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Re: New California Employment Laws for 2021

Dear Valued DMLC Clients,

Greetings. We at Duggan McHugh Law Corporation (DMLC) want to wish you a happy 2021, and best wishes for a great and profitable year ahead. The New Year brings with it many new workplace laws, including not only COVID-19 related legislation, but also less publicized but nevertheless significant laws affecting California employers. We want to take this opportunity to provide you with a summary of several new employment laws and advise you of revisions to existing laws. These laws take effect on January 1, 2021, unless otherwise noted.

Of course, we are available to provide additional guidance as needed to assist you in navigating these new laws and minimizing your risk in California's ever-evolving, employee-friendly legal landscape.

WAGE AND HOUR ISSUES

Minimum Wage Increase. The state hourly minimum wage increases to $14.00 for employers with 26 or more employees and $13.00 for employers with 25 or less. These increases are part of the mandatory minimum wage yearly increase through 2023 and apply statewide. However, local ordinances may provide for higher minimum wages. There are also additional overtime requirements related to agricultural employees.

Exempt Employees—Minimum Salary Threshold Increase. For employers with 26 or more employees, the minimum exempt salary is $58,240. For employers with 25 or fewer employees, the minimum exempt salary is $54,080. These exemptions have increased because exempt employees must be paid at least twice the state minimum wage and may be higher where an applicable local ordinance is higher than the state minimum wage.

The thresholds increase for specific exempt employees as well. For computer software professionals, the minimum hourly wage increased to $47.48 and the minimum monthly and annual salary exemptions increased to $8,242.32 and $98,907.70, respectively. For licensed physicians and surgeons, the minimum hourly wage increased to $86.49.

Independent Contractors—Law Revised. Last year, AB 5 codified the "ABC" test for employee status adopted by the California Supreme Court's 2018 decision in *Dynamex v. Superior Court,* which is used to determine whether a worker may be classified as an independent contractor. *Dynamex* held that a

worker hired by a business is an employee for purposes of the California's Wage Orders and Labor Code, unless the business can establish all of the following:

(A) the worker is free from control and direction of the hirer in connection with performing the work, both under contract and in fact;
(B) the worker performs work outside the usual course of the hiring entity's business; and
(C) the worker customarily engages in an independently established trade, occupation, or business of the same nature as the work performed for the hirer.

Following the passage of AB 5, a number of groups sought to obtain exemptions to the new law for their specific industries. AB 2257 is a result of those lobbying efforts. AB 2257 preserves the "ABC" test, but modifies and adds to a number of exemptions established by AB 5, most notably:

- Professional Services Exemption: AB 2257 modifies a number of occupations that were established under AB 5. It also created additional exemptions for various professions and occupations, including: consulting services, animal services, and competition judges, licensed landscape architects, specialized performers teaching master classes, registered professional foresters, real estate appraisers and home inspectors, and feedback aggregators, among others.

- "Business-to-business" exemption: AB 2257 modifies this exemption to permit business-to-business relationships between two or more sole proprietors. Also, vendors can work directly with the contracting business's customers in certain instances and the business service provider no longer has to have existing contracts with other businesses to provide same or similar services (so long as they are able to do so).

- Referral Agency exemption: AB 2257 expands the referral agency exemption to apply to a non-exclusive list of additional services, including consulting, youth sports coaching, caddying, wedding or event planning, services provided by wedding and event vendors, and interpreting services.

- "Single-Engagement" Business-To-Business exemption: AB 2257 creates a new exemption for individual businesspersons who contract with one another "for purposes of providing services at the location of a single-engagement event." For example, a musician or musical group fall under this exemption for a single-engagement live performance, unless certain conditions apply.

A worker or business that satisfies any of the exemptions set forth in AB 5 and AB 2257 does not automatically qualify to be independent contractor. Rather, the determination of whether they can be classified as independent contractors is governed by the previous multi-factor test established in the case of *S.G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341, instead of the ABC test.

Truck Drivers: AB 5 and "ABC" Test are Not Preempted by Federal Law. On November 19, 2020, a California Court of Appeal ruled that the "ABC" test, as codified by AB 2257, is not preempted by federal law when it comes to federally licensed trucking and drayage companies and independent owner-operator truck drivers. The court found that California law and the "ABC" test applied to these owner-operator truck drivers, instead of the Federal Aviation Administration Authority Act (FAAAA), and that the companies misclassified these drivers as independent contractors, reasoning that the ABC test is a generally applicable worker-classification law that does not prohibit the use of independent contractors or otherwise directly affect motor carrier's prices, routes, or services.

