

What It Means To You

Legal News You Can Use — from Salmas Law Group • Attorneys At Law

New State Laws in 2003 for California Employers

New Conversion Coverage

for COBRA and Cal-COBRA Participants

Conversion coverage for group health benefits has been extended from 18 to 36 months for individuals who have exhausted their federal COBRA coverage. Extended coverage will apply to all individuals who begin receiving continuation coverage on or after January 1, 2003. The new law also requires insurers to offer an increased level of basic coverage to individuals converting from a group to an individual plan on or after September 1. (AB1401)

Employee Discipline

Frequently, employees are warned that divulging information about their pay or working environment to current or potential employees is grounds for termination. This new law now prohibits employers from disciplining, discharging or discriminating against an employee who discloses information about his or her working conditions, including wages or compensation. (AB2895)

New Posting Requirements for Worker's Compensation

2003 ushers in an increase in worker's compensation benefits, which requires a revised poster and pamphlet for distribution to employees. The state will issue new posting notices and other literature is available through your worker's compensation carrier. (AB749)

Equal Rights for Undocumented Workers

Undocumented workers and applicants now receive employment and anti-discrimination protection at the same level as legally employed workers. Undocumented workers and applicants can now sue for back pay, front pay and punitive damages. This law also applies to existing actions already filed by undocumented workers. (SB818)

Reduction in Force Notification Requirements

Employers contemplating layoffs or closures involving at least 50 part- or full-time employees may be subject to new notification requirements set forth by the California WARN Act. California companies with a minimum of 75 employees must give employees and governmental officials at least 60 days advance notice before any mass layoff or shutdown. Employers considering reduction-in-force strategies should review the various prerequisites to avoid potential complications. (AB 2957)

Time Off for Employees with Dependent Care Needs

While the Labor Code currently permits an employee to use some of his or her paid sick leave to care for an ill family member, a new state law affords California employees more flexibility to manage dependent care. The additional time off an employee needs for dependent care may not be subject to the restrictions currently imposed by the employer's absence control policy. (Labor Code Section 233 and AB1471)

Restrictions Lifted on Reference Checks

California law previously required employers to disclose to applicants all information gathered on the individual during a pre-employment background check, whether or not that person was hired. Stiff penalties applied for noncompliance. The new law limits the scope of the employer's required disclosure to matters of public record, which include the individual's arrest record, indictments, convictions, civil actions and judgements and tax liens. This eases the employer's burden to conduct thorough reference checks without being subject to rigorous reporting requirements. (AB1068)

DID YOU KNOW

New Law Restricting "English Only" Rules Goes into Effect

You may be breaking the law if you require your employees to speak only English in the workplace. Due to a new California state law (AB 800), your "English Only" policy may be unlawful if you're an employer with five or more employees. The new law is intended to uphold the state constitutional protections from discrimination based on national or ethnic origin, to which language can be intimately tied. In order to enforce a policy that prohibits the use of any language in the workplace, it must be justified by "business necessity." Business necessity is defined as the "necessary, safe and efficient operation of the business." Unless an employer can demonstrate an important safety or efficiency reason, they may not require their employees to speak only English in the workplace. Further, if legitimate business necessity exists, the employer must notify its employees of the circumstances and the time when the language restriction is in force and of the consequences for violating the restriction. Take the time to find out how this new law may affect your workplace.

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