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# COMPLIANCE CHECKLIST

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## AB 2257 – UPDATING 2019’S AB5 LEGISLATION RE INDEPENDENT CONTRACTORS (NEW LABOR CODE SECTIONS 2775-85)

- ☐ Last year AB5 codified the California Supreme Court’s *Dynamex* ruling and adopted the ABC test to determine whether a worker is an employee or independent contractor. It also created numerous exemptions where instead of the ABC test, the *Borello* test would be used to determine worker status.
- ☐ This year’s legislation does not change the framework of AB5. It merely clarifies some exemptions and adds new ones. The **exemptions are detailed** and in many cases there are **multiple criteria that must be met** for the exemption to apply so we strongly suggest you review the applicable Labor Code section closely before concluding any particular exemption applies to your situation.
- ☐ New exemptions were added for the following occupations (broadly described):
  - Various music industry occupations in connection with the creating, marketing, promoting or distributing sound records or musical compositions including recording artists, songwriters, composers, managers, record producers, musical engineers and others.
  - Those involved in “single engagement live performance events.”
  - Individual performance artists (as defined).
  - Photojournalists, still photographers, freelance writers/editors/cartoonists/translators if certain criteria are met; also eliminates the 35 submission/project cap that stirred much criticism of AB5 and its author.
  - “Commercial fisherman” and “travel agent services.”
  - Specialized performers hired by a performing arts company or organization to teach a “master class” for no more than one week.
  - Professions or occupations engaged in underwriting inspections, manufactured housing sales, international exchange visitor program workers, competition judges with specialized skills, and home inspectors.
  - “Feedback aggregators” and “individuals providing feedback.”
- ☐ **Business-to-Business Exception.** This exemption was revised to make it more workable and potentially applicable to a broader range of business relationships. It also makes it easier for businesses to qualify when they provide services to the contracting entity’s customers.
- ☐ **Referral Agency Exception.** This exemption was modified and identifies certain relationships that may qualify under this exemption of required criteria are met including youth sports coaching, caddying, consulting, wedding planning and interpreting services.

- ☐ Any worker who does not meet the ABC test above or fit within one of the exclusions from AB5, must be classified as an employee.
- ☐ If you are a rideshare company, review the results of Proposition 22 and, if it passes, ensure your drivers are provided all necessary protections under the new law.



## AB 1868 – COVID-19 SUPPLEMENTAL PAID SICK LEAVE LAW (EMPLOYERS WITH 500+ EMPLOYEES)

- ☐ This law took effect on **SEPTEMBER 9, 2020**.
- ☐ Requirements are intended to fill in the gaps of the federal Families First Coronavirus Response Act (FFCRA), which only applies to employers with fewer than 500 employees.
- ☐ Applies only to workers **who leave their home or other place of residence to perform work for the person's hiring entity**. Thus, it does not provide paid leave options for employees who are able to work from home.
- ☐ Provides up to 80 hours of paid leave to covered workers who are unable to work due to any of the following reasons:
  - The worker is subject to a federal, state or local quarantine or isolation order related to COVID-19;
  - The worker is advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or
  - The worker is prohibited from working by the worker's hiring entity due to health concerns related to the potential transmission of COVID-19.
- ☐ Leave is available to workers immediately (there is no time in position requirement)
- ☐ If worker is considered to be "full-time," works or is scheduled to work at least 40 hours per week, the worker is entitled to 80 hours of COVID-19 supplemental paid sick leave.
- ☐ Those who work less than full time are entitled to differing amounts of supplemental paid sick leave depending on their work schedules and/or length of service with the hiring entity.
  - Those with a regular schedule would be entitled to the number of hours the worker is normally scheduled to work.
  - Those with variable schedules are entitled to 14 times the average number of hours the worker worked each day for the hiring entity in the 6 months prior to taking supplemental paid sick leave.
- ☐ Supplemental paid sick leave is **in addition to** paid sick leave already provided under state law. Hiring entity may not require worker to use other paid or unpaid leave, paid time off or vacation before or in lieu of using this supplemental paid sick leave.

