

Legislative Update

Three Bills Employers Need to Know About

THREE CONSEQUENTIAL measures are wending their way through the state Legislature that will change the landscape for employers in California.

The most controversial would require every employer in the state to have in place a workplace violence prevention program. That legislation comes with a host of requirements for preventing violence, rules for dealing with shoplifters and documentation of violent incidents.

Another would increase the amount of sick days workers in the Golden State can take, while the third would expand — once again — the definition of “family” for the purposes of paid family leave.

Here’s a look at the three measures, which the California Chamber of Commerce has dubbed “job killers.”

SB 553

This bill, which was passed by the State Senate and by two Assembly committees, would require all employers to “establish, implement and maintain” a workplace violence prevention plan, as well as require them to keep an incident log of violent incidents in the workplace.

Under the measure, employers would be required to make available individual trauma counseling to all employees affected by a workplace violence incident. Also, if an employer fails any of SB 553’s requirements, it may face fines from \$18,000 (initially) to \$25,000 per violation.

It would also bar employers from requiring their workers to confront shoplifters and would allow unions to seek temporary restraining orders on behalf of employees based on workplace violence or credible threats of violence.

**SB 616**

Workers in California are entitled up to a minimum of three days (or 24 hours) of paid sick leave per year, and this legislation would expand that to seven days — or 56 hours.

The measure also would increase the minimum accrual cap. Under current law, the accrual cap is 48 hours, or six days. The proposed bill would increase the cap to 112 hours, or 14 days.

SB 616’s authors say that other states have more generous paid leave laws and that California needs to catch up.

This bill has passed out of the State Senate and is now in committee in the Assembly.

AB 518

This measure would expand the state’s paid family leave program so employees could take paid time off to care for loved ones who aren’t members of their family but are “considered family,” such as an elderly neighbor or friend.

Under current law, family members are restricted to spouses, domestic partners and blood-related relatives, including children, parents, grandparents and siblings.

Proponents of the measure say it would help low-wage workers who may not be able to afford to take time off unpaid to take care of a chosen or extended family. Likewise, they say the bill addresses LGBTQ individuals who may be in alternative relationships.

The Chamber warns that “This expansive definition provides a nearly limitless claim on paid time off.”

This bill has passed out of the Assembly and the State Senate and is awaiting the governor’s signature. ❖

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Short Ramping Up Period for Employers to Prepare

How to prepare

Start by making a list of all your current exempt employees who earn between \$35,568 and \$55,068 a year.

You will have a decision to make about each of these workers:

- Raise their salaries to meet the new threshold, or
- Change them to non-exempt status so they are eligible for overtime pay if they work extra hours. You’ll also have to put in place systems for tracking their hours worked, including overtime.

Also, your benefits package may differ for non-exempt and exempt workers and you may have to change benefits for anyone whose status changes.

You should also plan how you are going to communicate these changes to your workforce.

Finally, you can expect business groups to protest this rule and sue to stop its implementation. ❖