Engage PEO Client Alert:

California Updates

The following is a review of two employment law updates for clients with employees in California:

- **New Child Abuse & Neglect Training & Reporting Requirements for Human Resources & Other Persons**
- **California Extends Time for Employees to File Claims with the Labor Commissioner & Authorizes Reasonable Attorneys' Fees for Prevailing Plaintiffs in Whistleblower Retaliation Litigation**

Also, a reminder— January 1, 2021 is the deadline for Sexual Harassment Prevention Training for California Employers with 5 or More Employees, anywhere.

- Please refer to **Engage's July 29, 2020 Client Alert (linked here)** regarding online, interactive training for supervisors and non-supervisory employees. Also, **covered employers must provide employees with a copy of the California Sexual Harassment Prevention Fact Sheet. Below are links to the Fact Sheet in various languages:**
  - English (link here)
  - Spanish (link here)
  - Chinese (link here)
  - Korean (link here)
  - Tagalog (link here)
  - Vietnamese (link here)
- **Click here for a template acknowledgement of receipt** of the California Sexual Harassment Prevention Fact Sheet.

New Child Abuse & Neglect Training & Reporting Requirements for Human Resources & Other Persons

The California Child Abuse and Neglect Reporting Act (CANRA), codified in California Penal Code section 11165.7, obligates a "mandatory reporter" to report knowledge of or observation of a child whom the person knows or reasonably suspects is a victim of child abuse or neglect, which the person obtained in the person's professional capacity or during the scope of the person's employment. Notably, failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor and punishable up to 6 months in county jail, a $1,000 fine, or both.

On September 29, 2020, California Governor Newsome signed into law Assembly Bill 1963, which expanded the scope of CANRA to include the 2 new categories "mandatory reporter" listed below:

- A human resource employee of a business with 5 or more employee employing minors; and

- Adult persons with direct contact with and supervisor of minors in the course of the minors performing their duties at the workplace.

Additionally, and unlike the existing law, the new law mandates employers with employees who fall within the 2 new categories of "mandatory reporters" listed above to provide those persons with (1) training in child abuse and neglect identification; and (2) training in child abuse and neglect reporting. **Employers can satisfy the training requirement by providing covered employees with the online training provided by the California Office of Child Abuse Prevention in States Department of Social Services (link here)**.

California Extends Time for Employees to File Claims with the Labor Commissioner & Authorizes Reasonable Attorneys' Fees for Prevailing Plaintiffs in Whistleblower Retaliation Litigation

Governor Newsom also signed into law Assembly Bill 1947, which extends the time period to file a discrimination or retaliation complaint from 6 months to 1 year after the occurrence of an alleged violation for an employee to file a complaint with the Labor Commissioner, and permitting an award of reasonably attorney's fees to prevailing plaintiffs for whistleblower retaliation claims pursuant to California Labor Code section 1102.5.

Please contact your HR Consultant if you have questions.