# Engage PEO Client Alert:

## California: Reminder - Employee Pay Data Reporting Requirement; San Francisco COVID-Related Employment Protections Ordinance

### Reminder: California Employee Pay Data Reporting Requirement Deadline

As explained in Engage's December 23, 2020 Client Alert, per the California law enacted last Fall, **March 31, 2021 is the deadline for covered employers to e-submit to the California Department of Fair Employment and Housing (DFEH) their first California employee pay data report for reporting year 2020.**

Covered employers include California private employers with 100 or more employees with at least one employee in California and who are required to file annual EEO-1 reports pursuant to federal law. Covered employers must select a "Snapshot Period" and report pay and hours data for employees by establishment, job category, sex, race, and ethnicity. Please keep in mind the following:

- California law defines "establishment" to mean "an economic unit producing goods or services" (See Cal. Gov't Code section 12999(m)(2), link here);
- California recognizes three gender markers – female, male, and non-binary;
- Total hours worked includes paid time off (e.g., sick time, vacation, paid holidays); and
- Pay data reports must include employees who telework from outside of California but are assigned to California establishments and employees working in California during the selected Snapshot Period.

The DFEH's website includes links to the following Pay Data Reporting resources:

1. The DFEH's online Pay Reporting Portal
2. User Guide for the DFEH's online portal
3. Template Excel and CSV spreadsheets
4. FAQs
5. An Enforcement Deferral Request tab

**Covered employers must submit Pay Data Reports for 2020 by March 31, 2021 and thereafter every March 31st.** Please note that the Enforcement Deferral Request only permits a possible delay of enforcement of the reporting requirement; it is not a request to delay submission of the report.

### San Francisco Enacts COVID-Related Employment Protections Ordinance

San Francisco enacted its COVID-Related Employment Protections Ordinance (CEPO), which took effect on March 7, 2021. CEPO expressly prohibits employers from discriminating against applicants and employees based on COVID-19 status.

Employers are prohibited from rescinding offers to employ or employment contracts because an applicant either tested positive for COVID-19 or is quarantining or isolating due to COVID-19 symptoms or exposure.

Further, employers are banned from firing, threatening to fire, suspending, disciplining or engaging in any other adverse employment action against an employee who is either absent or unable to work or who requests time off work due to testing positive for COVID-19 or quarantining or isolating due to COVID-19 symptoms or exposure.

Finally, **San Francisco employers are required to post the new CEPO poster in areas in each San Francisco worksite where employees can easily read the poster. Click here to download** a copy of the multilingual CEPO poster.

**If you have any questions, please contact your Engage HR Consultant or Account Manager.**