

# 2023 Labor Law Updates for CA Employers

COAL CONSULTING CO.

# AB 257 – Fast Food Sector Council

- 10 member council has the power to set standards for minimum wage, working hours, and “other working conditions related to the health, safety, and welfare of food establishments”
- Expected \$22 an hour minimum wage
- Effective January 1<sup>st</sup>, 2023
- Restaurants part of a chain of 100 or more establishments
- Broad definition of “Fast Food”



# AB 152 – COVID-19 Supplemental Paid Sick Leave

- Extension of existing SPSL requirement
- Effective until December 31<sup>st</sup>, 2022
- Likely will get extended again
- Updates for small business programs to provide grants to cover SPSL costs



# AB 152 – COVID-19 Supplemental Paid Sick Leave

- The Labor Commissioner has updated the posters employers are required to post in the workplace. The updated posters are available here:
- English:  
<https://www.dir.ca.gov/dlse/COVID19resources/2022-COVID-19-SPSL-Poster.pdf>
- Spanish:  
<https://www.dir.ca.gov/dlse/COVID19resources/Spanish/2022-COVID-19-SPSLPoster.pdf>



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# AB 2188 – Employment Discrimination and Cannabis

- Effective January 1, 2024
- Prohibits adverse action for employee's cannabis use while off the job
- Restricts employer's ability to act solely on metabolite testing
- Does NOT permit possession or impairment on the job
- Does NOT apply to building or construction trades
- Employer's can still regulate and prohibit



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# SB 1162 – Expansion of Pay Data Reporting

- Requires all private employers with 100 or more employees to file pay data reports (regardless of federal EEO-1)
- New due date will be the second Wednesday of May
- Expanded to include media and mean of hourly rates within each job category by age, ethnicity, and sex
- Employers with multiple establishments to submit a report for each establishment
- Employers with 100 or more employees hired through labor contractors must file a separate report
- Significant civil penalties for failure to submit
- Employers with 15 or more employees must include pay scale (salary range) in job postings
- Requires employers to maintain records of job title and wage rate history for each employee for 3 years after termination
- ALL employers, regardless of size, must disclose pay scale to employees and applicants upon request



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# AB 1949 – Bereavement Leave

- Allows up to 5 days of bereavement leave upon the death of a family member under CFRA
- Employers with 5 or more employees
- Leave is unpaid, but employees may use paid vacation, personal leave, sick leave, or compensatory time off
- Must be taken within 3 months of the death
- Employers may request documentation from employee within 30 days (death certificate, published obituary, written verification, etc.)
- Available to employees who have worked for the employer for at least 30 days



# AB 1041 – Family Leave to Care for Designated Persons

- Permits employees to take job-protected leave to care for a designated person under CFRA
- Designated person = “equivalent of a family relationship”
- Unclear definition
- Employer may limit employee to 1 designated person per 12 month period



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# SB 1044 – Emergency Conditions: Retaliation

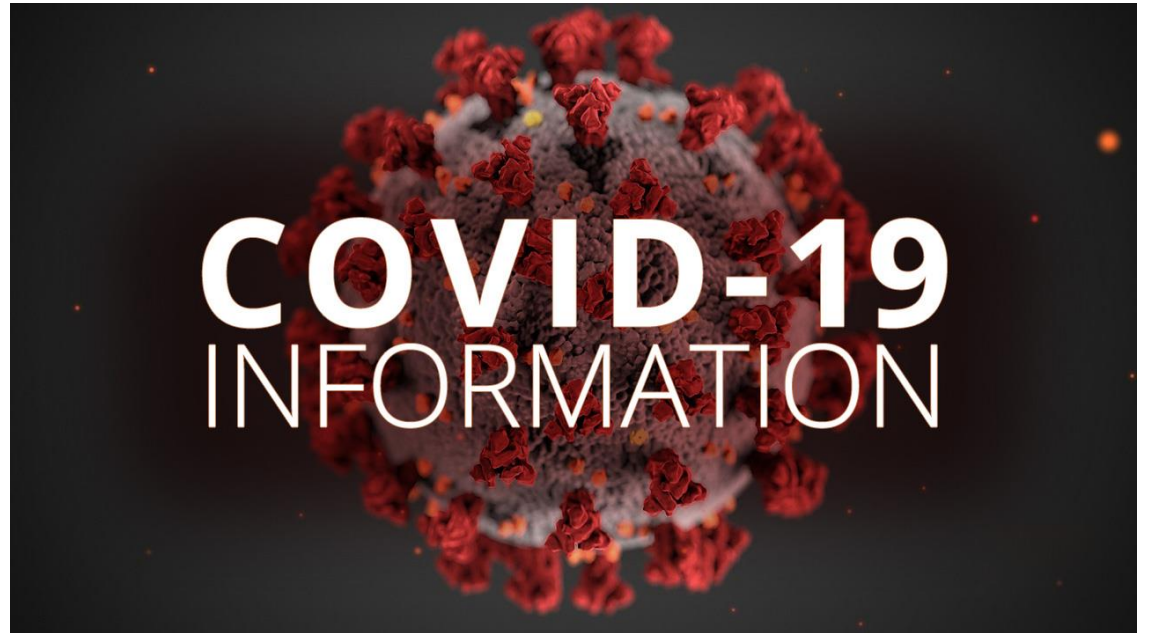
- In response to concerns of employees being required to work in unsafe wildfire conditions
- Prohibits employer, in the event of an emergency from taking adverse action against employee for leaving or refusing to work
- Employee must have a reasonable belief that the worksite is unsafe



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# AB 2693 – Extension of COVID-19 Requirements

- Extension of the statutory COVID-19 notice requirements until January 1, 2024
- Require employers to provide notice to employees and others who may have been exposed COVID-19 in the workplace
- Individual notice or posted notice
- Must be posted within 1 day
- Must be posted for 15 days
- Keep a log of all the dates a notice was posted



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# CCPA Has Not Been Extended

- The exemption for employee personal information was not extended
- Expires on December 31, 2023
- Stay tuned



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# CA Minimum Wage

- California State – January 1, 2023 increases to \$15.50 per hour for ALL employers
- City of Los Angeles – as of July 1, 2022 went up to \$16.04 per hour
- Los Angeles County (unincorporated) – July 1, 2022 to June 30, 2023 the rate is \$15.96 per hour
- City of Long Beach – As of July 1, 2022, Only Hotel Workers = \$16.73 per hour & as of July 1, 2022, Only Concessionaire Workers = \$16.55 per hour



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# CA Minimum Wage

## Salary Threshold for Exempt Employees

- Salary Test – Paid a monthly salary equivalent to no less than twice the state minimum wage for full time employees
- For California – Effective January 1, 2023 the minimum salary threshold is \$64,480 for all employees



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# Questions & Answers

COAL CONSULTING CO.

# Let's get connected!

Email: [nicole@coalconsultingco.com](mailto:nicole@coalconsultingco.com)

Phone: 909.573.6631

LinkedIn: <https://www.linkedin.com/in/dejongnicole>

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