

The Aerospace & Defense Forum

**Santa Clarita Valley Chapter Meeting
January 16, 2024**

**"New Employment-Related
Laws for 2024"**

*Jessica Westcott, Esq.
Hackler Flynn & Associates, APC*

7:15 – 9:00 AM

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The Aerospace & Defense Forum

Who We Are...

- An 13-year-old global aerospace and defense leadership community of over 2,500 professionals that facilitates communication, collaboration, and commerce relative to the business of A&D
- Nine chapters – Los Angeles, San Fernando Valley, Santa Clarita Valley, South Bay, Orange County, San Diego, Arizona, Dallas-Ft. Worth, and Ventura County.
- Conduct monthly meetings with presentations, panels and tours with industry leaders focused on some aspect of the business of A&D
- Our practice is to make copies of the business cards and provide them to the attendees. If you wish to do so, please place your cards in the basket



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**Santa Clarita Valley Economic Development Corporation
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The Aerospace & Defense Forum

**"New Employment-Related
Laws for 2024"**



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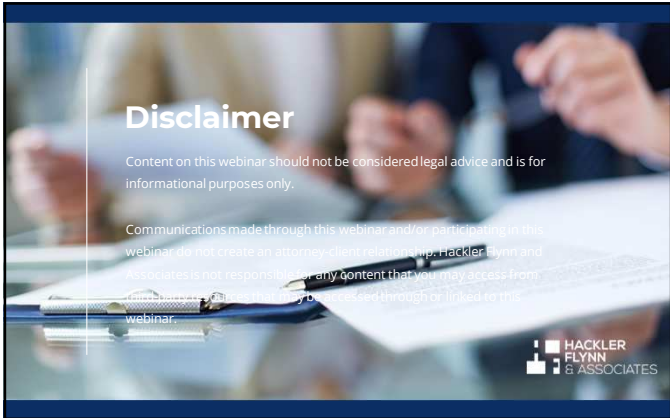
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**New
Employment-Related
Laws for 2024**

*By Jessica Westcott, Esq.
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Workplace Violence Prevention Plan (SB 553)

Effective July 1, 2024, California employers will need to create, maintain and implement a written **workplace violence prevention plan** that includes 13 different requirements. Requirements include, for example:


- Annual workplace violence prevention training;
- Developing violent incident logs;
- Identifying personnel responsible for implementing the plan;
- Describing how incidents are going to be reported; and
- Setting aside and establishing procedures for post-incident reporting and investigation.


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The WVPP Does NOT Apply To:


- Health care employers.
- Workers who are working from a worksite of their choice that is **not under the control** of the employer.
- Worksites with **fewer than 10 workers** present at any given time and that are not accessible to the public.
- **Reminder:** Review your Illness and Injury Prevention Plan (IIPP) to account for Covid regulation changes implemented in 2023.


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Mandatory Paid Sick Leave Expansion (SB 616)


- Effective January 1, 2024, California employers of all sizes will need to provide employees with five days or 40 hours of PAID sick leave.
- Employees must: work for the same employer for at least 30 days within a year to be eligible AND complete a 90-day employment period prior to taking leave.
- Employees not covered include:
 - employees covered by qualifying collective bargaining agreements (CBAs);
 - In-Home Supportive Services providers (who are covered under the IHSS Paid Sick Leave Program);
 - retired annuitants working for governmental entities; and
 - certain employees of air carriers.


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Methods for Sick Time


- **Upfront Lump Sum Sick Time:**
 - Time is frontloaded (banked at one time at the beginning of the year);
- **Standard Statutory Accrual Method:**
 - Sick time accrues at no less than one hour per every 30 hours worked;
- **Alternative Accrual Method:**
 - Employers may use their own accrual method PROVIDED employees accrue at least 24 hours/three days sick time/PTO by the 120th calendar day of employment, and at least 40 hours/five days by the 200th calendar day of employment.


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Paid Sick Time Caps & Limits Allowed


- **Employee Use Limits for Accrued Time:** 40 hours or five days in each year of employment, calendar year or 12-month period.
- **Accrual Caps Under Accrual Methods:** 80 hours or 10 days.
- **Minimum Increments:** reasonable minimum increment, not to exceed two hours.


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Remember!

- Local sick leave ordinances may apply and require additional leave.
- Employees rehired within one year, who were already eligible for paid sick leave, are eligible to earn and use sick leave during the time of rehire.
- **It is the employer's obligation to record and track sick time and PTO.**


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Wage Theft Notices

California Employers Must Update Their Wage Prevention Notices by January 1, 2024 with:

- The increased amount of paid sick leave that employers are required to provide; and
- Information regarding the existence of a federal or state emergency declarations.
- Employers of farmworkers brought to California under the federal H-2A agricultural worker visa program must provide certain legal notice.