- ☐ No medical certification requirement.
- ☐ Worker determines how much to use.
- ☐ Supplemental paid sick leave paid at a rate equal to the highest of either:
- ☐ The worker's regular rate for the last pay period;
  - The state minimum wage; or
  - The local minimum wage to which the worker is entitled.
  - However, the hiring entity is **not required to pay more than \$511 daily and \$5,110 in the aggregate for the supplemental paid sick leave.**
- ☐ If the hiring entity provided time off for purposes contemplated by this law between March 4, 2020 and the effective date of this bill, but did not compensate the worker at the rates reflected above, the hiring entity is entitled to retroactively provide the supplemental pay to the covered worker.
- ☐ The DLSE has developed a model notice which employers are required to post or distribute by electronic means if workers do not frequent a workplace. It can be found [here](#) and is available in several languages.
- ☐ Wage statements (or another writing) must reflect an employee's available COVID-19 supplemental paid sick leave. Such notice must be given each pay period.
- ☐ This law will remain in effect until December 31, 2020 or until expiration of the FFCRA.

## **REMINDER:** FFCRA LEAVE REQUIREMENTS FOR SMALLER EMPLOYERS REMAINS IN EFFECT THROUGH DECEMBER 31, 2020

- ☐ The Families First Coronavirus Response Act (FFCRA) requires employers with fewer than 500 employees to provide emergency paid sick leave for various coronavirus-related reasons, and temporarily expanded the FMLA to provide paid leave in certain situations (mainly school closures).
- ☐ The law remains in effect through December 31, 2020 but may well be extended into 2021. Stay tuned for future Alerts from Wilson Turner Kosmo.

### **More details on the requirements of the FFCRA may be found here:**

- [Governor Gavin Newsom Issues Executive Order Temporarily and Partially Suspending Notice Provisions of Cal-WARN](#)
- [New Federal Law Enacted Requiring Emergency Paid Sick Leave and Emergency Family and Medical Leave](#)
- [Department of Labor Issues FURTHER UPDATED Guidance Concerning FFCRA \(COVID-19\) Leave Issues](#)
- [Department of Labor Issues FFCRA Regulations and the Internal Revenue Service Issues Guidance On FFCRA-Related Tax Credits](#)





## AB 685 – COVID-19 REQUIRED NOTICES FOLLOWING WORKPLACE EXPOSURE

An employer who receives a **“notice of potential exposure”** to COVID-19 must do ALL of the following within **one** business day:

- ☐ Provide written notice to all employees, and employers of subcontracted employees, who were on the premises at the same **worksite** as the **“qualifying individual”** within the **infectious period** that they may have been exposed to COVID-19.
- ☐ Also provide notice to exclusive representative, if any.
- ☐ Notify employees who may have been exposed (and any exclusive representative) about COVID-19 related benefits under federal, state or local laws including COVID-19 leave, employer sick leave, workers’ compensation, negotiated leave provisions.
- ☐ Notify employees who may have been exposed about employee protections against retaliation or discrimination.
- ☐ Notify employees, employers of sub-contracted employees, and any exclusive representative of your disinfection and safety plan you will implement and complete per CDC guidelines.
- ☐ Notice must be in writing and made in a manner the employer normally uses to communicate employment-related information (such as personal service, e-mail or text message) as long as reasonably anticipated to be received by the employee within one business day after it is sent.
- ☐ Notice must be in English and any other language understood by the majority of the employees.
- ☐ Also provide notice to any exclusive representative for employees receiving the notice.
- ☐ Retain records of written notifications for at least 3 years.

**Notice of Potential Exposure** includes:

- ☐ Notice from a public health official or licensed medical provider that an employee was exposed to a qualifying individual at the worksite;
- ☐ Notice from any employee that the employee is a qualifying individual;
- ☐ Notice through the employer’s testing protocol that the employee is a qualifying individual; or
- ☐ Notice from a subcontracted employer that a qualifying individual was on the worksite of the employer receiving notification.

**Qualifying Individual** includes any person that has any of the following:

- ☐ A laboratory-confirmed case of COVID-19

- ☐ A positive COVID-19 diagnosis from a licensed health provider
- ☐ A COVID-19-related order to isolate provided by a public health officer; or
- ☐ Death due to COVID-19

**Worksite** means:

- ☐ The building, store, facility, agricultural field or other location where the employee worked during the infectious period.
- ☐ It does not include any employer areas the qualified individual did not enter.
- ☐ If the employer has multiple worksites it need only notify employees at the same worksite as the qualified individual.

