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Sound, Practical And Affordable.

It's a great day to be a California Employer my friend,

In this edition we will review:

- New Laws
- Posting Requirement
- New Hire Packet Updates and minimum statutory requirements
- Minimum Wage

Scroll down to find what interests you.

NEW LAWS 2022

First, some good news, overall California and Governor Newsom were very kind to employers this year. Many of the new laws passed for 2022 are industry-specific. There is a major update to the California Family Rights Act (CFRA). If you have 5 or more employees you are required by law to give this protected leave for a plethora of reasons. You are also required to designate the leave or the reason why the employee does not qualify for the leave in **writing**.

CFRA permits employees to take leave to care for their own serious health conditions, as well as the serious health condition of a spouse, registered domestic partner, parent, or child. The 2021 amendment added grandparents, grandchildren, and siblings to the list.

In September 2021, [AB 1033](#) added parents-in-law to the list. Effective January 1, 2022, an employee may use CFRA leave to care for "parents-in-law" with serious health conditions.

Employers should speak with their GCG Consultant or Attorney to ensure the many leaves that interact such as Pregnancy, CFRA, and Federal family Leave are being given appropriately.

On the flip side of "score one for employers" The California Wage Theft Protection Act of 2011 requires all employers regardless of size provide each employee with a written notice containing specified information at the time of hire. The notice must be in the language the employer normally uses to communicate employment-related information to the employee. The DLSE even made a form for it!

[AB 1003](#) increases the potential punishment and makes it a felony if an employer, acting intentionally,

wrongfully fails to pay wages in an amount greater than \$950 to one employee, or \$2,350 in the aggregate to two or more employees, within a 12-month period. Under AB 1003, independent contractors are considered employees, and entities that hire such contractors are considered employers.

An employer acts “intentionally” when it deprives an employee of wages with the knowledge that the wages are due. Grand theft is punishable by imprisonment in a county jail for up to three years. Although I do expect that prosecutions for grand theft based on a failure to pay wages will be rare, employers must ensure they satisfy their wage payment obligations, as no employer wants to end up singing the Folsom Prison Blues.

[Senate Bill 331](#) places additional restrictions on confidentiality and non-disparagement provisions in settlement and severance agreements. SB 331 requires an employer offering an employee a severance agreement to notify the employee that he or she has the right to consult with an attorney. The employer must provide the employee with at least five business days for consultation. An employee may decide to sign such an agreement prior to the expiration of the consultation period, so long as the employee’s decision is informed and voluntary. This is a huge change for agreements with employees under 40.

HR NEW YEAR CHECKLIST

As the new year approaches every employer regardless of size is required to update postings and their new hire packet, and of course minimum wage.

POSTERS

Order your 2022 posters now! The All-In-One poster for your state and federal laws is normally available for order from the Chamber. The only reason I suggest the CAL-Chamber for California employees is because they do not sell you what you do not need.

Be sure to ask your Consultant or your Attorney about sending the required posters electronically. I have seen an uptake in employers using payroll portals as the one place for postings. Be careful if you are doing this, the laws have changed somewhat, but they mainly address remote workforces. [SB 657](#) addresses California employers and which posters can be done electronically, but not all of them. The Department of Labor (DOL) also addressed the [remote workforce postings](#). At no point does either governing agency or statute remove the obligation for employers to have postings at all worksites.

You **MUST** update posters annually, Posters should be available in the language the employee speaks, you can put them behind each other with a tab that identifies the language.

They must be posted in a conspicuous location with easy viewing..don't hide them in a closet..you know who you are!

Remember to take down the previous year's postings, just sayin!

MINIMUM WAGE INCREASES

California minimum wage for employers with 26 or more employees goes to \$15 per hour. If you have 25 or less the minimum wage is \$14.

Don't forget with the hourly wage increase you must also increase salary employees. The minimum salary effective 1/1/22 will be \$30 per hour for 26 or fewer employees and \$28 per hour for 25 and less. That means salaried employees will get an annual wage of \$62,400 or \$58,240 depending on the number of employees.

Also, many cities and counties have minimum wage rates higher than the California rate, so make sure to check where your employees are working to pay the right minimum wage. The salary range is based on the state minimum wage, so don't worry about that.

NEW HIRE PACKETS

Each year the alphabet agencies update some required notifications for employers. Here is a list with links to all mandated by statute notifications for newly hired employees. The Domestic Violence Rights pamphlet was revised on 3/2021, so make sure you update that. These are all FREE so please make sure you check your packets for compliance.

- Use [Form I-9](#) for verifying the identity and employment authorization of individuals hired for employment in the United States. Federal law requires the employer and employee to complete Form I-9 by the third day of the employee's work.
- Employees must complete [Form W-4](#) at the time of hire so that the employer can withhold the correct federal income tax from the employee's pay. *(2022 version was not available at the time of this letter)*
- The California Department of Industrial Relations (DIR) requires employers to provide new hires with its [Time of Hire Pamphlet](#) no later than the end of their first pay period.
- The Wage Theft Prevention Act requires employers to provide non-exempt (hourly) new hires with a notice upon hire that sets forth various items of the required information, such as the employer's legal name and address, the employee's rate of pay, and the employer's paid sick leave policy. The DIR has created a template, form [DLSE-NTE](#), that employers may use, and which meets the law's requirements.
- You must provide the California Department of Fair Employment and Housing's (DFEH) Sexual Harassment pamphlet, [DFEH-185](#), to all new employees at the time of hire.
- Employers must give the California Employment Development Department's (EDD) Paid Family Leave Insurance pamphlet, [DE 2511](#), to new employees at the time of hire.
- The EDD's Disability Insurance Provisions pamphlet, [DE 2515](#), must be provided to employees within five days of hire.
- The California Labor Commissioner's notice on the [Rights of Victims of Domestic Violence, Sexual Assault and Stalking](#), must be given at the time of hire.
- A policy on lactation accommodation that [complies with SB 142](#) must also be given to employees at the time of hire. However, if you include the policy in your employee handbook that is given to new hires, there is no need to issue a separate document for this.

I hope you have a safe and happy holiday season my friend, Take Care of You!





Alta Loma, CA 91701
Phone: 909.997.8162
greeargroup@gmail.com

Reach Out Today

