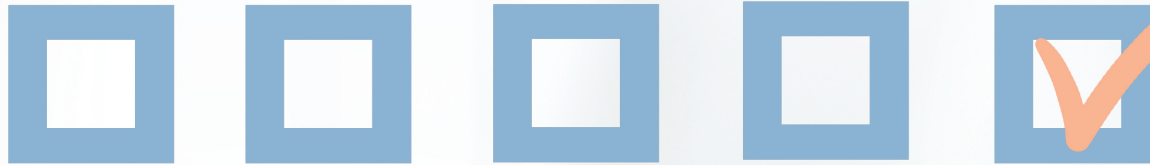


LAWS THAT APPLY TO YOUR ORGANIZATION



This chart is designed to help you quickly identify which California employment laws affect your organization based on your number of employees. The index that follows provides a summary of each law/requirement. This is meant to be a guide only; for more information, please contact Emplicity HR Outsourcing and PEO sales department for programs tailored to your business needs. Emplicity understands that HR Outsourcing should be simple and meaningful. As a Professional Employer Organization (PEO), we strive to be a great partner in supporting your business. If you would like more information on how we can assist your needs, please reach out to us at 877-476-2339. We are located in Orange County, Los Angeles, and the greater Sacramento and San Francisco areas of California.

Notice: Emplicity provides HR advice and recommendations. Information provided by Emplicity is not intended as a substitute for employment law counsel. At no time will Emplicity have the authority or right to make decisions on behalf of their clients.



LAWS THAT APPLY TO YOUR ORGANIZATION

This table is designed to help you quickly identify which employment laws affect you. Use the following chart to determine which labor laws apply to you based on the number of employees you have.

LAW / REQUIREMENT	ALL EMPLOYERS	2 OR MORE	4 OR MORE	5 OR MORE	15 OR MORE	16 OR MORE	20 OR MORE	25 OR MORE	50 OR MORE	75 OR MORE	100 OR MORE
Affirmative Action									✓	✓	✓
Alcohol and Drug Rehabilitation								✓	✓	✓	✓
Americans with Disabilities Act (ADA)					✓	✓	✓	✓	✓	✓	✓
Ban the Box				✓	✓	✓	✓	✓	✓	✓	✓
Bereavement Leave				✓	✓	✓	✓	✓	✓	✓	✓
Cal-COBRA (Health Insurance Continuation)¹		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
California Family Rights Act (CFRA)				✓	✓	✓	✓	✓	✓	✓	✓
CalSavers²	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Child Labor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Civil Air Patrol Leave						✓	✓	✓	✓	✓	✓
COBRA (Health Insurance Continuation)							✓	✓	✓	✓	✓
COVID-19 Workplace Exposure Notice Requirements	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Crime or Abuse Victims' Leave: Legal Proceedings/Reasonable Accommodation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Crime or Abuse Victims' Leave: Medical Treatment								✓	✓	✓	✓

¹Cal-COBRA covers employees with 2-19 employees who offer health insurance benefits to employees. Cal-COBRA covers employers with 20 or more employees when the employee loses COBRA coverage, if the COBRA coverage was for less than 36 months.

²CalSavers applies to all employers that don't offer a qualified retirement plan. A qualified retirement plan is one of the following: 401(a), 401(k), 403(a), SEP, SIMPLE, or payroll deduction IRAs with automatic enrollment.

LAW / REQUIREMENT	ALL EMPLOYERS	2 OR MORE	4 OR MORE	5 OR MORE	15 OR MORE	16 OR MORE	20 OR MORE	25 OR MORE	50 OR MORE	70 OR MORE	100 OR MORE
Criminal Judicial Proceedings and Victims' Rights Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Disability Insurance	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Discrimination and Immigrant Workers			✓	✓	✓	✓	✓	✓	✓	✓	✓
Discrimination Laws (Federal)					✓	✓	✓	✓	✓	✓	✓
Discrimination Laws (State)				✓	✓	✓	✓	✓	✓	✓	✓
Employee Safety	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Equal Employment Opportunity (EEO) Reporting ³											✓
Fair Employment and Housing Act (FEHA)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fair Pay Act (California)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Federal Family and Medical Leave (FMLA)									✓	✓	✓
Illiteracy Accommodation								✓	✓	✓	✓
Immigration Reform and Control Act (IRCA)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Independent Contractors	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Industrial Welfare Commission (WC) Wage Orders	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Injury and Illness Prevention Program (IIPP)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jury Duty Time Off	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

³EEO reporting also applies to employers covered by Title VII who have fewer than 100 employees if the organization is owned or affiliated with another organization or there is centralized ownership, control or management (such as central control of personnel policies and labor relations) so that the group legally constitutes a single enterprise, and the entire enterprise employs a total of 100 or more employees.