**Infectious Period** means:

- ☐ For those who test positive with symptoms – 2 days before symptoms until 10 days after symptoms end, 24 hours without fever (without medication) and other symptoms have improved.
- ☐ For those who test positive without symptoms – 2 days before submitting positive test and 10 days after first positive test.
- ☐ **COVID-19 Outbreak:** If the employer is notified about the number of cases that meet the State Department of Public Health’s definition of a COVID-19 “outbreak” the employer must notify the local public health agency in the worksite’s jurisdiction of the names, number, occupation and employees who meet the definition of a “qualifying individual” **within 48 hours**. The Department of Public Health has clarified that an **outbreak is “at least three COVID-19 cases among workers at the same worksite within a 14-day period.”** It must also report the business address and NAICS code of the worksite where the “qualifying individuals” work and continue to update the local health department of any subsequent laboratory-confirmed cases at the worksite.
- ☐ **No Retaliation.** You may not retaliate against any worker for disclosing a positive COVID-19 test, diagnosis, or an order to quarantine or isolate. Workers may file complaints with the DLSE.
- ☐ This bill does not apply to health facilities where employees, as part of their work duties, conduct COVID-19 screening or provide patient care to individuals who have tested positive for COVID-19.
- ☐ Cal-OSHA and OSHA have other reporting requirements. [The DLSE has issued an FAQ on this.](#)



## SB 1159 – PRESUMPTION OF WORKERS' COMPENSATION COVERAGE FOR COVID-19

- ☐ An employee's COVID-19-related illness will be covered by workers' compensation if all of the following apply:
  - The employee tested positive or was diagnosed with COVID-19 within 14 days after a day that the employee performed labor at the employer's place of employment at the employer's direction;
  - This day of labor occurred between March 19, 2020 and July 5, 2020; and
  - The diagnosis is made by a licensed physician and confirmed by a COVID-19 serologic test within 30 days of the date of diagnosis.
- ☐ Rebuttable presumption that disease arose out of the course and scope of employment. Employers may defend pointing to health and safety measures taken and non-occupational exposures the employee may have encountered.
- ☐ Employee must exhaust any paid sick leave benefits before any temporary disability benefits would be payable.
- ☐ Employees **who test positive for COVID-19 after working on or after July 6, 2020** and test positive during an "outbreak" at the employee's specific place of employment and whose employer has 5 or more employees will be covered by workers' compensation if:
  - The employee tests positive within 14 days after a day the employee performed labor or services at the employee's place of employment at the employer's direction; and
  - The day of work occurred after July 6, 2020; and
  - The employee's positive test occurred during a period of an "outbreak" at the employee's specific place of employment.
- ☐ Rebuttable presumption the disease arose out of and in the course of employment.
- ☐ "Specific place of employment" means the particular building, store, facility or agricultural field where the employee works, but generally would not include the employee's residence.
- ☐ An **Outbreak** is deemed to exist if within 14 calendar days one of the following occurred at the "specific place of employment" if:
  - The employer has 100 employees or fewer at a specific place of employment and 4 employees test positive for COVID-19; or
  - The employer has 100 or more employees at a specific place of employment and 4 percent of the number of employees who reported to the specific place of employment positive for COVID-19; or
  - A specific place of employment is ordered to be closed by specified public health agencies.



- ☐ If you learn your employee has tested positive for COVID-19 you must notify your claims administrator in writing **within 3 business days**. Notice must include:
  - An employee tested positive (no personal information to be provided unless employee claims it is work-related or has already filed a claim); and
  - The date the employee tested positive;
  - The address(es) where the employee worked during the 14-day period preceding the positive test result; and
  - The highest number of employees who reported to that location within the preceding 45-day period preceding the last day the employee worked at each place of employment.
- ☐ **This bill took effect immediately.** This law remains in effect until January 1, 2023.



