

IMPORTANT LAWS FOR CALIFORNIA EMPLOYERS

ESPECIALLY IN THE TRUMP VS CALIFORNIA ERA IN 2018

NEW LAWS EFFECTIVE AS OF 1/1/2018

LAWS THAT PUT EMPLOYERS IN BETWEEN FEDS AND STATE OF CALIFORNIA

IMMIGRANT WORKERS PROTECTION ACT

AB 450 / EFFECTIVE 1/1/2018

AB 450

PROHIBITS THE EMPLOYER OR ITS AGENTS FROM VOLUNTARILY PERMITTING FEDERAL AGENTS (ICE) FROM ENTERING A NON PUBLIC AREA OF THE EMPLOYER WITHOUT A WARRANT, UNLESS OTHERWISE REQUIRED BY LAW ? ?

AB 450

ALSO PROHIBITS GIVING ACCESS TO EMPLOYEE RECORDS WITHOUT A SUBPOENA OR COURT ORDER

AB 450

UNLESS A NOTICE OF INSPECTION (NOI) IS ISSUED TO INSPECT I-9 FORMS ETC , BUT MUST POST 72 HOUR NOTICE TO EMPLOYEES (IN THEIR OWN LANGUAGE)

AB 450

MUST BE GIVE COPY ALL NOTICES OF INSPECTION AND EXPLAIN ANY DEFICIENCIES IN EMPLOYMENT ELIGIBILITY IDENTIFIED DURING THE INSPECTION TO THE EMPLOYEE/ ADVISE OF RIGHT OF REPRESENTATION BEFORE ANY ACTION IS TAKEN / CAN'T RE VERIFY UNLESS PROVIDED BY LAW

AB 450

THIS LAW IMPOSES CIVIL FINES ON EMPLOYERS FOR VIOLATIONS RANGING FROM \$2,000 TO \$10,000 PER VIOLATION

AB 450

I REPEAT.....I REPEAT.....PER VIOLATION

WHAT TO DO: GET EDUCATED, GET COMPETENT
ADVICE RE HR/ LEGAL ON WHAT TO DO WHEN
FEDERAL IMMIGRATION OFFICERS ARRIVE
REGARDING ACCESS AND WHAT PROPER NOTICES TO
GIVE TO EMPLOYEES

OTHER LAWS ALREADY IN EFFECT REGARDING PROTECTION OF UNAUTHORIZED IMMIGRANT WORKERS

“CRIMINAL EXTORTION” INCLUDES THREATS
RELATED TO IMMIGRATION STATUS.
ATTORNEY GENERAL BECERRA WARNED ABOUT VERY
STRICT ENFORCEMENT WITH CIVIL AND CRIMINAL
PENALTIES .

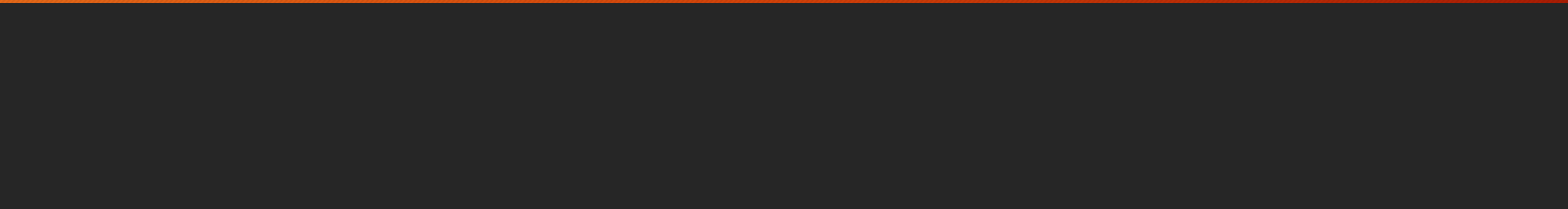
PROVIDES IMPRISONMENT FOR UP TO ONE YEAR AND /OR A FINE UP TO \$10,000 FOR THREATS RE
IMMIGRATION STATUS (AB 524) 2013

ALSO PROHIBITED : USING THREATS AGAINST THOSE WHO EXERCISE THEIR LABOR RIGHTS , SUCH AS WAGE AND HOUR DISPUTES

LABOR BOARD CAN INVESTIGATE, FINE THE EMPLOYER , CIVIL LAWSUIT CAN BE FILED FOR RETALIATION CIVIL PENALTY UP TO \$10K AND SUSPENSION OF BUSINESS LICENSE AT LEAST TEMPORARILY .

