



2023 Labor Law Update For Corporation Supervisors & Department Admins.

Monday, January 30, 2023

Location: Virtual - <https://csumb.zoom.us/j/89423204511>

Presented By: Corporation Human Resources and Payroll Team

Meet Our Team

Maddison Burton, Director of Human Resources

Andrea Bozant, Assistant Director of Human Resources

Ken Miranda-Mooney, Human Resources Generalist

David Stenerson, Payroll Specialist

Ingrid Zarate, Human Resources Analyst

Nathan Hammer, Human Resources and Payroll Assistant

Audrey Oswald, Payroll and Benefits Coordinator

Vacant, Student Assistant

Agenda

2023 New Laws To Discuss

1. Minimum Wage Increase
2. Pay Transparency (SB 1162)
3. CFRA & Paid Sick Leave Expansion (AB1041)
4. Employee Contraceptive and “Reproductive Health Decision making” Protections (SB 523)
5. Update to Bereavement Leave (AB 1949)
6. Retaliation Prohibited in the Event of an Emergency Condition (AB 1044)
7. Protections for Off-Site, Off-Duty Marijuana (AB 2188)
8. Posting Notices (SB 657)

Semester Refresher

1. New Hire Process
2. Benefited Recruitment Process
3. Meal & Rest Breaks
4. CA Overtime
5. Termination Process

Minimum Wage Increase

State

- California's current minimum wage rate of \$15.00 per hour increased to **\$15.50** per hour on January 1, 2023 for ALL California employers
- That minimum salary amount for exempt employees increased to \$5,374 per month (**\$64,480.00** annually) on Jan. 1, 2023.

Local

- California currently has more than 35 cities and counties with their own minimum wage requirements including, but not limited to, Los Angeles, Menlo Park, Oakland, San Jose and South San Francisco, San Francisco, San Diego and Santa Clara.
- Employees must be paid the minimum wage that applies to them where they perform their work; not where the auxiliary's offices are.



Pay Transparency (SB 1162)

This bill requires employers with 15 or more employees must include the pay scale for a position in ANY job posting. Employers must also provide an employee with the pay scale for the employee's current position upon the employee's request.

Community Engagement Specialist, GEAR UP

Ryan Ranch Office- Monterey, CA

Full-Time - \$22.00 - \$26.00 Hourly

Category: Education / Miscellaneous / Community and Social Services / K-12

Department: Early Outreach Support Pgms

CFRA & Paid Sick Leave Expansion (AB 1041)

This bill expands on the categories of individuals for whom an employee may take leave to care for under the California Family Rights Act (CFRA) and California's Healthy Workplaces Healthy Families Act (HWHFA).

Under the amended CFRA, an employee may take unpaid leave to care for a "designated person," defined as "any individual related by blood or whose association with the employee is the equivalent of a family relationship."

Similarly, an employee may take paid leave to care for a "designated person" under the amended HWHFA, defined as "a person identified by the employee at the time the employee requests paid sick days." Under both the amended CFRA and HWHFA, an employee may identify a designated person at the time they request leave.

Employee Contraceptive and “Reproductive Health Decision making” Protections (SB 523)

FEHA will prohibit discrimination based on “reproductive health decision making which includes any “decision to use or access a particular drug, device, product, or medical service for reproductive health.”

Update to Bereavement Leave (AB 1949)

Requires covered employers to offer employees up to five days of bereavement leave for a family member, defined as a spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent or grandchild.

Employees must complete their leave within three (3) months of the family member's death. The five days of bereavement leave do not need to be taken consecutively; they can be intermittent.

Benefited Employees: (NOT NEW) may receive up to five (5) days of paid leave that does not count against their available leave balances.

Non-Benefited Employees: (NEW) Eligible to take up to five (5) days of bereavement; however, they must use accrued leave to be paid for the absence, otherwise it will be unpaid.

Retaliation Prohibited in the Event of an Emergency Condition (AB 1044)

This bill prohibits an employer, in the event of an emergency condition, from taking or threatening adverse action against any employee for refusing to report to, or leaving, a workplace or worksite within the affected area because the employee has a reasonable belief that the workplace or work site is unsafe, except as specified.