Protected App-Based Driver and Services Act. Proposition 22, which passed with overwhelming support on November 3, 2020, enacts the new Protected App-Based Drivers and Services Act. The Act declares app-based drivers to be independent contractors and not employees. However, from a practical standpoint, the Act creates a hybrid classification which provides app-based drivers and companies with select labor and wage protections afforded to employees, including:

- Payments for the difference between a worker's net earnings, excluding tips, and a net earnings floor based on 120% of the minimum wage applied to a driver's engaged time and 30 cents, adjusted for inflation after 2021, per engaged mile;
- Limiting app-based drivers from working more than 12 hours during a 24-hour period, unless the driver has already logged off for an uninterrupted period of 6 hours;
- Requires companies to provide healthcare subsidies equal to 82% the average California Covered premium for each month for drivers who average at least 25 hours per week of engaged time during a calendar quarter; and
- Require companies to provide or make available occupational accident insurance.

Furthermore, the Act contains anti-discrimination provisions based on the same provisions found in the Unruh Civil Rights Act and requires app-based transportation companies to develop programs to protect drivers from sexual harassment.

Rest Periods for Security Officers. Effective September 30, 2020, AB 1512 created a narrow exception to the California Supreme Court's decision in *Augustus v. ABM Security Services, Inc.* (2016) 2 Cal.5th 257, which held that requiring employees to remain on call during rest periods did not satisfy employer's obligation to provide duty-free rest periods. This bill authorizes registered security officers, who work for registered private patrol operators, to be required to remain on the premises during rest periods and to remain on call, and carry and monitor a communication devise, during rest periods. If the security officer's rest period is interrupted, the officer would be permitted to restart a new rest period as soon as practicable. If the security officer is not permitted to take an uninterrupted rest period of at least 10 minutes for every 4 hours worked, the officer would be entitled to one additional hour of pay at the employee's regular hourly rate. *Augustus v. ABM Security Services, Inc.* still applies in all other non-security service industries; therefore, all other employers still may not provide on-call rest periods. Unless otherwise extended, this bill will sunset effective January 1, 2027.

Rest Periods for Petroleum Facility Workers. Currently, an employer is prohibited from requiring an employee to work during mandated meal or rest periods. However, prior legislation exempted certain employees in safety-sensitive positions in petroleum facilities from being relieved of all duties during rest periods to the extent that the employee is required to carry and monitor a communication device, such as a radio, pager, or other form of instant communication, and to respond to emergencies, or is required to remain on employer premises to monitor the premises and respond to emergencies. Similar to AB 1512, to the extent a qualifying petroleum worker's rest period was interrupted, the employee is permitted to restart a new rest period as soon as practicable, or if unable to do so receive a one-hour of premium pay. This exemption was set to expire on January 1, 2021. AB 2479 extends that exemption until January 1, 2026.

Prevailing Wages: AB 2231 De Minimis Public Subsidy. Under existing prevailing wage law, a private project that receives a de minimis public subsidy is excluded from the definition of "public works." AB 2231 clarifies that a public subsidy is "de minimis" if it is both: (1) less than $600,000; and (2) less than 2% of the total project cost. The bill also specifies that a public subsidy for a residential project that consists entirely of single-family dwellings is "de minimis" if it is less than 2% of the total project cost, meaning that it can be more than $600,000 if it is still less than 2% of the total project cost. These provisions do not apply to a project that was advertised for bid, or a contract that was awarded, before July 1, 2021.

COVID-19 RELATED LEGISLATION

Workers' Compensation; COVID-19 Presumption. Labor Code section 3212.85 provides that an employee is entitled to compensation for injuries sustained in the course of employment. SB 1159 codifies the COVID-19 presumption created by Executive Order N-62-20 and provides two new rebuttable presumptions that an employee's illness related to coronavirus is an occupational injury and therefore eligible for workers' compensation benefits if specified criteria are met. SB 1159 revises the definition of "injury" for workers' compensation purposes to include illness or death resulting from COVID-19 if the employee tested positive or was diagnosed with COVID-19 within 14 days after providing labor or services at the employee's worksite. If the positive test or diagnosis occurred after July 6, 2020, the employee's positive test or diagnosis must also have occurred during an outbreak at the worksite, as that term is defined.