LAW / REQUIREMENT	ALL EMPLOYERS	2 OR MORE	4 OR MORE	5 OR MORE	15 OR MORE	16 OR MORE	20 OR MORE	25 OR MORE	50 OR MORE	75 OR MORE	100 OR MORE
Lactation Accommodation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mandatory Sexual Harassment Prevention Training				✓	✓	✓	✓	✓	✓	✓	✓
Military Service/USERRA Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Military Spouse Leave								✓	✓	✓	✓
Minimum Wage (State/Local)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
New Employee Reporting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Organ and Bone Marrow Donor's Leave					✓	✓	✓	✓	✓	✓	✓
Paid Family Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Paid Sick Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pay Data Reporting (California)											✓
Posters and Notices	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pregnancy Disability Leave Laws				✓	✓	✓	✓	✓	✓	✓	✓
Prior Salary History Ban	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Privacy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
School and Child Care Activities Leave ⁴								✓	✓	✓	✓
School Appearances Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Smoking in the Workplace	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

⁴A covered employer must employ 25 or more employees working at the same location.

LAW / REQUIREMENT	ALL EMPLOYERS	2 OR MORE	4 OR MORE	5 OR MORE	15 OR MORE	16 OR MORE	20 OR MORE	25 OR MORE	50 OR MORE	75 OR MORE	100 OR MORE
Unemployment Insurance (UI)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Volunteer Civil Service Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Volunteer Civil Service Training Leave									✓	✓	✓
WARN Act (plant closings)										✓	✓
Workers' Compensation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Who Is an Employee?

Generally, employees who are actually on your payroll will be counted to determine if you are covered by a state or federal law.

The definition of who is counted as an employee may vary depending on the legal requirement at issue. For some laws, you will include temporary employees and independent contractors to determine your employee count. Any exceptions to the general rule will be noted in the discussion of the federal or state law.

When is a Shareholder an Employee?

The United States Supreme Court said that enforcement agencies and courts could examine the relationship between a company and its shareholders to determine if they should be considered employees.

In *Clackamas Gastroenterology Associates, P.C. v. Wells*, the U.S. Supreme Court said that an individual's right to control the business determines if he/she is an employee. It relied on six factors created by the Equal Employment Opportunity Commission (EEOC) as among those to be considered:

- What is the extent to which the organization supervises his/her work?
- Does he/she report to someone higher in the organization?
- How much influence is he/she able to exert over the organization?
- What relationship is intended, as expressed in oral or written agreements?
- Does he/she share in the profits, losses and liabilities of the organization?

Though not exhaustive, the list illustrates the factors that enforcement agencies and courts can use to determine if shareholders, directors, officers or partners in a small business are to be treated as employees for enforcement purposes.¹

1. *Clackamas Gastroenterology Associates, P.C. v. Wells*, 123 S. Ct. 1673 (2003)

Please note: This index is just a brief insight into each law, however additional action and/or requirements may be necessary. Please contact your Emplicity Consultant for addition information and assistance (877) 476-2339.

