

NEW CALIFORNIA EMPLOYMENT LAWS FOR 2014 by Laura K. Sitar

As we enter into 2014 it's important to take stock of new and amended laws effecting California employers. The most significant may be the increase in minimum wage, but there are a number of other changes about which employers should also be aware. The following is a list of new or amended employment related laws which become effective January 1, 2014. Employers should review their Employee Handbooks and Policies and Procedures manuals and make the changes necessary to assure their written policies are consistent with these changes.

Minimum Wage Increase:

[AB 10](#) increases the California minimum wage from the current \$8.00 an hour to \$9.00 on July 1, 2014 and to \$10.00 an hour on January 1, 2016.

Domestic Work Employees:

[AB 241](#) enacts the Domestic Worker's Bill of Rights which requires overtime pay for certain domestic work employees who are personal attendants.

Damages for Minimum Wage Violations:

[AB 442](#) expands the Labor Commissioner's authority to order liquidated damages after a citation from a field investigation is issued to an employer for failure to pay minimum wages to his/her workers. Previously, the Labor Commissioner could only award restitution of wages owed.

Attorneys' Fees-Prevailing Party Wage Claims:

[AB 462](#) provides that an employer who wins a lawsuit based on a wage claim may only collect attorney fees and costs from the employee if the trial court finds that the employee filed the claim in bad faith.

Labor Commissioner Lien Provisions:

[AB 1386](#) provides that the amount due on an award by the Labor Commissioner creates a lien that the Labor Commission may record on the employer's real property.

Protections for Exercising Rights Under the Labor Code:

[AB 263](#) amends [Labor Code §98.6](#) to prohibit retaliation or adverse action against an employee who has exercised his or her rights under the Labor Code. Protected conduct includes presenting a written or oral complaint that the employee is owed unpaid wages. [AB 263](#) adds a civil penalty of up to \$10,000 per employee per violation.

Family Leave Expansion:

[SB 770](#) expands the definition of "family" for purposes of the California Family Leave Act. The State Disability Fund currently provides partial pay to covered employees who stay home to care for seriously ill parents, spouses, registered domestic partners and children and for bonding with a new child. [SB 770](#) expands the definition of "family" to include seriously ill grandparents, parents-in-laws and siblings.

Sexual Harassment:

[SB 292](#) amends California's current anti-discrimination statute to clarify that sexually harassing behavior need not be motivated by sexual desire to be found to be hostile treatment.

Protection for Active Military and Veterans:

[AB 556](#) adds "military and veteran status" to the already long list of categories protected from employment discrimination under the Fair Employment and Housing Act. It's important to add these terms to your anti-discrimination policies and statements.

Retaliation and Unfair Immigration Practices:

[AB 263](#) prohibits an employer from threatening to contact, or contacting immigration authorities because an employee has complained about unfair wages or working conditions or for asserting other rights protected under the labor code.

Time Off For Emergency Training:

[AB 11](#) requires employers with 50 or more employees to provide leaves of absence of up to 14 days per calendar year to reserve police officers and other emergency personnel to receive training. That training includes emergency rescue training in addition to the firefighting and law enforcement training.

About the Author:

A shareholder at Wroten & Associates, Laura Sitar defends medical malpractice, employment, and elder abuse cases. She litigates cases on behalf of doctors, dentists and long-term care facilities involving all types of employment actions including sexual harassment, wrongful termination, retaliation and wage and hour claims. She also provides employment related risk management services to help clients avoid litigation. Ms. Sitar became an attorney after a 15-year career in corporate management where she directed the human resource function of a 2000 employee, \$100 million region. Since commencing a second career in law 10 years ago, she was a senior associate with a prestigious healthcare defense firm before joining Wroten & Associates, where she is a shareholder.

Ms. Sitar graduated cum laude from Tufts University, in Boston Massachusetts in 1979. She attended Western State University, College of Law, where she graduated summa cum laude and valedictorian of her class in 1998. While at Western State she clerked for Justice William Rylaarsdam on the California Court of Appeals and successfully argued a sexual harassment and retaliation claim before the Ninth Circuit Court of Appeals. She was a recipient of the 1998 Fellowship of the American Board of Trial Advocates. Ms. Sitar has been a member of the California State Bar since 1998 and is admitted to practice in the U.S. District Court for the Central District of California. Visit Wroten & Associates at www.wrotenlaw.com . Contact Laura lsitar@wrotenlaw.com