Depending on an employer's size, an "outbreak" exists if within 14 calendar days one of the following occurs at a specific place of employment:

a. 1-100 employees: Four employees test positive;
b. 101 or more employees: Four percent (4%) of the number of employees who reported to the specific place of employment test positive; or
c. A specific place of employment is ordered to close by a local public health department, the State Department of Public Health, the Division of Occupational Safety and Health, or a school superintendent due to a risk of infection of COVID-19.

SB 1159 creates two rebuttable presumptions. The first being that any "injury" is presumed to arise out of and in the course of employment. The presumption is disputable and may be refuted by evidence such as facts showing worksite measures designed to reduce the transmission of COVID-19 and evidence of the employee's nonoccupational risk of exposure. The second presumption makes a claim for benefits related to COVID-19 presumptively compensable if not rejected within 30 days (for fire, law enforcement, and healthcare workers) or 45 days (for all employees) following submission of the workers' compensation claim form.

Notice to Employees of Potential COVID-19 Exposure. AB 685 requires both public and private employers that receive a notice of a COVID-19 case or a potential exposure in the workplace to provide notice of the potential exposure to its employees, the employers of subcontracted employees, and any exclusive union representative. The notice must be received by the employee within one business day of the notice of potential exposure. The notification must be in writing and it must be given to all employees who may have been exposed to COVID-19 and to their exclusive union representative, if applicable. Additionally, employers are required to notify all employees, the employers of subcontracted employees, and any exclusive union representative on the disinfection and safety plan that the employer plans to implement, per CDC guidelines.

Employers are also required to report a COVID-19 "outbreak" to the local health agency, within the jurisdiction of the worksite, within 48 hours of learning of the outbreak. An "outbreak" is defined by the California State Department of Public Health as three or more cases in a 14-day period. The employer must provide the local health agency with the names, number, occupation, and worksite of employees who are "qualifying individuals," which includes someone who has a confirmed case of COVID-19, has been diagnosed with COVID-19 by a health care provider, is under a COVID-19-related order to isolate, or has died due to COVID-19.

Finally, the Division of Occupational Safety and Health's (Cal-OSHA) is typically required to issue a pre-citation indicating its intent to cite a "serious violation," to provide employer with at least 15 days to respond. However, AB 685 has gotten rid of this "pre-citation" requirement, through January 1, 2023, for serious violations relating to COVID-19.

Supplemental Paid Sick Leave (SPSL). Effective September 2020, AB 1867 established two categories of SPSL that are in addition to sick leave provided by the Healthy Workplaces, Healthy Families Act of 2014: (1) for food sector workers; (2) for private employers with 500 or more employees.

The requirement to provide SPSL expires on December 31, 2020, or with the expiration of the Families First Coronavirus Response Act (FFCRA), whichever is later. However, employees who start their SPSL before its expiration are entitled to take the full amount of leave, even if the leave is completed after December 31, 2020.

Note: On December 27, 2020, President Trump signed a law that allows employers to continue to receive federal tax credit for allowing employees to use unpaid FFCRA paid sick and family leave through March

31, 2021. Thus, while FFRCA pay is no longer required after December 31, 2020, if paid at the option of the employer, the employer will still receive tax credits until March 31, 2021.

Also, in response to COVID-19, although unrelated to the SPSL, AB 1867 requires employers to allow food employee working in any food facility to wash their hands every 30 minutes, and additionally as needed. This portion of the bill remains in effect beyond December 31, 2020.

Personal Protective Equipment: Health Care Employees. AB 2537 expands on previous law which requires employers to furnish a safe workplace. The bill applies to all public and private employers (including contractors) that employ workers providing direct patient care, or providing services that directly support personal care, in a general acute care hospital. Qualifying employers are required to supply these employees with the personal protective equipment (PPE) necessary and to ensure that the employees are using the PPE.

On or before January 15, 2021, general acute care hospitals, are required to be prepared to report its highest 7-day consecutive daily average consumption of personal protective equipment during the 2019 calendar year to the Department of Industrial Relations.