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LAW / REQUIREMENT	DEFINITION
Affirmative Action	<p>Affirmative action requires you to take positive steps to identify discrimination based on protected class status and to improve work opportunities for women, racial and ethnic minorities, and people who belong to other protected groups that have been deprived of job opportunities.</p> <p>Affirmative action involves making a specific effort to recruit individuals based on membership in protected classes. Affirmative action also involves taking positive actions to ensure that individuals, when employed, have an equal opportunity for benefits and promotions. Affirmative action involves determining areas of workforce under-representation, locating qualified protected class candidates by enlarging the recruiting base, and developing the skills they need to succeed in those new positions.</p>
Alcohol/Drug Rehabilitation	<p>Current illegal drug use is not a protected disability under the federal Americans with Disabilities Act or the state Fair Employment and Housing Act, and current users are not protected from discrimination.</p> <p>Under the California Labor Code, if you have 25 or more employees, you must reasonably accommodate any employee who volunteers to enter an alcohol or drug rehabilitation program, if the reasonable accommodation does not impose an undue hardship on you. Reasonable accommodation includes time off with or without pay and adjusting working hours. You need not provide time off with pay. An employee who is absent for alcohol or drug rehabilitation can use sick leave pay to which he/she is entitled.</p>
Americans with Disabilities Act (ADA)	<p>The ADA prohibits employers from discriminating against qualified individuals with disabilities. The ADA also requires an employer to provide reasonable accommodation for a qualified applicant's or employee's known disability, unless it would impose an undue hardship on the employer's business, or unless the applicant or employee would cause a direct safety threat to others. The ADA also states that no person can be discriminated against or prevented from equal enjoyment of goods, services, facilities, and accommodations of any place that serves the public because he/she is disabled. This includes hotels, restaurants, theaters, retail sales service establishments, and any other place of employment or public access. The ADA requires these places to be physically accessible to people with disabilities.</p> <p>Federal law - prohibits disability discrimination.</p> <p>California law- prohibits disability discrimination and also prohibits discrimination against a person based on a medical condition. A medical condition includes any health impairment that is related to or associated with a diagnosis of cancer, a record or history of cancer, and an individual's genetic characteristics.</p>

LAW / REQUIREMENT	DEFINITION
Ban the Box	<p>Covered employers may not ask about criminal history on job applications. Also, employers may not, at any time and by any means, inquire about or require disclosure of an applicant's criminal history unless and until a conditional offer of employment has been made.</p> <p>After a conditional offer has been made, employers must follow certain procedures and restrictions before using any conviction history information to make decisions about employment.</p>
Bereavement Leave	<p>California requires private employers with five or more employees, and all public employers, to provide up to five days of bereavement leave upon the death of a family member (spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law as those terms are defined under the California Family Rights Act).</p> <p>If an employer has an existing bereavement leave policy, the law requires employers to provide leave according to their policy; however, if the policy provides less than five days of leave, then employers must provide additional bereavement leave so that employees have no less than five days of bereavement leave.</p> <p>To be eligible for bereavement leave, the employee must be employed by the employer for at least 30 days prior to starting the leave. The days of bereavement leave don't need to be consecutive. The leave must be completed within three months of the date of death of the family member. There is no annual cap on bereavement leave. Employees are entitled to use bereavement leave any time they experience the death of a family member, as specified above.</p> <p>Bereavement leave may be unpaid. However, while on bereavement leave, employees are entitled to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to them.</p> <p>The law prohibits discrimination, interference, or retaliation relating to an individual's exercise of rights to bereavement leave.</p>
Cal-COBRA (Health Insurance Continuation)	<p>The California Continuation Benefits Replacement Act of 1997 (Cal-COBRA) requires insurance carriers and HMOs to provide COBRA-like coverage for employees of smaller employers (two to 19 employees) not covered by COBRA.</p> <p>To be covered by Cal-COBRA, you must have employed two to 19 eligible employees on at least 50 percent of working days during the preceding calendar year. If not in business during any part of the preceding calendar year, you must have employed two to 19 eligible employees on at least 50 percent of working days during the preceding calendar quarter.</p>
California Family Rights Act (CFRA)	<p>The CFRA applies to all private employers with five or more employees and all public agencies, regardless of the public agency's size.</p> <p>The CFRA provides up to 12 weeks of job-protected leave in a 12-month period. Employees are eligible for CFRA leave if they have worked for the employer for 12 months and 1,250 hours in a 12-month period.</p> <p>An employee can use the CFRA in the following circumstances:</p> <ul style="list-style-type: none"> • The employee's own serious health condition. • Caring for a family member (parent, child, grandparent, grandchild, sibling, spouse, registered domestic partner, parent-in-law, or other "designated person") with a serious health condition. • Bonding with a newborn, an adopted child or a child placed in foster care with an employee. • A qualifying exigency relating to a close family member's military service.
CalSavers	<p>The CalSavers Retirement Savings Program is a state-run retirement plan for private-sector workers whose employers do not offer a qualified retirement plan. A qualified retirement plan is one of the following: 401(a), 401(k), 403(a), SEP, SIMPLE, or payroll deduction IRAs with automatic enrollment.</p> <p>The CalSavers program requires employers with one or more employees that do not offer specified retirement plans to put a payroll arrangement into place that allows employees to contribute a portion of their salary or wages to a retirement saving plan in the CalSavers program.</p>