SB 666 , EXPANDS ON THE PRIOR , BUSINESS
LICENSE CAN BE REVOKED (NOT JUST SUSPENDED
TEMP) EASIER TO BE SUED AND EVEN YOUR LAWYER
MAY LOSE HIS OR HER LICENSE FOR IF HELPING YOU
RETALIATE BASED ON IMMIGRATION STATUS.

OTHER NEW LAWS EFFECTIVE IN 2018



CONSIDERATION OF CRIMINAL HISTORY IN EMPLOYMENT DECISIONS

EMPLOYERS (FIVE OR MORE EMPLOYEES) ARE PROHIBITED FROM CONSIDERING VARIOUS PARTS OF
CRIMINAL HISTORY, INCLUDING :

1. AN ARREST OR DETENTION THAT DID NOT RESULT IN A CONVICTION .
2. REFERRAL TO OR PARTICIPATION IN A PRE OR POST - TRIAL DIVERSION PROGRAM
3. CONVICTION THAT IS DISMISSED, EXPUNGED , SEALED OR STATUTORILY ERADICATED (SUCH AS JUVENILE RECORDS)
4. CERTAIN SPECIFIED JUVENILE PROCESSES.
5. NON-FELONY CONVICTION , MARIJUANA (2+YRS)

IN ADDITION, IF IN A FEHA PROTECTED CATEGORY, EMPLOYER MAY NEED TO SHOW BUSINESS NECESSITY AND EMPLOYEE CAN OVERCOME IT BY SHOWING THERE IS A LESS DISCRIMINATORY WAY OF ACHIEVING THE SPECIFIC BUSINESS NECESSITY ...CAL CODE OF REGS TITLE 2, SECTION 11017.1

CANNOT INQUIRE INTO OR CONSIDER CONVICTION HISTORY BEFORE MAKING A CONDITIONAL OFFER OF EMPLOYMENT

IF DECISION IS MADE SOLELY BASED ON CONVICTION HISTORY; MUST DOCUMENT WHY DENIAL OF EMPLOYMENT WAS JUSTIFIED DUE TO DIRECT AND ADVERSE RELATIONSHIP WITH THE DUTIES OF THE JOB.

EXPANSION OF PARENTAL LEAVE SB 63

EMPLOYERS THAT DIRECTLY EMPLOY TWENTY TO FORTYNINE EMPLOYEES WITHIN SEVENTY MILES OF EACH OTHER MUST PROVIDE UP TO 12 WEEKS OF UNPAID, JOB PROTECTED PARENTAL BONDING LEAVE

SB 63

EMPLOYEES ARE ELIGIBLE IF IN SERVICE FOR
EMPLOYER FOR 12 MONTHS BEFORE THE LEAVE

MUST BE WITHIN ONE YEAR OF CHILD'S BIRTH, ADOPTION OR FOSTER CARE PLACEMENT

TO DO: MAKE SURE YOU DETERMINE IF YOU ARE COVERED BY THIS LAW AS A SMALL EMPLOYER AND DEVELOP A DETAILED LEAVE OF ABSENCE POLICY

TO AVOID CLAIMS OF RETALIATION, DISCRIMINATION....ALWAYS NEED UNIFORM POLICIES

NEW LAWS RE ANTI HARASSMENT TRAINING, POLICIES REGARDING GENDER IDENTITY, GENDER EXPRESSION AND SEXUAL ORIENTATION

CALIFORNIA DFEH AS OPPOSED TO FEDERAL FEHA

IF MORE THAN 50 EMPLOYEES , IN MANAGEMENT
MAKE SURE YOU ARE UP TO DATE ON ALL ANTI
HARASSMENT AND ANTI DISCRIMINATION POLICIES