Additionally, beginning April 1, 2021, employers in general acute care hospitals will be required to maintain a three-month stockpile of new, un-expired and unused personal protective equipment. An employer must maintain a stockpile of the following equipment in the amount equal to three months of normal consumption:

- N95 filtering facepiece respirators
- Powered air-purifying respirators with high efficiency particulate air filters
- Elastomeric air-purifying respirators and appropriate particulate filters or cartridges
- Surgical masks
- Isolation gowns
- Eye protection
- Shoe coverings

HARASSMENT, DISCRIMINATION, AND RETALIATION

Sexual Harassment Prevention Training. To be compliant with SB 1825, California employers with five or more employees must provide at least two hours of sexual harassment and abusive conduct prevention training to all supervisory employees and at least one hour of training to all nonsupervisory employees in California once every two years. This includes seasonal and temporary employees. The initial training must be completed by **January 1, 2021**.

Extension of Time to File Discrimination Claims with DLSE. The Division of Labor Standards Enforcement, headed by the Labor Commissioner, is the state agency charged with enforcing California's labor laws,

including Labor Code provisions. AB 1947 extends the period of time within which people may file retaliation complaints with the Labor Commissioner under Labor Code section 98.7 from six months to within one year after the occurrence of the violation.

Additionally, this bill amends California's "whistleblower" statute, Labor Code section 1102.5, by authorizing a court to award reasonable attorney's fees to an employee plaintiff who brings a successful action under that statute.

Representation of Underrepresented Communities on Corporate Boards. Prior legislation required set a minimum requirement for the number of female directors required to be on the board of publicly held domestic or foreign corporations whose principal executive office is located in California. AB 979 expands upon the prior legislation, requiring publicly held domestic or foreign corporations headquartered in California to diversify their board of directors with directors from "underrepresented communities." This Bill defines "director from an underrepresented community" as "an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native, or who self-identifies as gay, lesbian, bisexual, or transgender."

By December 31, 2021, all qualifying corporations are required to have at least one director from an underrepresented community. By December 31, 2022, qualifying corporations with:

- Five to eight directors must have a minimum of two directors from underrepresented communities;
- Nine or more directors must have a minimum of three directors from underrepresented communities.

California Fair Employment and Housing Act: Veteran or Military Status. The California Fair Employment and Housing Act (FEHA) prohibits discrimination in employment and housing based on specified protected classes, including military or veteran status. Previously the language of FEHA inconsistently referred to "military **and** veteran" status and "military **or** veteran" status. AB 3364 corrects this inconsistency and clarifies that the FEHA protects military **or** veteran status.

Pay Data Reports. SB 973 authorizes the Department of Fair Employment and Housing (DFEH) to receive, investigate, conciliate, mediate, and prosecute complaints alleging discriminatory wage rates on the basis of race and gender.

Further, this Bill requires that private employers with 100 or more employees, that are required to file an annual Employer Information Report under federal law, must submit a pay data report that includes, but is not limited to, the following information:

- The number of employees by race, ethnicity, and sex by job categories;

- The number of employees by race, ethnicity, and sex, whose annual earnings fall within each of the pay bands used by the US Bureau of Labor Statistics in the Occupational Employment Statistics survey;
- The total number of hours worked by each employee counted in each pay band; and
- Any clarifying remarks the employer wishes to include.

The initial pay data reports must be submitted on or before March 31, 2021 and on or before March 31 each year thereafter.

PRIVACY RIGHTS

Extended Exemption Under California Consumer Privacy Act for Employee Information. The California Consumer Privacy Act of 2018 grants a consumer various rights with regard to their personal information held by a business. The Act requires a business that collects personal information about a consumer to disclose the consumer's right to delete personal information.

As written, the law was overly broad and applied to employee information that employers are required to maintain by law. To remedy this issue, the Act provided two temporary exemptions to the following categories of information:

(1) information collected by a business about a natural person in the course of the person acting as a job applicant, employee, owner, director, officer, medical staff member or contractor; and

(2) personal information reflecting a written or verbal communication or a transaction between the business and the consumer, if the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietor, nonprofit, or government agency, and whose communications with the business occur solely within the context of the business conducting due diligent regarding a service or product from that entity.

These exemptions were set to expire on January 1, 2021. AB 1281 extends both exemptions until January 1, 2022, to allow the Legislature to more narrowly tailor the bill.