LAW / REQUIREMENT	DEFINITION
Child Labor	<p>Employment of minors in California is regulated under numerous authorities such as the California Labor Code, the Education Code, and the federal Fair Labor Standards Act (FLSA).</p> <p>Child labor laws regulate the circumstances under which minors (persons under the age of 18) can work in the state. The state laws are supplemented by federal laws that restrict what occupations can employ minors in the workplace.</p>
Civil Air Patrol Leave	<p>California employers with more than 15 employees must provide employees with up to 10 days of leave per year for Civil Air Patrol duty.</p>
COBRA (Health Insurance Continuation)	<p>The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) is a federal law that gives employees and their families who lose health benefits the ability to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances, such as:</p> <ul style="list-style-type: none"> • Voluntary or involuntary job loss • Reduction in hours worked • Transition between jobs • Death, divorce, and other life events
COVID-19 Workplace Exposure Notice Requirements	<p>California law requires employers to comply with notice requirements with respect to COVID-19. Employers are required to report outbreaks and potential exposures to employees. Employers have the option to post a notice of potential COVID-19 exposure at the worksite instead of providing written notice. This required notice shall be both in English and "the language understood by the majority of the employees."</p> <ul style="list-style-type: none"> • The employer shall prominently display a notice in all places where notices to employees concerning workplace rules or regulations are usually posted. The notice must be posted within one business day from when the employer receives notice of potential exposure and shall remain posted for not less than 15 calendar days. The notice shall state the following: <ul style="list-style-type: none"> o The dates on which an employee, or employee of a subcontracted employer, with a confirmed case of COVID-19 was on the worksite premises within the infectious period. o The location of the exposures, including the department, floor, building, or other area, but the locations need not be so specific as to allow individual workers to be identified. o Contact information for employees to receive information regarding potential entitlement to worker's compensation benefits and other benefits. o Contact information for employees to receive the cleaning and disinfection plan. • The employer shall keep a log of all the dates the required notices were posted and allow the Labor Commissioner access to the records. • The employer shall not require any employee to disclose medical information unless otherwise required by law. • The employer shall not retaliate against an employee for a positive COVID-19 test or diagnosis. • This required notice does not impact whether or not the illness is work-related. <p>For current details or updates on the currently fluid changes to the COVID-19 notice, reporting, and recording requirements during the pandemic, see the California Department of Industrial Relations' website.</p>

LAW / REQUIREMENT	DEFINITION
Crime or Abuse Victims' Leave: Legal Proceedings/Reasonable Accommodation	<p>All employers must grant leave for employees who meet the requirements for crime victims' leave so the employees can attend legal proceedings.</p> <p>Employers are also required to provide reasonable accommodations for employees who are victims of crime or abuse and who request an accommodation for their safety while working.</p> <p>Reasonable accommodations may include any of the following:</p> <ul style="list-style-type: none"> • Implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed workstation, or installed lock. • Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace. • An implemented safety procedure. • Other adjustments to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, or stalking. • Referral to a victim assistance organization.
Crime or Abuse Victims' Leave: Medical Treatment	<p>Employees who are victims of crime or abuse and who work for an employer with 25 or more employees are protected from termination, discrimination, or retaliation for taking time off from work for the following reasons:</p> <ul style="list-style-type: none"> • To seek medical attention for injuries caused by crime or abuse. • To obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency because of crime or abuse. • To obtain psychological counseling or mental health services related to an experience of crime or abuse. • To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation. <p>This leave is in addition to the requirements related to time off for legal proceedings.</p>
Criminal Judicial Proceedings and Victims' Rights Leave	<p>All employers must allow an employee who is a victim or an immediate family member of a victim of certain crimes to take time off to appear in court to attend judicial proceedings related to the crime.</p> <p>The leave can be of any length. The leave is unpaid. However, employees can use accrued sick time, vacation, personal leave, or PTO for victims' leave to attend judicial proceedings related to the crime. You can request documentation confirming the judicial proceeding from the employee.</p>