Reminder, employers are required to provide the notice to non-exempt employees at the time of hire and within 7 days of any change to the information contained in the notice.


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Reproductive Loss Leave (SB 848)


- Applies to employers with **more than five employees**.
- 5 days of unpaid bereavement leave taken within three months of a "reproductive loss event."
- Employees employed for at least 30 days before leave starts.
- Leave is **capped at up to 20 days a year** and both parents, including the non-birthing parent, are eligible for this leave.
- Employers cannot ask for documentation.


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Cannabis Use (AB 2188)


- Creates a new protected class under the FEHA to add off-duty cannabis use.
- Employers cannot discriminate against employees and job applicants:
 - (1) because they have engaged in the **off-duty use** of marijuana (unless the individual falls into one of the few exempted roles); and/or
 - (2) based on a drug test that **measures only** "nonpsychoactive cannabis metabolites."
- Employers **can still require employees to not possess, use, or be impaired by** marijuana at the worksite during work hours.


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Cannabis Use (AB 2188)

- Prohibits employers from asking job applicants about cannabis use, including in job applications or interviews.
- Information received about the applicant's cannabis use from criminal history is off limits unless the employer is specifically allowed to consider it under the Fair Chance Act.
- Certain industries/positions exempted.


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Non-Compete Agreements (SB 699)

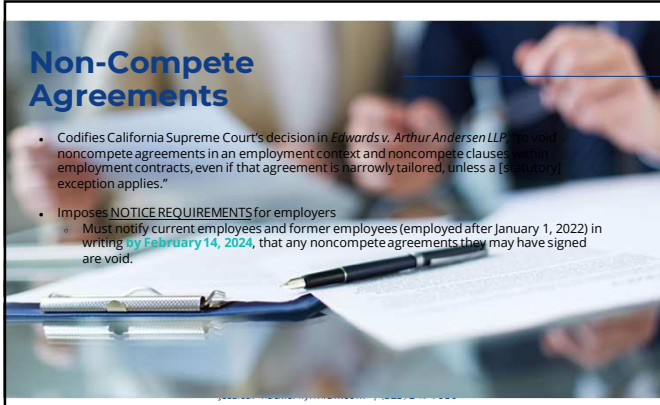
- Employers may not enter into non-competition agreements with California employees that are void under California law.
- Employers are prohibited from attempting to enforce any non-competition agreement that is void under California law (regardless of whether the agreement was signed in connection with employment maintained outside of California).



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Non-Compete Agreements

- Codifies California Supreme Court's decision in *Edwards v. Arthur Andersen LLP*, which held that non-compete agreements in an employment context and non-compete clauses in employment contracts, even if that agreement is narrowly tailored, unless a statutory exception applies."
- Imposes **NOTICE REQUIREMENTS** for employers
 - Must notify current employees and former employees (employed after January 1, 2022) in writing **by February 14, 2024**, that any non-compete agreements they may have signed are void.





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Arbitration Enforcement (SB 365)


- SB 365 reverses the long-standing rule that trial court proceedings are automatically stayed pending an appeal of an order denying a motion to compel arbitration.
- Employers will see this new law come into play when a court denies a motion to compel arbitration and the employer appeals that decision.
- Trial court proceedings may continue while the order denying a motion to compel arbitration is heard on appeal.


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California's Minimum Wage Increase

- Reminder, California's general minimum wage will increase to \$16 per hour in 2024.
- This is a 50-cent increase from the state's minimum wage in 2023.
- Minimum wage is a requirement for all employers in California.
- Reminder! Many cities (including Los Angeles) have their own higher minimum wages.





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Healthcare Industry Minimum Wage (SB 525)


- Tiered & stepped-up minimum wage for workers in the healthcare industry, starting at \$23 and going to \$25.
- Covers not just healthcare workers (doctors, nurses, etc.), but also anyone who supports healthcare (e.g., janitors, housekeeping, food services).
- Includes employees and some independent contractors.
- Applies certain wage requirements to salaried employees as well, with the first wage increases due June 1, 2024.
- Waiver Program will be available.


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Fast Food Minimum Wage (AB 1228)


- Minimum wage for California fast food restaurant employees will increase to \$20 per hour starting April 1, 2024.
- This minimum wage will increase annually through 2029.
- Establishes the Fast Food Council which, starting in 2024, likely will make recommendations regarding other workplace conditions.


