

**MPCC Roundtable
October 25, 2022 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.*

TAKE A DEEP BREATH! 2023 IS QUICKLY APPROACHING!

2023 is shaping up with multiple additions to California's Employment Laws. Although not an exhaustive list, below provide a sampling of what employers need to be prepared for:

- **Pay Scale Information (SB 1162)** Effective 1/1/2023, requires employers 1) with 15+ employees to include pay scale information in job postings and to provide employees their own pay scale upon request, 2) with 100+ employee have expanded pay data reporting requirements to include median and mean rates, and 3) all employers maintain records of job titles and wage rate history for each employee for the duration of their employment plus three years after the end of employment.

***TPO Note:** "Pay scale" is the salary or hourly wage range the employer "reasonably expects to pay".*

- **"Designated Person" Standard (AB 1041)** Effective 1/1/2023, expands the definition of a "family member" under the California Family Rights Act (CFRA) for employers with 5+ employees and California's Healthy Workplaces Healthy Families Act (CA Paid Sick Leave – PSL) for employers with 1+ employees to include a "designated person" which is defined as "related by blood or whose association with the employee is equivalent of a family relationship".

***TPO Note:** Employers may limit an employee to one designated person per 12-month period.*

- **UNPAID Bereavement Leave (AB 1949)**– Effective 1/1/2023, employers with 5+ employees must provide 5 days of **unpaid** leave within 3 months of the death of a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling. Employees may be required to have been employed for 30 days, and documentation of death of family member.

***TPO Note:** Stay tuned to see if "designated person" (as listed in #2 above) will also apply.*

- **Cannabis/Marijuana (AB 2188)** Effective 1/1/2024, it will be unlawful to discriminate against an applicant or employee who has engaged in the lawful use of cannabis/marijuana outside of work, unless the individual seek or holds one of the exempted roles (e.g, employers in building trades, and positions subject to federal testing and background investigations). Also, employers may not discriminate based on a drug test that measures only "non-psychoactive cannabis metabolites).

***TPO Note:** Start reviewing your drug and alcohol policy in preparation of this change.*

*To learn more about these and more Employment Law changes that will occur starting January 1, 2023, we invite you to attend **TPO's VirtuaLiveSM Employment Law & Leadership Conference** scheduled for **January 25, 2023**. **NOT ON OUR DISTRIBUTION?** Email michaelles@tpohr.com and we'll get you set up!*