LAW / REQUIREMENT	DEFINITION
Disability Insurance	The SDI program is a state-mandated, partial wage replacement insurance plan for California employees. SDI provides short-term, financial benefits to eligible employees who suffer a loss of wages when unable to work due to a non-work-related illness or injury or when medically disabled due to pregnancy or childbirth. SDI is not a leave of absence. Please contact Emplicity for additional information.
Discrimination and Immigrant Workers	Although you cannot knowingly hire, refer, recruit or employ unauthorized immigrants, there are still protections against treating immigrants unfairly. These prohibitions are contained in numerous overlapping statutes at the federal and state levels. The Immigration Reform and Control Act (IRCA) also discusses citizenship and discrimination requirements.
Discrimination Laws (Federal)	<p>You are covered by the discrimination provisions of Title VII if you engage in an “industry affecting commerce” (almost all employers) and employ or have employed 15 or more employees for each working day in 20 or more calendar weeks in the current or preceding calendar year. Under Title VII, employers can’t discriminate on the basis of race, color, religion, sex, or national origin.</p> <p>Other federal discrimination laws employers are subject to include:</p> <ul style="list-style-type: none"> • Pregnancy Discrimination Act • Civil Rights Act • Age Discrimination in Employment Act <p>Please contact Emplicity for additional information.</p>
Discrimination Laws (State)	<p>In addition to federal discrimination laws, California employers are subject to many state discrimination laws including but not limited to the following:</p> <ul style="list-style-type: none"> • Fair Employment and Housing Act (FEHA) • Fair Pay Act • Laws Prohibiting Human Trafficking • Unfair Competition Law <p>Please contact Emplicity for additional information.</p>
Employee Safety	You must provide a safe working environment for all of your employees. Employees who can concentrate on their jobs without constant fear of injury will be more productive and less inclined to complain to the California Division of Occupational Safety and Health (Cal/OSHA). Federal and state laws require you to reasonably protect your employees from work-related illness and injuries and workplace violence.
Equal Employment Opportunity (EEO) Reporting	<p>The federal Equal Employment Opportunity Commission (EEOC) collects workforce data from certain employers, depending on employer size, federal contracts, and other threshold requirements. The reports collect data about gender, race, and ethnicity.</p> <p>Employers of 100 or more employees or with federal and state government contracts must file the EEO-1 Report annually. Failure to file required reports can lead to penalties and loss of contract opportunities.</p>

LAW / REQUIREMENT	DEFINITION
Fair Employment and Housing Act (FEHA)	FEHA prohibits employment discrimination on the basis of race or color, religious creed, national origin or ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical condition), gender, gender identity, gender expression, age, sexual orientation, reproductive health decision-making, or veteran or military status.
Fair Pay Act (CA)	Under the California Fair Pay Act, employers are prohibited from paying any of their employees less than employees of the opposite sex or of another race or ethnicity for “substantially similar work.”
Federal Family and Medical Leave (FMLA)	<p>The federal FMLA, like the CFRA, requires covered employers to provide unpaid job-protected leaves of absence for certain qualifying reasons.</p> <p>If you employ 50 or more employees, you are covered by the federal FMLA. FMLA provides a maximum of 12 weeks of leave in a 12-month period. FMLA also provides 26 weeks of leave for an employee who is the spouse, son, daughter, parent, or next of kin of a covered military servicemember who requires care.</p> <p>Employees are eligible if employed at a worksite with 50 or more employees in a 75-mile radius. Eligible employees must also have worked for you for 12 months (need not be consecutive) and 1,250 hours in the 12 months prior to the need for leave. Employees can use FMLA for certain qualified circumstances. Please contact Emplicity for more information.</p>
Illiteracy Accommodation	<p>You must make all reasonable efforts to safeguard the privacy of the employee who discloses a problem with illiteracy. The employee who discloses a problem of illiteracy and who satisfactorily performs his/her job cannot be subject to termination because of the disclosure of illiteracy.</p> <p>Though illiteracy is not a disability, employers with 25 or more employees must reasonably accommodate and assist an employee who reveals a problem of illiteracy and requests assistance. The law does not require you to provide a leave of absence for someone who requires assistance in enrolling in an adult literacy education program.</p>
Immigration Reform and Control Act (IRCA)	The IRCA imposes compliance obligations and responsibilities on every employer regardless of size. Under California law, all individuals who applied for employment or who were employed in the state are entitled to all protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, regardless of immigration status. This includes state labor, employment, civil rights, and employee housing laws. You cannot inquire about a person's immigration status except when necessary by clear and convincing evidence to comply with federal immigration law.
Independent Contractors	The courts and government agencies use many factors to determine independent contractor status. Calling someone an “independent contractor” does not make him/her an independent contractor in the legal sense. Mislabeling a worker as an independent contractor creates potential liability for both federal and California employment taxes and penalties, and liability for failure to fulfill the many legal obligations owed to an employee, such as wage and hour requirements. For your own protection, make sure that a person working as an independent contractor truly meets the numerous tests required by law.
Industrial Welfare Commission (IWC) Wage Orders	The Division of Labor Standards Enforcement (DLSE), also known as the Labor Commissioner, enforces the provisions of Wage Orders, which lay out the wages, hours, and working conditions required in each kind of industry or occupation. All CA employers must comply with and post one of the 17 Wage Orders that applies to their business, plus the Minimum Wage Order.