REVIEW THE DRESS CODE TO BE COMPLIANT, MAKE SURE TOILET SIGNS ARE COMPLIANT ; DFEH POSTER
RE TRANSGENDER RIGHTS BE POSTED; TRAIN ALL EMPLOYEES TO USE A CO-WORKER'S PREFERRED
NAME AND PRONOUN...BE VIGILANT

MAKE SURE YOU CLOSELY MONITOR ANY ADVERSE DISCIPLINARY CHARGES OR ACTION AGAINST EMPLOYEES WHO HAVE WAGE AND HOUR CLAIMS

LABOR BOARD CAN FINE AND INVESTIGATE EVEN IF NO COMPLAINT OF DISCRIMINATION OR RETALIATION...SIMPLY HAVING A SUSPICION OR CONCERN SUFFICIENT . NEW SB 306 EXPANDING ON EXISTING LAWS.

CANNOT INQUIRE ABOUT PRIOR PAY HISTORY
AB 168 , EFFECTIVE 1/1/2018
LABOR CODE SECTION 432.3
SALARY/COMPENSATION OR BENEFITS

JOB APPLICANTS ARE PROTECTED..APPLIES TO ALL PRIVATE AND PUBLIC EMPLOYERS
TO AVOID HISTORICAL PAY DISCREPANCIES FOR WOMEN AND MINORITIES

AB 168

EXCEPTION

IF JOB APPLICANT VOLUNTEERS THE INFORMATION , EMPLOYER MAY CONSIDER IT IN DETERMINING
COMPENSATION

YOU CANNOT ASK THE QUESTION

YOU MUST PROVIDE THE PAY SCALE FOR THE POSITION IF APPLICANT ASKS FOR IT/ ,MAY PROVIDE PAY RANGE

EMPLOYEES OF DIFFERENT GENDER, RACE OR
ETHNICITY CANNOT BE PAID DIFFERENT AMOUNTS
FOR SUBSTANTIALLY SIMILAR WORK

MINIMUM WAGE INCREASED TO \$11 PER HOUR (26
OR MORE EE'S) ; \$10.50 FOR OTHERS

CHECK CITY AND COUNTY RULES FOR HIGHER
MINIMUM WAGE LIMITS

SANTA MONICA , THEIR LAWS APPLY IF EE WORKING MINIMUM TWO HOURS PER WEEK
LOS ANGELES (CITY) , SAME AS SANTA MONICA
COUNTY LA , SAME FOR EE'S IF IN UNINCORPORATED AREAS
EVEN IF EMPLOYER IS NOT LOCATED IN THOSE CITIES OR COUNTY

TIPS FOR EMPLOYERS, LARGE OR SMALL

DO YOU HAVE POLICIES , HANDBOOK AND UNIFORMITY ?

DISCRIMINATION CASES, MAIN REASON YOU MAY LOSE IS LACK THEREOF

TRAINING OF SUPERVISORS AND EMPLOYEES

INTERNAL AUDIT / OR EXTERNAL EXPERTS
REGARDING WAGE AND HOUR PRACTICES

PAYROLL COMPANIES

- COMMUNICATION
- ACCURACY OF INFORMATION
- BURDEN ON EMPLOYER
- BE PROACTIVE

MEAL AND REST BREAKS

SEXUAL HARASSMENT TRAINING

- MUST DISCUSS BULLYING IN WORK PLACE
- COVER GENDER IDENTITY, EXPRESSION & SEXUAL ORIENTATION

50 PLUS MOSTLY BUT BETTER TO BE COMPLIANT

KEEP GOOD PERSONNEL FILES, TIME RECORDS AND
WAGE INFORMATION ...FOR A LONG TIME
DOCUMENT/ DOCUMENT/ DOCUMENT

AVOID LITIGATION ...EXPENSIVE ..NOT JUST LAWYERS FEES , YOUR TIME/ MANAGERS TIME / BETTER TO
CONCENTRATE ON YOUR BUSINESS

JOINT EMPLOYER LIABILITY / STAFFING AGENCIES

THERE CAN BE MORE THAN ONE EMPLOYER WHO ARE LIABLE
INSURANCE ISSUES
CONTROL
INDEPENDENT CONTRACTOR TRAP .

THE END

EDVIN MINASSIAN