"Emergency condition" means either 1) conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act; or 2) an order to evacuate a workplace, a worksite, a worker's home or the school of a worker's child due to natural disaster or a criminal act, but does not include a health pandemic.

The bill also prohibits an employer from preventing any employee from accessing the employee's mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to confirm their safety.

Protections for Off-Site, Off-Duty Marijuana (AB 2188)

- Effective January 2024
- This bill amends the FEHA by adding a provision explicitly protecting a person's off-site, off-duty marijuana use.
- The bill prohibits employers from discriminating against applicants or employees because they have 1) used cannabis off the job and away from the workplace; or 2) were found to have non-psychoactive cannabis metabolites in their hair, blood, urine or other bodily fluids by a drug screening test.

Posting Notices (SB 657)

- Federal and California laws require employers to post multiple forms of notices in the workplace.
- Those notices are required to be physically posted in conspicuous places in the workplace, such as break rooms or other common areas, where employees can easily read them.
- SB 657 permit an employer “to distribute that information to employees by email with the document or documents attached,” in addition to the physical posting requirements.

Semester Refresher - New Hire Process

We are now using GoCo to assist us with a more efficient way for onboarding new employees

Step 1: Contact Corporation HR regarding the intent to hire a new employee ** Contact HR before the employee starts working **

Department will provide:

- Wage
- Start date
- Name and email address of the new hire
- Whether or not a background check is required (refer to [CSU policy](#)); yes if 1) working with minors 2) working with elders 3) working with sensitive information
- Employee Status Form (ESF)

Step 2: HR will enroll the new hire into GoCo to complete the requirement documents and policy acknowledgements. Please refer to instructions: <https://csumb.edu/corporation/new-employee-information/>

Step 3: New hire will schedule their new hire meeting with HR. This meeting is imperative as their I-9 documents will be verified

Step 4: Following I-9 and background check completion (if applicable) new hire will receive a welcome email with instructions on how to access ADP.

******** It is imperative that new hires do not begin working until all steps are completed********

Semester Refresher - Benefited Recruitment Process

Corporation Recruitment Timeline - Benefited Positions

The hiring process involves various stakeholders, methods, tools, and metrics. Understanding how it works is the first step toward hiring great employees.



Semester Refresher - Meal & Rest Breaks

- Employees are required to take a 15 minute net rest time per four (4) hours or major fraction thereof. If a workday ends in less than 3.5 hrs, employee is not authorized to take a break. Authorized rest period time shall be counted as hours worked and will not be deducted from wages.
- An employee working more than 5 hours per day is entitled to at least a half (.5) hour meal break.
 - Meal break is void of any work
 - Meal break is not paid
 - Must be recorded on timesheet
 - If the work period is no more than six (6 hours), the meal period may be waived, in writing, by mutual consent. "Lunch Waived" written in note section of ADP.
 - Breaks and meal periods may not be combined at the beginning (coming in late) or end of a workday (leaving early).

California Overtime Law

- Any time worked over 8 hrs/day
- Any time worked over a 40 hrs a week (note: employee using sick/vac leave, even though paid, does not count towards 40 hr worked)
- Any time worked over 12 hrs/day is double time
- The first 8 hrs worked on the 7th consecutive workday in a defined workweek* is time and a half (1.5). Any hour worked in excess of 8 hours is double time.
- Overtime must be approved by supervisor. However, if overtime is worked, it must be paid to the employee regardless of whether grant funds allow for payment of overtime or not.
- Depending on the grant terms, the "overtime" portion of the payment may be charged to an incentive account.

*******The Corporation workweek begins on Monday at 12:01 a.m. and ends on Sunday at 12:00 midnight.*******

Semester Refresher - Termination Process

Please inform Corporation HR as soon as an employee terminates employment or gives notice of Resignation/Separation **We have a legal obligation to give an employee their final paycheck on the last working day.**

- Send separation form at least 72 hours in advance of last day worked
- Employee should provide forwarding address and final check disbursement option (Section 1)
- Supervisor completes Section 2, then forwards form to HR

Q&A

