

Presbytery of Riverside

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Pastors of Churches within Presbytery of Riverside,

Below is an email letter from Kay Gustafson, Esq, who is employed by the Synod of Southern California and Hawaii. In the letter, she is highlighting five items from new labor laws, most of which are applicable to our congregations within Riverside Presbytery. I invite you to share this letter with your Personnel Committee Elder, Clerk of Session, and Office Manager.

One of the items relates to a new requirement of anti-harassment training required for all employees who work for companies with 5 or more employees. You may recall Mark Hong briefed the Presbytery Assembly on June 1 of the upcoming "Creating Healthy Boundaries" training. In addition to those attending receiving credit for their every two-year SMRT training, it will also cover the new anti-harassment training. Details of this training on either September 5 (LA), 6 (Irvine), or 7 (Thousand Oaks) can be found on the Synod web site (https://www.synod.org/PDF2019/Boundary_Training.pdf). This training includes a full day for Teaching Elders, with a morning session for others. The morning session will satisfy the anti-sexual harassment training for employees and managers. Our Presbytery SMRT team is evaluating if this training can be incorporated into our regular 2-year program.

There are a number of online training organizations which offer this training for a fee.

The Presbytery is not tracking your church's compliance with these items, but we wanted you to be informed.

Blessings,

Riverside Presbytery
Personnel Committee
Jeff Mague, Chair

[Email from Kay Gustafson]

Every year, the California legislature passes an extraordinary number of new laws. The following highlights a few of those new labor laws that may particularly impact our presbyteries and churches.

Anti-harassment training: By January 1, 2020, employers with 5 or more employees must provide sexual harassment training of at least two hours to supervisory employees and of at least one hour to all non-supervisory employees. Employees must be trained within six months of the assumption of their positions and temporary employees must be trained within 30 days after hire or within 100 hours worked, whichever occurs first. Sexual harassment training must be repeated once every two years.

Lactation Accommodations: Existing requirements for employers to accommodate an employee desiring to express breast milk for the employee's infant child have been expanded to require employers to make reasonable efforts to provide an employee with use of a room or location (other than a bathroom), in close proximity to the employee's work area, for the employee to express milk in private.

Clarification of Scope of Equal Pay Law and Salary History Inquiries: While under existing law, generally an employer may not rely on the salary history of an applicant for employment as a factor in determining whether to offer employment or what salary to offer, and an employer, upon reasonable request, must provide the position's pay scale to an applicant for employment, the new law clarifies that employers are not prohibited from asking applicants for employment their salary expectations, that employers need only provide pay scales to applicants, upon their request, who have completed at least one interview, and that for this purpose pay scale means "a salary or hourly wage range," and that an employer may make a compensation decision based on a current employee's existing salary as long as any wage differential resulting from that compensation decision is justified by one or more specified factors, for example, a seniority or merit system.

Minimum Wage Requirements and Local Ordinances: As of January 1, 2019, the minimum wage for employers with 25 or fewer employees is \$11/hour and for employers with 26 or more employees is \$12/hour. Some municipalities have higher minimums; as relevant in Southern California to our presbyteries and churches: Los Angeles City, unincorporated Los Angeles County areas, Pasadena, and Santa Monica: \$12 (with 25 or fewer employees) and \$13.25 (with 26 or more employees); Malibu: \$13.25; San Diego: \$12.

Action Plan: Each church and presbytery must (1) develop a plan for complying with the new training requirements, if applicable, (2) update lactation accommodation and anti-harassment policies, (3) modify job application forms and hiring procedures to comply with restrictions on asking about salary history and providing a position's pay scale upon request, along with assuring that managers and supervisors are trained on proper hiring procedures including permissible interview questions, and (4) assuring compliance with minimum wage requirements for non-exempt employees and assuring that all exempt employees continue to meet the "salary basis test" of \$3,813.34/month for employers with 25 or fewer employees and of \$4,160/month for employers with 26 or more employees

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