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June 24, 2019
Via Electronic Mail

NOTICE FROM THE MYERS LAW GROUP
REGARDING IMPORTANT NEW CALIFORNIA WORKPLACE LAWS
EFFECTIVE JULY 1, 2019

Dear Valued Client:

This letter is to notify you of the new significant California employment regulations and local ordinances that will be going into effect on July 1, 2019. Please review the summary below of the new regulations and ordinances that may impact your company.

I. July 2019 California Workplace Laws

- **MINIMUM WAGE:** The minimum wage for Malibu, Santa Monica, and Los Angeles city and county, including unincorporated areas, will be increased to $13.25/hour for employers with twenty-five (25) employees or less and $14.25/hour for employers with twenty-six (26) employees or more. It is recommended that you update the labor law posters that are displayed at your business location(s) and confirm that your accounting department has adjusted your employee payroll processes accordingly.

II. January 2019 California Workplace Laws Recap

As a reminder, and for your further reference, below is a recap of laws that went into effect in January of this year.

- **SEXUAL HARASSMENT PREVENTION TRAINING (SB 1343):** Requires employers with five (5) or more employees (includes temporary or seasonal employees) to provide at least two (2) hours of sexual harassment prevention training to both supervisory and non-supervisory employees within six months of hire or promotion, **by January 1, 2020** and every two years thereafter. Previously, only businesses with fifty (50) or more employees must provide sexual-harassment-prevention training to supervisory employees.

- **SEXUAL HARASSMENT (SB 1300)**: This law contains a number of provisions that change the way sexual harassment claims are litigated in California, including lowering the bar for employees to bring harassment lawsuits and limiting the ability of employers to obtain summary judgment in such cases.

- **LACTATION ACCOMMODATION (AB 1976)**: This law makes California's lactation-accommodation law consistent with federal law on the requirement that employers provide

a reasonable amount of break time to accommodate an employee who wants to express breast milk and must make reasonable efforts to provide a private space, not a bathroom, to accommodate such employees.

- **SALARY HISTORY (AB 2282)**: Clarifies prior law prohibiting salary inquiries of job applicants. Employers may inquire about an applicant's salary expectations for the position being applied for. Further, an applicant is not prohibited from voluntarily (and without prompting by the prospective employer, disclose salary history information to a prospective employer. External applicants (not current employees) are entitled to a pay scale upon reasonable request, which is defined as a request made after an applicant completes an initial interview with the employer.

- **CRIMINAL HISTORY INQUIRIES (SB 1412):** This law amends Labor Code section 432.7, which limits employers' ability to conduct criminal history inquiries and to use criminal history information in employment decisions. Existing law makes an exception for employers who are required by federal or state law to inquire into an applicant's or employee's criminal history. This amendment is intended to tighten the exception to apply only where an employer is required by law to inquire into a "particular conviction" or where an employer cannot by law hire someone with a "particular conviction." "Particular conviction" is defined only to mean "a conviction for specific criminal conduct or a category of criminal offenses prescribed by any federal law, federal regulation or state law that contains requirements, exclusions, or both, expressly based on that specific criminal conduct or category of criminal offenses."

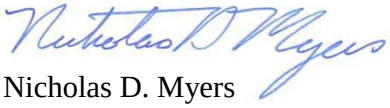
III. 2019 Notable Case Law Updates

- *Dynamex Operations West, Inc. v. Superior Court of Los Angeles:* On May 1, 2019, the Ninth Circuit decided that its ruling in *Dynamex* should be applied retroactively. *Dynamex* imposed a new test, known as the ABC test, for classification of independent contractors. The ABC test, which determines whether an individual is an independent contractor, includes: (A) whether the worker is free of the control and direction of the hiring entity in the performance of the work (under contract and in fact); (B) whether the worker performs work that is outside the usual course of the hiring entity's business; and (C) whether the worker customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity. Keep in mind that it is critical that the ABC test be used to determine if an individual contractor is an independent contractor. Mere use of an independent contractor agreement does not obliviate the need for use of the ABC test. Further, given the Ninth Circuit's retroactive ruling, it is imperative for individuals and/or companies to revisit their existing independent contractor agreements to verify that individuals classified as independent contractors meet the requirements of the ABC test for independent contractor classification.

Many of these laws may affect your workplace and therefore should be included in your employee handbooks, posters, or other notices distributed in your place of business. Job applications, hiring forms, and other workplace procedures may also need to be amended to reflect these changes.

Should you need help incorporating these laws within your company and/or have any questions pertaining to specific laws for your county, please contact us and we can address your concerns and help ensure your company compliance.

Most Sincerely,



Nicholas D. Myers