal business.

The CA court of appeals reversed a judgment against ABM Security, stating **"remaining available to work is not the same as performing work."** The employees did receive the required rest breaks.

[See Full Article](#)

Additional New Hire Notice Requirement

This month Governor Jerry Brown signed AB 2337, a bill that requires CA employers with 25 or more employees to **provide notice to employees of their right to take protected time off**, without threat of termination or retaliation, for domestic violence, sexual assault, or stalking.

This notice must be provided to each employee **"at the time of hire"** and thereafter upon request by the employee.

Many California employers are already complying with AB 2337 by virtue of having an employee handbook, which is provided at the time of hiring and that should explain an employee's right to take leave under these circumstances.

If you do not have an employee handbook, we recommend calling us to develop your custom employee handbook.

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

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