

CALIFORNIA'S NEW LABOR EMPLOYMENT STATUTES

By Bill Dahlin – Effective January 1, 2016, California has adopted a number of new statutes for the Labor Code and other statutory provisions that affect employment. The following is an extremely abbreviated summary. Please call that we might discuss the matters in more detail as several of the new laws will almost certainly affect your company.

1. **SB 588 (Fair Days' Pay Act).** This new law extends potential liability to owners, directors, officers and managers of any company that is alleged to have engaged in some form of "wage theft." The new statute, which will probably be challenged, goes so far as to make the remedies, available to a judgment creditor, available to the California Labor Commissioner, including placing liens on company property.
2. **The California Fair Pay Act** purports to address unequal pay caused by gender. This new legislation changes many different provisions of the Labor Code and has potentially significant implications for employers that have multiple categories of employees. The "substantially similar" doctrine will be utilized to determine if pay for one "class" of work should be changed because other jobs are deemed to be essentially "equal." The legislation includes burden shifting provisions, as well as enforcement incentives whereby the employee would receive reimbursement of attorneys' fees and costs. The implications of this Act are substantial and company record keeping may need to be adjusted as well.
3. **AB 1506 (Wage Statement Violations).** Labor Code section 226, and others, were amended to address statutory penalties and provide employers with some relief from the stringent requirements of the Wage Statement Law. The new law places limitations on employees commencing a Private Attorney General Act (PAGA) claim without proceeding through certain administrative processes prior to any litigation.
4. **AB 1513** addresses how employers compensate employees on a piece rate basis. The legislation addresses how rest and recovery periods and other non-production time are to be compensated.
5. **AB 1509.** This new law expands potential retaliation liability for any employer retaliating against an employee because a family member has engaged in "protected conduct."



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