



Employment Law Bulletin

July 2017

New Domestic Violence Rights Notice Required For Employers of 25 or More

For many years, California Labor Code section 230.1 has required employers of 25 or more employees to provide employees who are victims of domestic violence, stalking or sexual assault with time off from work to obtain medical, legal and/or shelter services and to attend court. California law also prohibits employers from discriminating or retaliating against employees for doing so.

Beginning July 1, 2017, employers of 25 or more employees are required to provide employees with written notice of their rights under these California laws. The notice must be provided to all new hires and to other employees upon request. The Labor Commissioner has developed notice forms in English and Spanish. They can be found at:

English: https://www.dir.ca.gov/dlse/Victims_of_Domestic_Violence_Leave_Notice.pdf

Spanish:

https://www.dir.ca.gov/dlse/Victims_of_Domestic_Violence_Leave_Notice_spanish.pdf

If you have any questions regarding the rights enumerated in the notices, please feel free to contact us for assistance.

Little Details Save Big Dollars - Tighten Up Time Keeping Procedures on Meal Periods

Summertime is a busy time in Sonoma County, particularly in agricultural, retail and hospitality industries. Summertime is also vacation time, leading to being short staffed. While increased business is great, it can lead to increased risk.

According to recent articles in the Press Democrat and Argus Courier posted on June 26, 2017, a lawsuit seeking class action status was filed recently against a local company alleging that the company violated a handful of wage and labor laws over the past four years. The complaint, filed in Sonoma County Superior Court on June 9 on behalf of current and former employees, asserts the company failed to pay overtime and to compensate workers for time spent changing out of protective gear at the end of their shifts. It also alleges that the company didn't ensure employees received statutory 30-minute meal breaks and did not provide compensation when those breaks were missed or interrupted. While the alleged violations may have been small on an individual basis, the employees' attorney pointed out they add up to a significant amount for the entire population of 200+ affected workers over time. The suit seeks unpaid compensation, penalties, damages and attorneys' fees.

California law requires employers to keep accurate time records showing the time the employee begins and ends each work period, including meal periods. According to the California Labor Commissioner, an employer is not required to ensure that an employee doesn't perform work during his or her meal period, but an employer must do more than simply make a meal period "available." Generally, the employer must actually relieve employees of all duty, relinquish control over their activities, permit them a reasonable opportunity to take an uninterrupted 30-minute break (in which they are free to come and go as they please), and must not impede or discourage employees from taking their meal period. (For employers in the health care industry covered by IWC Orders 4 or 5, minor exceptions exist as to the employee's right to leave the employment premises during an off-duty meal period). Employers may not undermine a formal policy of providing meal periods by pressuring employees to perform their duties in ways that omit breaks (e.g., through a scheduling policy that makes taking breaks extremely difficult).

With appropriate meal period policies, time records, disclosures and waivers, employers can demonstrate they have satisfied their obligation to provide a meal period. Taking appropriate care of these details can make all the difference in protecting your business from meal period claims.

SMT's employment attorneys can provide your company with the appropriate employment policies regarding meal and rest periods, including waivers in English and in Spanish. Contact an SMT attorney today.

No Se Habla Español?

SMT's employment attorneys can provide your company with employment policies, forms and employee disciplinary documentation in Spanish. Providing such important information to employees in the language they understand is critical to employee performance, providing a welcoming diverse work environment, and protecting your company against employment claims. Contact an SMT attorney today to get started.

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