

# New Employment Laws to Know in 2021



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**Webinar Presented by:**

Bill Dahlin & Ron Thommarson

Hart King

# Who are Bill & Ron?



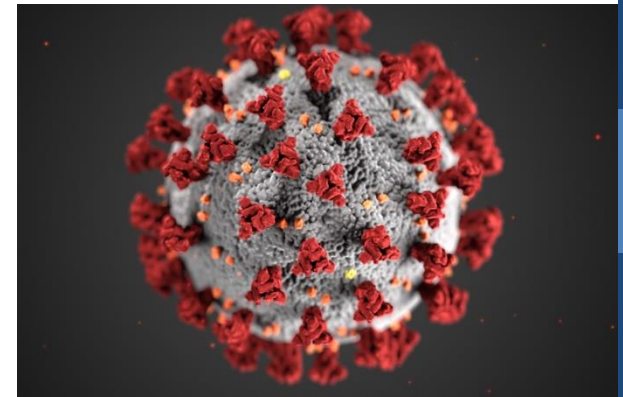
**Bill Dahlin** has been practicing law and helping manufactured housing community owners and managers since 1988. He has been trial counsel in multiple cases involving the protection of property rights, including disputes over rent control, including the 9<sup>th</sup> circuit Guggenheim v. City of Goleta case. Bill assists in issues arising out of mobilehome park closures, subdivisions, park sales and purchases, ground lease disputes and failure to maintain. Bill understands the needs and goals of park owners. Rent control, utility billings and residency issues are the primary basis of Bill's practice.



**Ron Thommarson** is an attorney with over 25 years of experience with business and real estate disputes, employment law, and business transactions. Ron's litigation experience includes alternative dispute resolution and court proceedings involving real estate, employment matters, general civil and business litigation encompassing real property disputes, real estate contract disputes, partnership and corporate shareholder disputes, foreclosure and title litigation, lender liability, contract claims, collections, professional liability, business torts, and unfair competition. Ron also provides advice and counsel to employers on a wide variety of employment law matters.

# AB 685 – COVID-19 Notification

Allows the state to track COVID-19 cases in the workplace more closely. Expands Cal/OSHA's authority to issue Stop Work Orders for workplaces that pose a risk of an "imminent hazard" relating to COVID-19. Requires notice in the event of a COVID-19 exposure in the workplace, including providing written notice to "all employees" who were at the worksite within the infectious period of an individual who may have been exposed to the virus.



# SB 1383 – Expansion of California Family Rights Act to Small Employers

For years, the California Family Rights Act (CFRA) largely mirrored the federal Family and Medical Leave Act (FMLA) and allowed qualifying employees to take unpaid, job-protected leave. Like the FMLA, the CFRA applied to public employers of any size and to private employers who had 50 or more employees within a 75-mile radius of the worksite. As of January 1, 2021, California Senate Bill 1383 expands the CFRA's leave provisions to apply to any private employer having 5 or more employees in the state with no requirement that they work within 75 miles of the employer's worksite. This is a dramatic expansion of the CFRA to small employers.



# AB 1281 – Extension of the California Consumer Privacy Act (CCPA) Exemption for Employee Data

Grants another one-year extension (until January 1, 2022) of the exclusion of certain Human Resources data from coverage under the CCPA. Until 2022 an individual does not have a right under the CCPA to request that a business delete an individual's personal information if that information was collected because the individual was a job applicant to, or an employee, owner, director, officer, or contractor of the business.



# AB 2017 - Employees Have Sole Discretion to Designate Sick / Kin Care Leave

Under previous law, California's Kin Care law (Labor Code section 233) allowed employees to use up to half of their paid sick leave as job-protected Kin Care leave to care for an ill family member. This new law gives employees sole discretion to designate paid sick leave as either personal leave for the employee's own illness or as Kin Care leave to care for a family member. The intent of the law is to prevent an employer's erroneous designation of sick days as Kin Care (depleting available Kin Care time) when the sick days were actually taken for personal sick leave.



# AB 2992 – Expands Protections for Employees Who Are Victims of a Crime or Abuse

Expands protected time off for domestic violence, sexual assault, or stalking to also include victims of any crime that caused them physical harm or mental harm and also a threat of physical injury. Protected leave is also required for an employee “whose immediate family member is deceased as a direct result of a crime.”



# Minimum Wage Hike

State of California and many California localities are set to increase the minimum wage on January 1, 2021 – make sure you are ready. California's stair-step climb to a \$15-dollar minimum wage continues. Effective January 1, 2021, the minimum wage for employers with 25 employees or less will increase to \$13.00 per hour, and for employers with 26 or more employees, the minimum wage will increase to \$14.00 per hour. Employers must remember this increase also affects minimum salary requirements for exempt employees and to ensure their minimum wage postings are updated appropriately to reflect state and local increases.





# Sexual Harassment Training

California law requires all employers of 5 or more employees to provide 1 hour of sexual harassment and abusive conduct prevention training to nonsupervisory employees and 2 hours of sexual harassment and abusive conduct prevention training to supervisors and managers once every two years. The law requires the training to include practical examples of harassment based on gender identity, gender expression, and sexual orientation. Visit the link below and follow the instructions for the Sexual Harassment Prevention Online Training provided by California Department of Fair Employment and Housing - <https://www.dfeh.ca.gov/shptfaq/>.



# Questions?



# *Thank you!*



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