

Presenters







Joanne A. Buser

Partner

PAUL, PLEVIN, SULLIVAN & CONNAUGHTON LLP

Corrie J. Klekowski

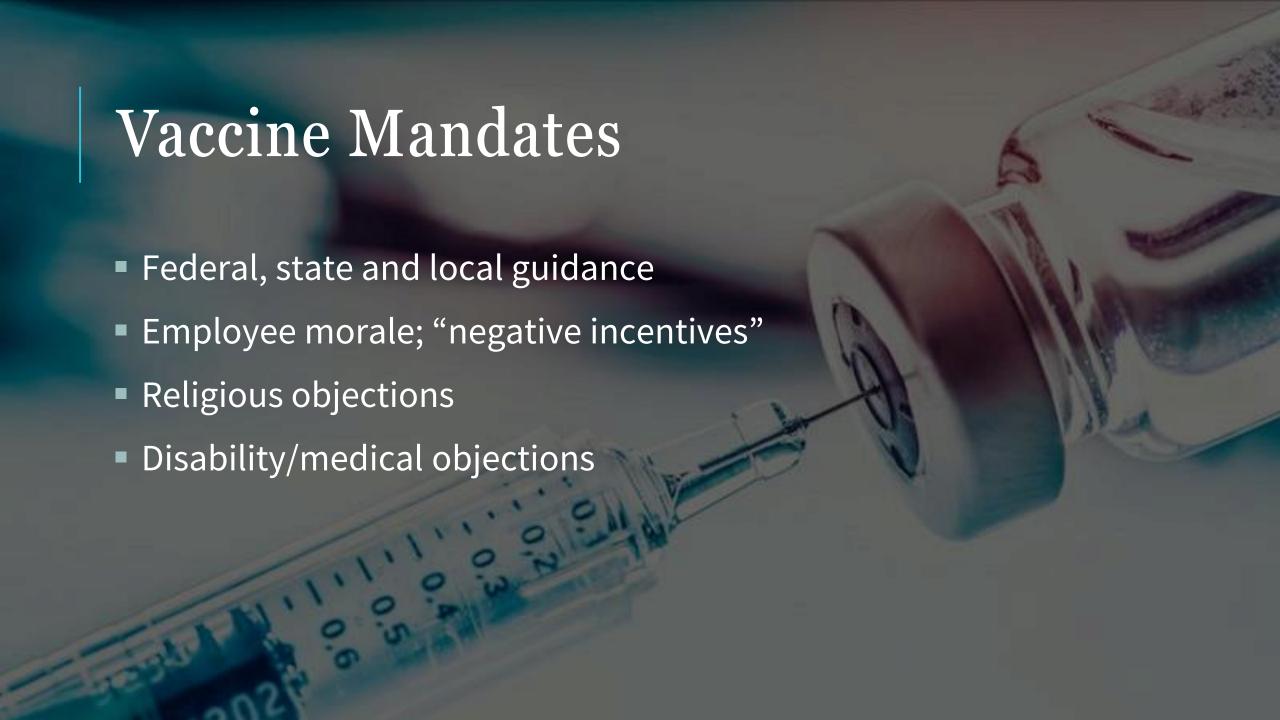
Partner

PAUL, PLEVIN, SULLIVAN & CONNAUGHTON LLP

Matt Wroblewski

Corporate Counsel, Employment

PETCO



COVID Litigation Trends

- Screening procedures as "off the clock" time
- Reimbursement claims for remote working expenses
- First Amendment issues for public employers
- Religious/disability accommodation:
 - I can do my job remotely, so what's the undue hardship?

Cal/OSHA Enforcement

- Emergency Temporary Standards for COVID-19 Prevention
- Enforcement Actions on the rise
- Potential Legislation: SB 606 to increase enforcement

Donohue v. AMN Servs., LLC (2021)

- Presumption of meal period violation
- Timekeeping attestations to track voluntary short/missed/late meal and rest periods
- No time rounding for meal/rest periods



Ferra v.
Loews
Hollywood
Hotel (2021)

- Meal/rest period premiums must be calculated at the regular rate of pay, not the base hourly rate
- Retroactive application
- Don't forget non-discretionary bonuses, etc.

