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Headline Summary

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Santa Monica Minimum Wage

The City of Santa Monica has approved a minimum wage increase beginning July 1, 2016, for employers with 26 or more employees. The approved increases for employers with 26 or more employees are as follows:

- July 1, 2016 — \$10.50/hour
- July 1, 2017 — \$12.00/hour
- July 1, 2018 — \$13.25/hour
- July 1, 2019 — \$14.25/hour
- July 1, 2020 — \$15.00/hour

For employers with 25 or fewer employees, each increase will kick in a year later, starting July 1, 2017.

The ordinance also imposes paid sick leave (PSL) obligations on employers, requiring larger employers to provide at least 72 hours (nine days) of accrued PSL and smaller employers to provide at least 40 hours (5 days).

WatchDog

Guarding the Business of Print

April 2016

Pregnancy Leave Notice

In early February, the California Fair Employment and Housing Act (FEHA) amended the California Pregnancy Disability Leave notice that employers with 5 or more employees are required to post. The amendments, and required posting, go into effect on April 1, 2016.

For those who purchased the federal and state All-in-One poster from PIASC, we are sending you, free of charge, the laminated updated notice for posting—in English and Spanish if you ordered posters in both languages. For those who didn't purchase their All-in-One poster from PIASC, you can find the English version of the notice at <http://bit.ly/1T9OLBZ>.

Instructions for Posting

You can display the new notice in one of two ways:

- Cross out the "Notice A" section of the California Pregnancy Disability Leave on the All-in-One poster by putting an X through the entire section. Write over the crossed out Notice A, "See FEHA amended notice effective April 1, 2016, posted next to this All-in-One poster." Then post the laminated notice next to the All-in-One poster.

OR

- Cross out the "Notice A" section of the California Pregnancy Disability Leave on the All-in-One poster by putting an X through the entire section. Write over the crossed out Notice A, "See FEHA amended notice effective April 1, 2016." Then post the new laminated notice over the crossed out Notice A by taping only the top of the notice, leaving the bottom of the notice unfastened, so that the outdated notice (Notice A) can be viewed if desired.

Checking Criminal History

The California Fair Employment and Housing Council (FEHC) recently issued proposed regulations related to the use of criminal history information in employment decisions.

The proposed amendments recap existing state laws that prohibit employers from utilizing certain criminal background information in hiring, promotion, training, discipline, termination or other employment decisions. The proposed amendments go on to recommend a new regulation that would prohibit employers from using other types criminal history information if doing so

- Would have an adverse impact on individuals who are members of a protected class (e.g., race, gender, national origin); and
- The employer can't demonstrate that the criminal history is job-related and consistent with business necessity.

Pasadena Minimum Wage

The City of Pasadena adopted an ordinance on March 14th to increase the minimum wage beginning July 1, 2016, for employers with 26 or more employees. The approved increases for employers with 26 or more employees are as follows:

- July 1, 2016 — \$10.50/hour
- July 1, 2017 — \$12.00/hour
- July 1, 2018 — \$13.25/hour

Employers with 25 or fewer employees will be required to pay a minimum wage of \$10.50 per hour on July 1, 2017, and \$12.00 per hour on July 1, 2018.

Those employers with 25 employees or fewer will be required to pay the new hourly rates of \$10.50 starting July 1, 2017, and \$12 starting July 1, 2018, meaning they are not yet required to raise wages in 2019.

At that point, city staff will study the impact of the increase on the local economy to determine whether to continue the increases to \$15 per hour by 2020, and beginning July 1, 2022 and each July 1st thereafter, adjusted increases based on the cost of living

The ordinance covers employees who work at least two hours a week within the geographical boundaries of the city and who are otherwise entitled to be paid a minimum wage under the California minimum wage law and wage orders of the California Industrial Welfare Commission.

A person who violates this ordinance and is convicted of a misdemeanor will be subject to a fine of not more than \$1,000 or imprisonment of not more than six months or both.

California Supreme Court

The California Supreme Court will begin streaming oral arguments online as the judiciary works to improve access and fairness in the court system, the state's top judge said Tuesday. *(cont.)*

California Supreme Court (cont.)

A spokesman for the Judicial Council of California said officials are planning to livestream the court's San Francisco arguments in May, but Los Angeles sessions will come later because of technological limitations.

Since becoming chief justice in 2011, Cantil-Sakauye has used her annual speech to lawmakers to seek more money for the court system, but this year she focused on addressing inequities in the judiciary to ensure it doesn't perpetuate poverty. "We must not penalize the poor for being poor," she said.

She called for an examination of the system of bail, wondering whether it's fair to defendants who can't afford to post a bond to be free while they await trial. Twelve experimental programs around the state suggest that detaining people who can't afford bail may increase recidivism and supervised release may be as effective at ensuring people show up for trial, she said, but more study is needed.

Finally, Cantil-Sakauye has reservations on the reliance on court fines and fees to pay for government services, saying it's an inequity when a system created for accountability has been turned into a revenue stream for essential services. California courts raise about \$1.7 billion a year from fines, fees and assessments, she said, and more than 60 percent pays for state and local government services. The rest goes to pay for court operations.

Minimum Wage Initiative

The first of two proposals to increase the State's minimum wage to \$15 an hour has qualified for the November General Election ballot, having garnered the 400,000-plus signatures needed to place the measure before the voters.

Titled the *Fair Wage Act of 2016*, the proposal would boost the state's minimum wage to \$15 an hour over a five-year period, beginning in 2017, and then adjust it annually based on the rate of inflation. It is backed by SEIU United Healthcare Workers West and the Lift Up California campaign.

A second measure vying for a place on the same ballot offers a more aggressive approach. This one, supported by SEIU State Council, another arm of the same organization endorsing the previous discussed initiative, this proposal would raise the wage one year earlier and add three more paid sick days. It is still in the signature-gathering phase and proponents have until July 5, 2016 to turn in their requisite number.

If either or both of these initiatives qualify, the presence of two measures on the ballot could complicate efforts to consolidate support for raising the wage.

Then when all seemed lost, Governor Brown, legislators, and labor leaders struck a deal to raise the state's minimum wage gradually to \$15 an hour by 2022, which would currently make it the highest in the nation. California and Massachusetts are the now the highest rate for states at \$10. Washington, D.C.'s rate is \$10.50.

Income inequality has emerged as a top issue nationally. According to its supporters, the increase is "a matter of economic justice," which gives the need for increase as a Constitutional right along with other recently invoked rights, such as environmental justice and health care as a matter of social justice.

The increase will have an impact on employment, since employers will have to absorb higher costs—and unintended consequences such as other employees pressing for their wages to be proportionately increased.

