

Changes and New California Employment Laws for 2016

Employers should be aware of some of the little known and less publicized new and/or changes to employment laws coming our way in California for 2016:

- **School Activities Leave**-This law currently requires an employer who employs 25 or more employees to provide an employee up to 40 hours each year and no more than eight hours in a calendar month for the purpose of participating in school activities. In 2016 it will be expanded to include allowing employees time off to find a school or a licensed child care provider and to enroll or re-enroll a child, as well as time off to address child care provider or school emergencies. The new provisions also expand the time off protections to cover employees who are stepparents or foster parents, or stand in loco parentis to a child. Existing law already covers grandparents, but the revision eliminates the requirement that grandparents have custody.
- **Kin Care**- Amendments were made to conform to the California Paid Sick Leave law enacted in July 2015. The new provisions allow employees to use kin care for the same purposes specified by the PSL law and defines “family member” under the kin care law the same as under PSL.
- **National Guard Leave and Protections** The existing law provides protections and return rights for members of the National Guard ordered into active state service for emergency purposes and for reservists called to active duty. In 2016, protections will apply to California employees who are members of the National Guard in another state and are called into service by that state or by the President, causing them to leave a private job in California.
- **The Fair Pay Act**- This law prohibits an employer from paying any of its employees less than employees of the opposite sex for “substantially similar work, when viewed as a composite of skill, effort and responsibility.” In addition, the legislation prohibits employers from terminating, discriminating or retaliating against an employee who exercises his/her rights under the Act or assists others in exercising their rights. Employers also can’t prohibit employees from disclosing their wages, discussing the wages of others or asking about another employee’s wages.
- **Whistleblower Act**- Expanded to prohibit employers from retaliating against an employee when a family member of the employee engages in whistleblowing or other protected activity.
- **Unlawful use of E-verify**- It is unlawful for an employer to use the federal E-Verify system to check the employment authorization status of an existing employee or of an applicant who has not received an offer of employment.
- **Workers’ Compensation**- changes to the Claim Form and Notice of Potential Eligibility (DWC 1) and the workers’ compensation “Notice to Employees” — a required posting for California employers.



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