Gallano v.
Burlington
Coat Factory
of California,
LLC (Cal. Ct.
App. 2021)

Holding employee responsible for shoplifting may violate Labor Code section 2802

Chamber of Commerce v. Bonta (9th Cir. 2021)

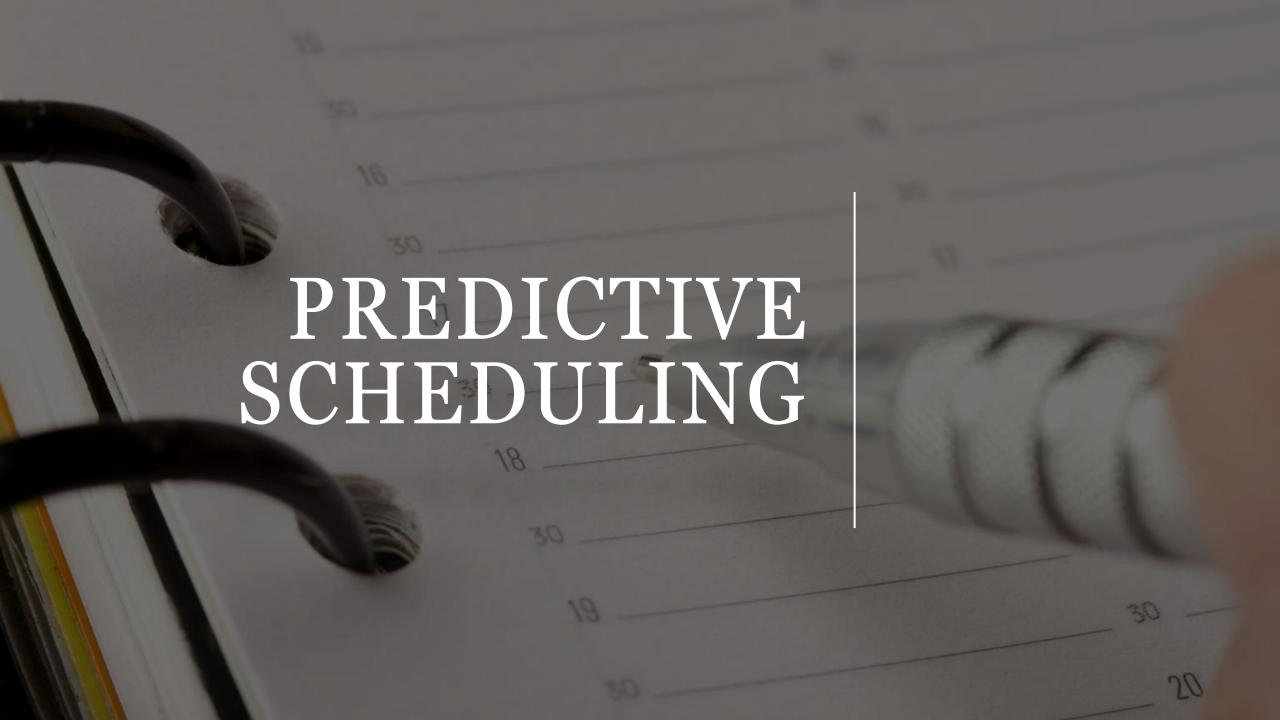
Vacated injunction prohibiting enforcement of AB 51, which sought to prevent enforcement of mandatory arbitration for FEHA claims

NLRB Office of the General Counsel Memorandum 21-04

- Employee handbooks
- Social media policies
- Separation agreements
- Union access to employer property
- Bargaining based on card check







Potential Legislation:

Confidentiality And Non-Disparagement Clauses In FEHA Releases And Separation Agreements (SB 331)

POTENTIAL LEGISLATION:

COVID-19 Exposure Notices and Reporting (AB 654)



POTENTIAL LEGISLATION:

Veterans Hiring
Preference
(SB 665)



POTENTIAL LEGISLATION:

Wage Deprivation as "Grand Theft" (AB 1003)





- Are you ready to start making disclosures to employees in 2023?
- Plan now!



Joanne A. Buser

jbuser@paulplevin.com

Corrie J. Klekowski

cklekowski@paulplevin.com

Matt Wroblewski

matthew.wroblewski@petco.com