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WELCOME, 2015! NEW YEAR: NEW CALIFORNIA EMPLOYMENT LAWS

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Attorneys in the Employment Litigation & Policy Practice represent corporate employers throughout the United States in all types of employment matters. To learn more, please visit [SHB.com](#).

Mandatory Paid Sick Leave

Every California employer, regardless of size, must allow its employees to accrue paid sick time beginning July 1, 2015. Employees must accrue one hour of paid sick leave for every 30 hours worked, and the benefit is available to temporary, part-time, and full-time employees. Employees must be provided no less than 24 hours of paid sick time each year, in increments of not less than two hours. Employers may cap the amount of sick time accrued to 48 hours per year and are not required to pay departing employees for accrued but unused sick pay. Paid sick time can be used by employees to attend health care appointments, to care for themselves, and to care for certain family members. Employee wage statements should be updated as the law requires employers provide information to employees of the amount of paid sick time available. Finally, posting and notice requirements for the new law are effective January 1 although sick pay benefits do not have to be provided until July 1, 2015.

Tip: Whether or not currently paid sick leave or PTO policies are in place, employers with any employees working in California for more than 30 days per year should contact legal counsel to ensure they are compliant with all aspects of the new law by July 1, 2015.

New Liability for California Employers That Utilize Staffing Agencies

Effective January 1, 2015, California employers with more than 25 employees that utilize a labor contractor, i.e., staffing agency, to supply workers to "perform labor within the client employer's usual course of business," will share all civil and legal liability for the payment of wages and provision of workers' compensation coverage with the labor contractor.

Tip: Employers that utilize staffing agencies should perform their due diligence on the agencies' wage and hour practices to ensure they are fully compliant with California law. Additionally, employers should require proof of workers' compensation coverage showing their borrowed employees are covered under the agencies' policy. Additionally, indemnification provisions in agreements with staffing agencies should be reviewed and strengthened.

Expanded Mandatory Harassment Training for California Supervisors

California currently mandates two hours of sexual harassment training

bi-annually for supervisors of employers with more than 50 employees. Effective January 1, 2015, the mandatory training must also include an "abusive conduct" component. The new requirement is focused on preventing workplace bullying but does not create a new legal cause of action for employees.

Tip: California employers must ensure their training programs are updated to include the new component for all training conducted after January 1, 2015.

Employee's Personal Cell Phone Use Is Reimbursable

California has long had a broad requirement that employers reimburse employees for "all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties." Recently, the California Court of Appeal applied this broad reimbursement provision to an employee's use of his personal cell phone to make work-related calls. To establish an employer's liability for failing to reimburse employees as required by state law, all an employee must show is that "he or she was required to use personal cell phone to make work-related calls and he or she was not reimbursed."

Tip: California employers must review and revise their policies to ensure work-related calls made on personal cell phones are eligible for reimbursement. Policies for reimbursement of Internet usage charges incurred by employees for work-related activities should also be reviewed and updated.

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