LAW / REQUIREMENT	DEFINITION
Injury and Illness Prevention Program (IIPP)	<p>All CA employers must develop and implement an effective IIPP, which contains a general plan to keep your workforce free from work-related injuries and illnesses. An effective IIPP improves the safety and health in your workplace and reduces costs through good management and employee involvement. The required Injury and Illness Prevention Program elements are:</p> <ul style="list-style-type: none"> • Management Plan Approval • Implementation Responsibility • Safety Policy Statement • Hazard Assessment • Inspections • Hazard Correction • Accident/Exposure Investigation • Training and Instruction • Communication • Recordkeeping and Posting Requirements <p>To be effective, your IIPP must:</p> <ul style="list-style-type: none"> • Fully involve all employees, supervisors, and management • Identify the specific workplace hazards employees are exposed to • Correct identified hazards in an appropriate and timely manner • Provide effective training
Jury Duty Time Off	<p>The law protects employees who need to take time off to serve on a jury or appear in court in compliance with a subpoena or serve as a witness. An employee's exempt or nonexempt status usually determines whether you are required to pay the employee during the leave.</p>
Lactation Accommodation	<p>Both California and federal law require you to reasonably accommodate employees who want to express breast milk at work.</p> <p>Employers must provide a reasonable amount of break time for employees to express breast milk and provide the use of a private place, other than a bathroom, in close proximity to the employee's work area, shielded from view and free from intrusion. The location must meet several additional criteria.</p> <p>Employees who wish to express breast milk can be required to use the paid rest break time already provided by law. If the employee needs a reasonable amount of additional time for expressing milk beyond the normal paid rest break, the time must be provided, but it can be unpaid. Employees can also choose to use lunch break time to express breast milk, but this does not relieve you of your responsibility to provide reasonable additional time along with rest breaks.</p>
Mandatory Sexual Harassment Prevention Training	<p>California employers with 5 or more employees must provide one hour of harassment prevention training to nonsupervisory employees and two hours of such training to supervisors. Training must take place within six months of hire or promotion and every two years thereafter.</p> <p>The minimum employee count of 5 includes part-time and temporary employees, including those who are hired through temporary staffing agencies, and independent contractors.</p> <p>The harassment prevention training must include information and practical guidance about federal and state harassment laws, including harassment prevention and correction and remedies that are available to victims. The training must also include a component on the prevention of "abusive conduct," as well as a component on harassment based on gender identity, gender expression, and sexual orientation.</p>