## **SB 1383 – CALIFORNIA FAMILY RIGHTS ACT EXPANSION TO EMPLOYERS WITH 5 OR MORE EMPLOYEES AND COVERAGE OF ADDITIONAL FAMILY MEMBERS**

- ☐ California Family Rights Act (CFRA) allows eligible employees to take up to 12 workweeks of job-protected leave for specified reasons (e.g. to bond with a newborn child or because the employee has a serious medical condition). While it previously closely tracked the Family Medical Leave Act (FMLA), this year's revisions result in significant differences from the FMLA.
- ☐ Employees are only eligible if they have worked 1,250 hours and have 12 months of service before going out on leave.
- ☐ Employers are now subject to CFRA if they have **5 or more employees** (the number was previously 50).
- ☐ There are now **more family members** for whom employees can request time off to provide care. It previously included the employee's child, spouse or parent and now includes **a child, parent, grandparent, grandchild, sibling, spouse or domestic partner** who has a serious health condition.
- ☐ **Child** includes a child of a domestic partner or person to whom the employee stands *in loco parentis* and is no longer restricted to children under the age of 18 but instead employees may take job-protected time off work to care for a child of any age.
- ☐ **Parents-in-law** is defined as the parent of a spouse or domestic partner which suggests the law allows time off for caretaking of in-laws, although they are not specifically enumerated in the definition of "family care and medical leave."
- ☐ **Family Care and Medical Leave** is defined to include "qualifying exigencies" related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child or parent in the U.S. Armed Forces.

- ☐ Eliminates the “**key employee**” exception which enabled employers to refuse reinstatement to salaried employees among the highest paid 10 percent of the employer’s employees.
- ☐ Eliminates the “same employer” exception so that if both parents work for the same employer and are otherwise entitled to leave, each is entitled to 12 weeks for the birth, adoption or foster care of a child (previously limited to 12 weeks for both parents)
- ☐ Must reinstate to same or comparable position at end of leave.
- ☐ Repeals 2017’s New Parent Leave Act requiring employers with 20 or more employees to provide up to 12 weeks leave to bond with a child since the expanded CFRA requires even smaller employers to provide the same leave.
- ☐ There is a DFEH mediation pilot program for smaller employers (between 5 and 19 employees) which will allow employers to require employees to mediate alleged CFRA violations.
- ☐ Employers who are already subject to CFRA must revise leave policies to update eligibility criteria and family members for whom leave may be taken.
- ☐ Employers who are subject to both CFRA and FMLA need to be aware that in some instances employees may be eligible for up to 24 weeks of job-protected leave within a 12-month period. For instance, employee takes 12 weeks of CFRA leave to provide care for her sister who has a serious health condition. Sibling care is not covered by FMLA, so employee would still have 12 weeks available for a FMLA-qualifying leave (e.g., care for child or for own serious health condition), assuming employee has worked the 1250 hours the FMLA still requires to be eligible for leave.
- ☐ Smaller employers not previously subject to CFRA must add a policy to their handbooks and become familiar with CFRA leave administration requirements including obtaining medical certifications, providing employees with designation notices, tracking time used and reinstatement requirements.



## **AB 2992 – CRIME VICTIM LEAVE EXPANSION**

- ☐ Previously provided protected time off for victims of domestic violence, sexual assault, or stalking. NOW allows time off for almost all victims of violent crime and for immediate family members of homicide victims.
- ☐ Victim includes:
  - Victims of stalking, domestic violence or sexual assault;
  - A victim of a crime that caused:
    - Physical injury

- Mental injury
  - Threat of physical injury
  - A person whose immediate family member is deceased as a result of a crime; or
  - For purposes of appearing in court in response to a subpoena or court order: any person against whom any crime has been committed.
- ☐ Employees may provide a police report, court order, medical note or other documentation that “reasonably verifies” the crime or abuse occurred including a statement from the employee or individual acting on their behalf.
- ☐ Employer policies may need to be updated to reflect these changes.



