Engage PEO Client Alert:

California – Various Updates

Large Warehouse Distribution Centers with 100+ Employees (AB 701) (eff. 1/1/22)

Effective January 1, 2022, employers with large warehouse distribution centers (100+ employees) in California must disclose in writing any quotas or pace-of-work standards to each new employee upon hire and each current employee no later than January 31, 2022. Failure to meet a quota is not a lawful basis for any adverse employment action unless the relevant quota:

(i) was disclosed in writing, including a quantified number of tasks or products within a defined period of time and any potential adverse employment action that may result from failure to meet the quota; and

(ii) does not prevent compliance with any meal or rest breaks, bathroom breaks, or occupational safety and health laws.

Upon an employee's request, the employer must provide a written description of each quota applicable to the employee and a copy of the last 90 days of the employee's own personal work speed data. Any adverse action against an employee within 90 days of making such a request or alleging a labor code violation creates a rebuttable presumption of unlawful retaliation.

Employers with large warehouse distribution centers in California should contact their HR Consultant with any questions.

Clarification of AB 685 COVID-19 Notice Requirements (AB 654) (eff. 10/6/21)

- Relaxed notification of exposed employees to one business day (instead of 24 hours).
- Did away with duplicative reporting requirements for certain healthcare entities.

California May Prevent Employers from Requiring Workers to Arbitrate Job-Related Claims (9/15/21)

A controversial law, which effectively would bar conditioning employment on signing most arbitration agreements, continues to be tested in the courts. Most recently, the Ninth Circuit ruled that certain criminal and civil penalties in the regulation were unlawful but that the law was otherwise valid.

While this holding is likely to be appealed, in the meantime, California employers may wish to review their existing arbitration agreement and consult an attorney for advice. Engage will keep clients updated on the latest developments.

Expansion of the California Family Rights Act (AB 1033) (eff. 1/1/22)

A "parent-in-law" is now a qualifying family member under the California Family Rights Act (FRA).

Workplace Postings/Notices (SB 657) (eff. 1/1/22)

- Employers may distribute required information about working conditions via email in addition to posting in a visible location (like a bulletin board in a break room). Physical posting is still required.

Confidentiality Provisions Prohibited in Settlement Agreements (SB 331) (eff. 1/1/22)

- For settlement agreements releasing workplace discrimination (not just sex discrimination/harassment), agreements must not include a confidentiality provision (except for settlement amount; existing trade secret protections) and must include a provision encouraging an employee to consult with an attorney and provide five days in which the employee may do so.

If you have any questions, please contact your Engage HR Consultant.