LAW / REQUIREMENT	DEFINITION
Military Service Leave (USERRA)	USERRA provides additional benefits and job protections for individuals returning to civilian employment after serving in the military. Under USERRA, you cannot consider the type and nature of service when you determine your obligation to re-employ an individual. These rights supersede former law as well as any less beneficial policy you may have established.
Military Spouse Leave	All California employers with 25 or more employees must provide a leave of absence for spouses of military personnel. This law is separate from and does not change the obligations of employers covered by FMLA or CFRA to provide qualifying exigency leave and leave to care for an ill or injured servicemember. For more information, please contact Emplicity.
Minimum Wage (State/Local)	California's minimum wage is \$15.50 per hour for all employers, regardless of size. A number of local minimum wage ordinances in California require some employers to pay a local minimum wage rate that is higher than the state rate. For more information on the appropriate rate for your organization, please contact Emplicity.
New Employee Reporting	<p>Every time a new employee begins work with your organization, follow a routine to familiarize the employee with your organization. Emplicity provides a New Hire Checklist to ensure compliance. Please contact Emplicity for additional information.</p> <p>Federal law requires all employers to report information on newly hired or rehired employees who work in California to the EDD's New Employee Registry no later than 20 days after the start-of-work date. The start-of-work date is the first day services were performed for wages. All employees must be reported regardless of age or projected wages, even those who work less than a full day, are part-time employees, are seasonal employees or discontinue their employment before the 20th day of employment. Employers must report the rehiring of any employee who previously worked for the employer, but who hasn't been employed for at least 60 consecutive days.</p>
Organ and Bone Marrow Donor's Leave	<p>Under California law, employers with 15 or more employees are required to provide paid leave for employees who donate an organ or bone marrow. The leave is not considered a break in service in terms of seniority, salary adjustments, sick leave, and vacation.</p> <ul style="list-style-type: none"> • Organ donors must be provided a paid leave of absence of up to 30 business days in any one-year period, and an additional unpaid leave of absence of up to 30 business days of unpaid leave in any one-year period. • Bone marrow donors must be provided a paid leave of absence up to five business days in any one-year period, calculated from the date the employee's leave begins.
Paid Family Leave (PFL)	PFL is a state-sponsored insurance program within the SDI program. PFL covers employees at organizations of any size. PFL provides employees with partial wage replacement for up to eight weeks in any 12-month period while absent from work to care for a seriously ill or injured family member or bonding with a minor child within one year of the child's birth or placement in connection with foster care or adoption.

LAW / REQUIREMENT	DEFINITION
Paid Sick Leave (PSL)	<p>PSL is a form of protected time off and applies to all employers. PSL, unlike vacation, is not considered a form of wages. It is recommended that employers create a written policy showing compliance with the mandatory PSL law.</p> <p>The law establishes minimum requirements pertaining to paid sick days. It does not pre-empt, limit, or affect the applicability of other laws, regulations, requirements, policies, or standards that provide for greater accrual or use by employees of sick days, whether paid or unpaid, or that extend other protections to an employee. The provisions of this law are in addition to, and independent of, any other rights under any other law. Employers can provide more generous leave than what the law provides. PSL requirements vary based on CA local ordinances. For more information, contact Emplicity.</p>
Pay Data Reporting (CA)	<p>Private employers with 100 or more employees must submit a pay data report to the Civil Rights Department (CRD) that contains information about their employees' race, ethnicity, and gender in various job categories on or before the second Wednesday of May of each year.</p> <p>Specifically, employers must report:</p> <ol style="list-style-type: none"> 1. The number of employees by race, ethnicity, and sex in 10 different job title categories; and 2. The number of employees by race, ethnicity, and sex, whose annual earnings fall within each of the pay bands used by the U.S. Bureau of Labor Statistics in the Occupational Employment Statistics survey. 3. The median and mean hourly rate within each job category, for each combination of race, ethnicity, and sex.
Posters and Notices	<p>Every CA business is required to post specific posters and distribute mandatory pamphlets. Please contact Emplicity for the necessary posters/notices and pamphlets.</p>
Pregnancy Disability Leave (PDL) Laws	<p>Employers with five or more employees are covered by California's pregnancy disability leave law. Employees who work for covered employers are eligible for PDL upon hire. The actual time designated as disability related to pregnancy is determined by the employee's health care provider. PDL can be used for any time the eligible employee is disabled by pregnancy, childbirth, or a related medical condition.</p> <p>Employers are required to post required PDL posters, include a PDL policy in their employee handbook, and send a notice to any employee who needs PDL. PDL can run concurrently with federal Family and Medical Leave Act (FMLA) absences but not with California Family Rights Act (CFRA) absences. For more information, contact Emplicity.</p>
Prior Salary History Ban	<p>Employers cannot ask job applicants about their salary history. Employers cannot:</p> <ul style="list-style-type: none"> • Seek salary history information from an applicant, including information on compensation and benefits; • Seek this salary history information through an agent, such as a third-party recruiter; or • Rely on salary history information as a factor in determining whether to hire the applicant or how much to pay the applicant. <p>An employer may consider salary information that is voluntarily disclosed by the applicant without any prompting. Employers are allowed to ask applicants about their salary expectations for the position.</p>