## SB 973 – ANNUAL PAY DATA REPORTING

- ☐ Beginning March 31, 2021 (and annually thereafter) private employers with 100 or more employees that are required to submit an annual EEO-1 will be required to submit “pay data reports” for the prior calendar year (the “Reporting Year”) to the Department of Fair Employment and Housing (DFEH). The report may be shared with the Division of Labor Standards Enforcement (DLSE) upon request.
- ☐ Pay data report must include information enumerated in Government Code section 12999, including: the number of employees by race, ethnicity and sex in the following job categories: (a) executive or senior level officials and managers; (b) first or mid-level officials and managers; (c) professionals; (d) technicians; (e) sales workers; (f) administrative support workers; (g) craft workers; (h) operatives; (i) laborers and helpers; and (j) service workers.
- ☐ Employers must identify the number of employees by race, ethnicity and sex, whose annual earnings fall within each of the pay bands used by the U.S. Bureau of Labor Statistics in the Occupational Employment Statistics survey. This will include the employee’s earnings as reflected on the IRS Form W-2 for each “snapshot” (i.e. during a single pay period of the employer’s choice between October 1 and December 31 of the Reporting Year) and for the entire Reporting Year.
- ☐ Employers with multiple establishments must submit a report for each establishment and a consolidated report that includes all employees.
- ☐ Information must be submitted in a format that allows the DFEH to search and sort information.
- ☐ Reports are considered confidential information and not subject to the California Public Records Act.
- ☐ DFEH may seek an order requiring employer compliance and recover its enforcement costs.

- ☐ DFEH may “receive, investigate, conciliate, mediate and prosecute complaints” alleging equal pay violations.



### **AB 979 – CORPORATIONS MUST HAVE DIRECTORS FROM “AN UNDERREPRESENTED COMMUNITY”**

- ☐ Publicly held domestic or foreign corporations with their principal executive offices in California are required to have a certain number of directors from an “underrepresented community,” which includes: Black, African-American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian or Alaska Native or individuals who self-identify as gay, lesbian, bisexual or transgender.
- ☐ Impacted corporations must have at least 1 director from an underrepresented community must be appointed by the close of the 2021 calendar year.
- ☐ By the close of the 2022 calendar year the corporation must have at least 2 such members if it has 4 but less than 9 directors, and at least 3 such members if it has more than 9 directors. If the board has 4 or fewer members, the corporation shall have at least 1 member from an underrepresented community.
- ☐ Corporations may increase the number of directors on its board to comply with this requirement.



### **SB 778 – SEXUAL HARASSMENT TRAINING DEADLINES (REMINDER)**

This law passed in 2019, but since deadlines are now approaching quickly, here is a reminder:

- ☐ Employers with 5 or more employees must provide sexual harassment training to both supervisory and non-supervisory employees (who have not been trained within past 2 years) by January 1, 2021.
- ☐ Larger employers, who already train supervisors, must provide sexual harassment training to non-supervisory employees by January 1, 2021.
- ☐ Non-supervisory employees must receive 1 hour of harassment training; supervisors still need to receive 2 hours of training.
- ☐ Provide harassment training to seasonal and temp workers hired for fewer than 6 months **within 30 calendar days of hire or within 100 hours worked**, whichever occurs first.
- ☐ If hiring employees through a temporary services provider, ensure the provider supplied the required harassment training.

- ☐ Determine whether to use training materials published by the Department of Fair Employment and Housing. These trainings are available in multiple languages and are free of charge. They can be found [here](#).



## **HR PROFESSIONALS AND SUPERVISORS ADDED AS MANDATORY CHILD ABUSE REPORTERS**

- ☐ “Mandated Reporters” must report to specified agencies (e.g., police or county welfare) whenever they observe in their professional capacity a child they know or reasonably suspect has been the victim of child abuse or neglect.
- ☐ Human resources employees for businesses that employ minors are now on the list of mandated reporters (see Penal Code section 11165.7).
  - Includes “the employee or employees designated by the employer to accept any complaints of misconduct” as required under the FEHA and;
  - Any adult whose duties require direct contact with, and supervision of, minors in the performance of the minors’ duties in the workplace.
- ☐ Employers subject to these reporting requirements must train employees who fall within the definition of mandated reporter. This may be satisfied by completing the general online training offered by the Office of Child Abuse Prevention in the State Department of Social Services.



## **AB 1281 – CALIFORNIA CONSUMER PRIVACY ACT EXTENSION FOR EMPLOYERS**

- ☐ Employers are granted a further one-year exemption (until January 1, 2022) from the California Consumer Privacy Act (CCPA) of certain information gathered by a business about a natural person in the course and scope of that person’s employment.
- ☐ Prop 24 may further extend this deadline until January 1, 2023.
- ☐ Watch for further amendments in 2021.





