

The BPSC Blast

HR, Compliance, & Employment Law for the California Employer
May 2015



July 1, 2015 is almost here...are you ready to implement the requirements to be compliant with the new California Paid Sick Leave Law? Here is a quick checklist to get you on your way to compliance.

California Paid Sick Leave Law Checklist

1. Determine whether you are going to use the accrual or lump sum grant method.
2. Determine the total hours you will grant or allow employees to accrue annually.
3. Review your bonus plans to determine if they are subject to the Regular Rate of Pay calculation.
4. Prepare and distribute the mandatory Notice to Employees.
5. Post the mandatory Paid Sick Leave Poster.
6. Update your Employee Handbook with the new Paid Sick Leave Law policy.
7. Contact your payroll company to be sure you have the following in place by July 1, 2015:
 - a. Start the accrual or granting of paid sick leave hours on July 1, 2015.
 - b. 90 days wait period for new employees to use the benefits.
 - c. The available paid sick leave hours on all paychecks.
 - d. The regular rate of pay calculation for paying the paid sick leave hours.
 - e. A method for ensuring that all compensation including hours, salary, commissions and non-discretionary bonuses are used when calculating the regular rate of pay.
 - f. A method to distinguish discretionary from non-discretionary bonuses for calculation purposes.
 - g. Records of all accrued, granted, and used paid sick leave hours are maintained for no less than 3 years.

HR Best Practices

Seeking the best performance, efficiency, productivity, behavior changes, and results from employees requires clear and concise direction, instructions and guidance.

Try using the SMART Methodology when communicating goals and objectives to increase the chance of achieving your desired outcome.

S(pecific): Define the objective as clearly and concisely as possible.

M(easurable): Define how the employee will know when they have achieved the desired outcome. If you can't...don't expect them to know.

A(ttainable): Be sure that it is within their skill set and they have the appropriate tools and resources to achieve the results.

R(ealistic): Be sure that it is possible and sensible.

T(ime-specific): Set a timeline that is realistic. Add review dates along the way when possible.

Free HR Webinar Series May 2015 Schedule

May 13: Overview of Managing Workplace Disabilities

May 14: Navigating the New California Paid Sick Leave Law

May 27: Dos and Don'ts When Interviewing Candidates in California

Visit www.bpscllc.com/free-webinar-series.html to register today.

Monthly Employment Law Quiz

True or False

1. Eligible employees can start their Pregnancy Disability Leave on their first day of employment.
2. The minimum annual salary for an exempt employee in California is \$37,440 (not including those under Computer Exemption).
3. Employees are only entitled to view documents they have signed in their personnel files.
4. California can impose a \$10,000 penalty against an employer who discriminates or retaliates against an employee who complains of Labor Code violations.

Look for the answer in next month's BPSG Blast



Paid Sick Leave Compliance Promotion

Need help with becoming compliant with the 2015 California Paid Sick Leave Law? No problem! The BPSG Group is here to help. We are extending our Paid Sick Leave Promotion through June 30, 2015

PSL Compliance Promotion 1 (\$650)

New employee handbook (from scratch), paid sick leave policy, posters, and notices, and 1 month of our HR 911 Hotline

PSL Compliance Promotion 2 (\$450)

Revised employee handbook (from existing), paid sick leave policy, posters, and notices, and 1 month of our HR 911 Hotline

Are you calculating your employee's breaks correctly in California? California employers seem to be familiar with the concept that non-exempt employees working 4 hours in a workday are entitled to 1 ten minute paid break and those working 8 hours in a workday are entitled to 2 ten minute paid breaks. Unfortunately, this generic application can land employers in the hot seat for failing to provide employees with the appropriate number of breaks.

Let's say you have non-exempt employees who are regularly scheduled for 6.5 hours per day. Many employers believe that they need only offer 1 ten minute paid break and 1 thirty minute unpaid meal period. The problem here is that the employer is now subject to the consequences for failing to provide the appropriate break (or one hour of pay for each day a break is missed which must be paid in the next paycheck).

California law stipulates that employees working at least 3.5 hours are required to have 1 ten minute paid break (hence leading to the calculation of 1 break per every 4 hours). The catch is the latter part of the requirements "...for every four hours or "major fraction thereof." "Major fraction thereof" has been defined as 2 hours, thus if an employee works only 6.5 hours, they would be entitled to that 2nd 10 minute paid break.

So, if you are a California employer with non-exempt employees...here is a quick summary of when to provide breaks:

0-3.5 hours	No break
3.5-6.0 hours	1 break
6.0-10.0 hours	2 breaks
10.0-12.0 hours	3 breaks