LAW / REQUIREMENT	DEFINITION
Privacy	Workplace privacy is an important and growing concern for businesses. It is often difficult to sort through and understand privacy issues, considering the multitude of federal and state constitutional guarantees, limitations imposed by federal and state statutes, and case law. In addition, technology expands both employer and employee concerns about privacy rights.
School and Child Care Activities Leave	<p>Employers with 25 or more employees working at the same location must permit employees to take time off to participate in school or childcare activities.</p> <p>Covered employees include those who are the parents, guardians, or custodial grandparents of children in kindergarten through grade 12 or who attend a licensed childcare provider. However, the employee must follow these guidelines:</p> <ul style="list-style-type: none"> • The time must not exceed 40 hours per year, nor 8 hours in a calendar month. • The employee must give reasonable prior notice of the planned absence. • The employee must provide documentation of his/her participation if you require it.
School Appearances Leave	Sometimes, an employee may need to appear at his/her child's or ward's school in connection with disciplinary action by the school. The Education Code requires that parents or guardians attend class with the student when the student is suspended. All employers, regardless of size, are prohibited from discriminating against an employee who takes time off to appear at his/her child's or ward's school in connection with a suspension from a class or school. The time off can be paid or unpaid.
Smoking in the Workplace	California has a uniform ban on smoking in the workplace. The smoking in the workplace prohibition covers all employers, including owner-operated businesses.
Unemployment Insurance (UI)	The UI system is a federal and state program. In California, employers finance the cost of the program through state and federal UI taxes. You can substantially reduce the UI tax you pay by carefully monitoring the Employment Development Department (EDD) tax bills and protesting claims by ineligible former employees. The UI tax is one of the few employment-based taxes that you can reduce.
Volunteer Civil Service Leave	<p>All employers must provide leaves of absence for employees who are required to perform emergency duties.</p> <p>Please contact Emplicity regarding this leave of absence.</p>
Volunteer Civil Service Training Leave	<p>Employers of 50 or more people must allow temporary leaves of absence, up to a total of 14 days per calendar year, to engage in fire, law enforcement, or emergency rescue training.</p> <p>Please contact Emplicity regarding this leave of absence.</p>

LAW / REQUIREMENT	DEFINITION
WARN Act (plant closings)	<p>Federal law requires advance notice of mass layoffs under the Worker Adjustment and Retraining Notification (WARN) Act. California has its own version of the WARN Act. The two types of laws contain some distinct differences.</p> <p>Under the federal WARN Act, companies that employ a certain number of employees must provide affected employees, their representatives, and specified government officials and agencies with 60 days' advance, written notice prior to any mass layoffs or plant closings.</p> <p>California's version of the WARN Act is broader in scope and affects more employers. California businesses must comply with the requirements of both laws. Penalties, including up to 60 days' back pay per employee, could be assessed for failing to provide the required notice.</p>
Workers' Compensation	<p>Workers' compensation insurance is a no-fault insurance system. If an employee suffers an injury on the job, the employer is liable for the employee's temporary disability benefits, medical expenses, and possibly a permanent disability award based on the long-term effects of the injury.</p> <p>Please contact Emplicity for more information about this law.</p>

ABOUT EMPLICITY

Emplicity, the leading local Human Resources Outsourcing provider, was founded in 1996 on the principle of making employee management simple. Emplicity is headquartered in Irvine, California, with offices in Sacramento, Los Angeles and San Francisco, serving over 7,000 worksite employees throughout California.

We assist our clients in the pursuit of success by providing full-service Professional Employer Services that free them from the complexities of HR. Our dedicated and trusted team of HR professionals provide services that result in an all-inclusive, empowering solution for our clients' human resources needs.

We understand our clients' point of view and conduct ourselves in a professional, empathetic, and enthusiastic manner.



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