LEAVES OF ABSENCE

Expansion of California Family Rights Act. The California Family Rights Act (CFRA) provides eligible employees up to 12 workweeks of unpaid, job-protected leave during any 12-month period to bond with a new child of the employee or to care for themselves, a child, a parent, or a spouse. Perhaps the most significant employment legislation passed in 2020, SB 1383 expands the CFRA to all California employers **with five or more employees.** Previously, the CFRA applied only to employers with 50 or more employees.

- The list of qualifying reasons for CFRA leave now includes:
    - To care for the employee's own serious health condition;
    - To care for an employee's family member;
    - To bond with a new child;
    - Due to a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces.

SB 1383 also made substantive changes to the CFRA that will also affect larger employers who were already subject to the CFRA. Here are some of the notable changes:

1. Added grandparents, grandchildren, and siblings the definition of family member.
2. Now all children are included in the definition of family member. A "child" no longer needs be either under 18 years of age or an adult dependent.
3. Eliminated the CFRA's limitation on the amount of leave parents may take to bond with a new child when both parents are employed by the same employer. Now, an employer who employs both parents of a child to grant leave to each employee.
4. Eliminated the "key employee" exception that allowed employers to deny reinstatement to the highest paid 10% of their employees under certain conditions. Now, all employees have the same right to reinstatement, regardless of their pay.

Lastly, SB 1383 repealed Government Code section 12945.6, known as the New Parent Leave Act (NPLA), which was 2018 legislation that required employers with 20 or more employees to provide leave to bond with a new child. Baby bonding leave now falls under the CFRA.

Small Employer Family Leave Mediation Pilot Program. AB 1867 also requires the Department of Fair Employment and Housing (DFEH) to create a small employer family leave mediation pilot program for employers with between five and 19 employees for violations of the CFRA. A small employer or the employee may request all parties to participate in mediation through the DFEH's dispute resolution division. An employer may request this mediation within 30 days following receipt of a right-to-sue notice alleging a violation of the CFRA. The bill would prohibit an employee from pursuing civil action for all related claims until the mediation is complete.

Expansion of Leave for Crime Victims. Labor Code 230 previously prohibited an employer from discharging, or discriminating, or retaliating against an employee who is a victim of *domestic violence, sexual assault, or stalking* for taking time off from work to obtain help to ensure the health, safety, or welfare of the victim or victim's child. AB 2992 expands existing law to prohibit an employer from discharging, discriminating, or retaliating against an employee who is a victim of a *crime or abuse,* including any person whose "immediate family member" is deceased as the direct result of a crime from taking off from work to obtain relief.

Additionally, Labor Code Section 230.1 prohibits an employer with 25 or more employees from discharging, or discriminating or retaliating against, an employee who is a victim of domestic violence,

sexual assault, or stalking for taking time off from work for any of specified purposes, including seeking medical attention for injuries caused by domestic violence, sexual assault, or stalking. AB 2992 similarly expands the eligibility for this leave by prohibiting the discharge of, or discrimination or retaliation against, an employee who is a victim to take time off work for the following reasons:

- 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 as a result of the crime or abuse;
- to obtain psychological counseling or mental health services related to an experience of crime or abuse; or
- to participate in safety planning and take other actions to increase safety from future crime or abuse.

Designation of Sick Leave as "Kin Care" is at Sole Discretion of Employee. AB 2017 makes a minor change to existing "kin care" policies by amending Labor Code section 233. The law previously required employers to permit an employee to use the employee's accrued sick leave or available sick leave entitlement, to attend to the illness or preventative care of a family member. AB 2017 provides that the designation of sick leave taken under these provisions is now at the sole discretion of the employee.

Clarification of Paid Family Leave for Active-Duty Military. In 2018, SB 1123 expanded California's Paid Family Leave to include, after January 1, 2021, wage replacement benefits for time off to participate in a "qualifying exigency" related to covered active duty or a call to covered active duty for an individual's spouse, domestic party, child or parent in the Armed Forces. AB 2399 makes some technical and clarifying amendments to this law, including adding a definition of the term "military members" for the purpose of the qualifying exigency provisions to qualify for PFL benefits.