## AB 2143 – UPDATES TO “NO REHIRE” PROVISIONS IN EMPLOYMENT-RELATED SETTLEMENT AGREEMENTS

- ☐ Last year in response to AB 749 we advised modifying form separation agreements/ settlement agreements used by your organization to eliminate provisions which prohibit the “aggrieved person” from obtaining future employment with the company against whom the claim was filed, or any parent company, subsidiary, division, affiliate, or contractor of the employer.
- ☐ You may still make an agreement to end a current employment relationship.
- ☐ The aggrieved employee must have filed the initial complaint “in good faith” in order to for the “no rehire” rule to apply. (NEW)
- ☐ You may restrict future employment with the settling employer if the employer has made a good faith determination the person engaged in sexual harassment or sexual assault.
- ☐ You may restrict future employment with the settling employer if the employer has made a good faith determination that the person engaged in “any criminal conduct” as long as this determination was made and documented before the aggrieved employee filed a complaint.



## MINIMUM WAGE/COMPUTER PROFESSIONAL INCREASES

- ☐ Effective January 1, 2021 minimum wage in California increases to \$14.00/hour for employers with 26 or more employees; \$13.00/hour for employers with 25 or fewer employees.
- ☐ Ensure employees classified as exempt from overtime are paid at least \$58,240 as of January 1, 2021 (\$54,080 for employers with 25 or fewer employees).
- ☐ Be mindful of increases to minimum wage in various municipalities, which is **higher** than State minimum wage including San Diego (\$14.00/hour), San Francisco, San Jose, Palo Alto, Long Beach and the County of Los Angeles.
- ☐ Ensure exempt computer professionals are paid at least \$ 98,907.70 per year (hourly minimum of \$47.48; minimum monthly salary of \$8,242.32).



## POLICY/PRACTICE UPDATES AND OTHER TO DO ITEMS:

- ☐ Employers with 500+ employees must post COVID-19 Supplemental Paid Sick Leave Notice or **distribute electronically** and **must also ensure that available supplemental paid sick leave is reflected on employee pay stubs.**
- ☐ Consider developing a template COVID-19 Potential Exposure Notice if you are in an industry where workers are on site and there is a reasonable probability a worker will test positive for the virus at some point. Given the short deadline to provide notice, you'll want something ready to go.
  - Update employee contact information to be sure it is up to date given Exposure Notices need to be provided within one business day.
- ☐ Consider developing a Communicable Disease Policy that outlines hygienic practices in the workplace related to COVID-19 and beyond.
- ☐ CFRA Expansion
  - Larger employers already subject to CFRA will want to update policies to reflect the new eligibility requirements, additional family members for whom employees may take time off to provide care and eliminate language suggesting key employees are not eligible for reinstatement.
  - Smaller employers new to CFRA (5 or more employees) will need to implement a CFRA leave policy, assemble required forms, and become familiar with CFRA leave administration requirements including obtaining medical certifications, providing employees with designation notices, tracking time used and reinstatement requirements.
  - Remove policies on New Parent Leave Act.
- ☐ Crime Victim Leave: Update policies to reflect additional reasons employees may use such leave and updated documentation requirements.
- ☐ HR Professionals and supervisors for businesses that employ minors must complete "mandated reporter" training.
- ☐ Update wage payments to meet new minimum wage. Ensure exempt employees are paid at least the increased salary basis amount (2x minimum wage) and ensure any exempt computer professionals are being paid at least the 2021 rate.
- ☐ Consider paying meal and rest break premiums at "regular rate of pay" rather than base hourly rate.
- ☐ Review background check disclosure forms to ensure they only consist of the disclosure (and authorization if not a separate document) and do not contain "extraneous" information.

- ☐ Consider risk of subsequent PAGA action and/or consult legal counsel before engaging in pre-litigation settlements.
- ☐ Evaluate principal place of work for non-California resident employees to determine application of Labor Code sections 226 (itemized wage statements) and 204 (timing of wage payments).
- ☐ Evaluate employee workdays to ensure you are paying for all time worked which should include things like time spent waiting for an employer's required exit search, time spent waiting to be let out of the workplace, time spent setting the alarm or walking co-workers to their car and potentially commuting time if employees are using personal vehicles to carry tools and supplies.
- ☐ Evaluate expense reimbursement practices, including reimbursement of expenses related to working from home. Consider paying reimbursement to cover some internet and utility expenses, as well as cell phone cost reimbursement and necessary equipment.