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Food Handler Card Costs (SB 476)

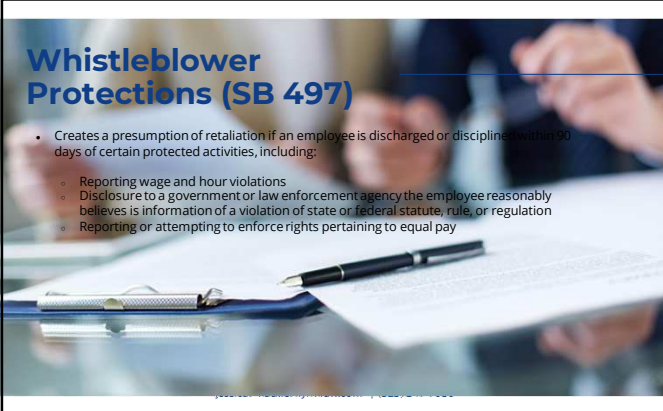
- Currently certain workers must obtain a food handler card within 30 days of their hire.
- SB 476 requires employers to cover any cost associated with obtaining a food handler card (including training time, necessary expenditures, etc.)
- Employment cannot be conditioned on an applicant/employee having an existing food handler card.



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Whistleblower Protections (SB 497)

- Creates a presumption of retaliation if an employee is discharged or disciplined within 90 days of certain protected activities, including:
 - Reporting wage and hour violations
 - Disclosure to a government or law enforcement agency the employee reasonably believes is information of a violation of state or federal statute, rule, or regulation
 - Reporting or attempting to enforce rights pertaining to equal pay




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Privileged Communications Workplace Harassment & Discrimination (AB 933)

- Provides that employees who report unlawful workplace harassment or discrimination of any type cannot be liable for defamation unless their statements lacked credible evidence or were made with malice.
- Employers should be prepared to communicate this change in the law in the event an employee indicates they would like to report an incident, but are fearful of retaliation.

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Recent Ninth Circuit Decision on Termination

- California law currently requires employers to pay all final wages on an employee's last day. Failure to do so can lead to significant waiting time penalties.
- The Ninth Circuit has clarified that temporary layoffs (unless returning in the same pay period) are considered termination for final pay purposes.

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Federal Law Reminders

Pregnant Workers Fairness Act (PWFA):

- Applies to employers with 15 or more employees;

PUMP for Nursing Mothers Act:

- Applies to employers with 50 or more employees;
- Employers with less than 50 are only exempt if the act is not economically feasible due to undue hardship or cause significant expense.

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CalSavers Retirement Plan Reminder

- Effective June 30, 2022, employers with 5 or more employees had to enroll in the CalSavers Retirement Savings Plan if they do not provide a privately owned plan.
- Effective December 31, 2025, employers with at least 1 employee that do not provide a privately sponsored plan must enroll in CalSavers.

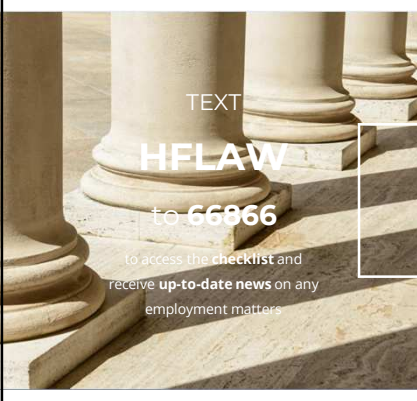
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Next Steps for 2024

- Review and revise your employee handbook;
- Review your plan for providing and tracking sick time/PTO;
- Review your Illness and Injury Prevention Plan;
- Develop a Workplace Violence Prevention Plan and plan for training of your employees;
- If you are subject to a minimum wage increase, evaluate who will be subject to the increase and plan accordingly; and
- Ensure you are generally compliant with current employment law

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TEXT

HFLAW
to 66866

to access the checklist and receive up-to-date news on any employment matters

**STAY
UPDATED**



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KEEP IN TOUCH

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Any Questions?

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The Aerospace & Defense Forum

Upcoming Chapter Webinars/Meetings

- February 14: **Tour of University of Texas at Arlington Research Institute (UTARI)** | Dallas-Ft. Worth Chapter
- February 21: Laurie Leshin, Director, Jet Propulsion Laboratory | National Online Forum
- March 20: **"Decarbonizing Aviation Through Real Action, Today"**, Kevin Noertker (Co-founder and CE) and Kam Akhter, Mechanical Design Engineer, Ampaire | National Online Forum

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Thank You

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