EMPLOYMENT AGREEMENTS

AB 2143—Settlement Agreements. Previously, AB 749 created Code of Civil Procedure section 1002.5, also known as the "no-rehire" provision, which prohibits an agreement to settle an employment dispute that contains a provision prohibiting, preventing, or otherwise restricting an employee who has made claims against an employer from obtaining future employment with the employer. AB 2143 clarifies that in order for the "no-rehire" provision in settlement agreements to apply, the employee must have filed the claim in good faith.

As initially enacted, Section 1002.5 also established an exception to the "no-rehire" provision if the employer made a good faith determination that the aggrieved person engaged in sexual harassment or sexual assault. AB 2143 clarifies that in order for an employer to rely upon this exception, the employer's determination of sexual assault or sexual harassment must be documented *before the employee filed the claim*. The bill would also expand this exception to include good faith, documented determinations that the employee engaged in any criminal conduct.

Update Regarding the Status of Injunctions. Last year the legislature passed AB 51, which prohibited employers from requiring employees or applicants to sign mandatory arbitration agreements, to waive any right, forum, or procedure for a violation of FEHA or the Labor Code as a condition of employment. On January 31, 2020, the Eastern District of California granted a preliminary injunction blocking in full the enforcement of AB 51 to the extent that it applies to arbitration agreements covered by the Federal Arbitration Act. As a result, AB 51 is not enforceable and employers can generally mandate arbitration agreements.

On February 24, 2020, the case was appealed to the Ninth Circuit Court of Appeals. The Appeal has been fully briefed, and oral argument was heard on December 7, 2020. However, the Ninth Circuit has yet to issue its final ruling. The preliminary injunction remains in effect pending the final ruling from the Ninth Circuit. However, employers who wish to implement a mandatory arbitration agreement should follow this case closely and be cautious of relying upon the lower court's preliminary injunction, with the Ninth Circuit's decision looming.

MISCELLANEOUS

Human Resources Professionals as Mandated Reporters and Training Required. The Child Abuse and Neglect Reporting Act requires a mandated reporter to report whenever they, in their professional capacity or within the scope of their employment, have knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

AB 1963 adds two new classes of individuals as mandated reporters to business with 5 or more employees:

> (1) a human resource employee of a business that employs minors; and
> (2) an adult whose duties require direct contact with and supervision of minors (this classification is also a mandated report of sexual abuse).

The second category is quite broad in application, and may cover employers that do not have a human resources department or designated human resources contact person.

Additionally, AB 1963 mandates businesses to provide their employees who are mandated reporters with training on identification and reporting of child abuse and neglect. Qualifying employers who employ minors should conduct an audit of their employees to determine whether they have any mandated reporter responsibilities and ensure those employees receive the appropriate training.

Corporations' Statement of Information. SB 3075 expands the information corporations must include in the corporation's statement of information (SOI) filed with the California Secretary of State. Specifically, the entity is required to provide an SOI indicating whether any officer or any director, or, in the case of a limited liability company, any member or any manager, has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law for the violation of any Wage Order or

Labor Code violation. Additionally, AB 3075 requires that a successor to any judgment debtor shall be liable for any wages, damages, and penalties owed to a judgment debtor's workforce pursuant to a final judgment. This bill takes effect beginning January 1, 2022, or upon certification by the Secretary of State that California Business Connect is implemented, whichever is earlier.

We hope this information was helpful to you. At DMLC, we are committed to a pro-active approach in preventing legal issues and minimizing risk. Please contact us if you wish to discuss any of the above in more detail.

Also, if you wish, please contact us to schedule an employment law best practices audit, in which we efficiently analyze your current practices to identify and address common areas of litigation risk. Our audits can include assessment of: employment applications and background checks; new hire checklists and required documentation; timekeeping; meal and rest breaks; pay stubs; employee classification; records retention; employee handbooks; arbitration agreements; managing employee performance, including performance reviews and employee discipline; interactive process for disability accommodations; employee leaves of absence; harassment, discrimination, and retaliation prevention; complaint and investigation procedures; sexual harassment training; employee termination procedures, including severance agreements; and more. As the saying goes, an ounce of prevention is worth a pound of cure – or in this case a few preventative fees are worth a whole lot of savings in litigation fees!

Thank you for being a valued client of Duggan McHugh Law Corporation. Here's to a happy, healthy, and successful 2021!

Kindest regards,

DUGGAN McHUGH LAW CORPORATION

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