

MPCC Roundtable
October 13, 2020 TPO Update



*These updates are a small sample of important topics and information we provide and discuss with our members in helping manage to FFCRA and everything HR. For questions about this week's topic or information about TPO Membership and the products and services we provide, please contact Michaelle Stanford, PHR-ca, M.A. at michaelles@tpohr.com. **TPO Note:** As a reminder, these updates are for informational purposes only. For unique situations to your business, consult with your Human Resource provider or employment expert.*

***“Just when you thought 2020 would not end soon enough ...
are you ready for 2021?”***

At TPO, we continue to monitor the many different federal, state and local COVID-19 and all other HR changes and updates. Beginning January 1, 2021 multiple California Laws and Regulations will go into effect impacting employers of all sizes. The below provides a partial listing of what is coming. Due to extensive number of changes and impact they will have on employers, it is strongly recommended businesses that do not have Human Resource support, secure these services.

***COVID-19 RELATED**

AB 685 – establishes stringent COVID-19 reporting requirements upon notice of potential employee COVID-19 exposure at the workplace. The bill includes but is not limited to requiring employers to provide a number of notices to different employee groups within one business day after receiving notice of potential COVID-19 exposure. Employers must also notify their local public health department if an “outbreak” occurs.

***TPO Note:** For information on related COVID-19 laws signed into law in September and effective immediately, contact your HR Representative, Workers Compensation Provider and/or give TPO HR a call.

LEAVES OF ABSENCE

SB 1383 significantly expands the California Family Rights Act (CFRA) to include employers with five or more employees. **This is a MAJOR development and small businesses will need to quickly get up to speed to be ready by January 1 as employers are expected to have written policies in place.** And, as SB 1383 expands the definition of “family members” beyond what is covered under the federal Family Medical Leave Act (FMLA) larger employers (with 50 or more employees) will need to address “stacking” challenges; e.g., the change in definitions will make it possible for employees to take up to 24 weeks of job protected leave.

AB 2992 expands the existing benefit to include prohibiting discrimination and retaliation against employees that are victims of crime or abuse when they take time off for judicial proceedings or to seek medical attention or related relief for domestic violence, sexual assault, stalking or other crimes that cause physical or mental injury.

AB 2017 revises the law stating an employee can designate sick leave as “kin care” – or not.

WORKER CLASSIFICATION – WAGE & HOUR – PAY DATA - EMPLOYEE TRAINING

AB 2257 adds exceptions to the 2020 AB5 laws which codified the “ABC” used in determining independent contractors to include 100+ exceptions.

TPO Note: *Proposition 22 on the California ballot in November will determine if app-based delivery service drivers can be exempt from AB5.*

AB 1947 extends the time an individual can file a complaint of discrimination or retaliation with the California Division of Labor Standards Enforcement (DLSE) from six months to one year.

SB 973 requires private employers with 100+ employees and who are required to file an annual Employer Information Report (EEO-1) under federal law, to submit a pay data report to the Department of Fair Employment and Housing (DFEH) that contains information about employees’ race, ethnicity and gender in various job categories on or before March 31, 2021. The report must further include a breakdown of employee compensation in one of the 11 pay bands used by the United States Bureau of Labor Statistics in its Occupational Employee Survey.

AB 1963 lists as mandated reporters of child abuse “human resources employees” (designated by the employer to accept complaints of discrimination, harassment, retaliation, etc. under California’s Fair Employment Housing Act) working for businesses with 5+ employees that also employ minors. Mandated reporters include supervisors whose duties require direct contact with and supervision of minors. Employers must also provide training to employees who have reporting duties under this law.

“Lastly, don’t forget the Harassment & Discrimination Prevention Training Deadline of December 31, 2020!”

As a reminder, by January 1, 2021 all California employers with **5 or more** employees (including non-supervisors, supervisors, contractors, on-call staff, and temporary employees) must provide harassment and bullying prevention training. With staff working remotely, it’s difficult to get everyone trained, especially if your teams work varied schedules and/or your remote workforce spans different locations.

Our team is committed in helping employers meet this important deadline. If you haven’t already completed or planned for this year’s required HDR Training for Supervisors and Non-Supervisors ... relax, we’ve got this! AND, we’ve greatly reduced our pricing for you!

In addition to receiving training from our highly skilled and experienced trainers, your team will benefit from:

- An interactive TPO VirtualLiveSM session in which participants have their questions answered
- An opportunity to learn from case study examples
- Selecting between English and Spanish sessions
- Low cost
 - Non-Supervisor 1-Hour Session: \$35 Member/\$45 Non-Member
 - Supervisor 2 Hour Session: \$50 Member/\$65 Non-Members
- Free resources including a Sample Policy and Posters

And, 50+ EMPLOYERS must continue to provide supervisory employees at least 2-hours of training within 6-months of hire or promotion and 2 years thereafter, in addition to the new training requirement for non-supervisory employees.

Join us by having your Supervisors and Non-Supervisors [register here](#) to attend one of our VirtualLiveSM Online events.