



Workshop Day 2
2018 VIP

ABOVE & BEYOND SERIES



Labor Laws That Impact MH Park Owners

Presented By:

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March 14, 2018

Who is Bob Dickson?



Bob Dickson is a civil litigation attorney with over 25 years of experience with numerous jury trials in business disputes. From 2001 to 2011, Bob acted as general counsel for a national marketing company and represented several Fortune 500 companies through indemnification agreements, including Walmart, Target and General Mills. He also works for and organizes charitable organizations.

Wages, Timekeeping & Overtime

The minimum wage (the least an employer can pay an employee) in California is currently \$10.50 and will increase to \$15 per hour by 2023 for employers with less than 26 employees.

- Time and a half overtime wages for any time worked over 40 hours in a work week;
- Proper break time of 10 minutes for every 3.5 hours worked;
- Meal break of at least 30 minutes if 5 or more hours worked; and
- Detailed time keeping that accurately tracks all time worked.



Employers Must Keep & Record Their Employees' Time in an Accurate Fashion

- Time keeping program where the employee is required to log in and log out when work begins and ends and for the rest and meal breaks
- Use an appropriate payroll program or service
- Use of time sheets that are completed and signed by the manager and submitted to the employer
- Clear and unambiguous instructions should be given to managers and similarly situated employees

Employers Must Keep & Record Their Employees' Time in an Accurate Fashion

- “On call” while not “on the clock”
- The employee must not have his/her free time unduly restricted (eating, sleeping, entertaining, etc.)
- Issues can arise if the on-call time is excessive or results in overly restriction intrusion into employees personal time
- Remember every minute worked during on-call time should be document, recorded and paid as work time as discussed above



Employee Agreements

- The agreement should set forth an “at will” employment relationship with employer
- It should specifically define the terms of employment. It should set forth hours to be worked, on call time expectations, job duties, and the specific instructions regarding breaks and meal times.



Workers Compensation Insurance

- The most overlooked aspects of MHP employment relationships
- The workers compensation system is unforgiving
- “Uninsured Employers’ Fund” (“the Fund”)
- Payroll companies such as ADP provide workers compensation service with their payroll services



AB 1008: Restrictions on Criminal History Inquiries

Restricts how and when public and private employers can ask applicants about criminal history when applying for employment in California.

It is an unlawful employment practice for employers with five or more employees to: 1) include on an employment application any question seeking the disclosure of an applicant's conviction history; 2) inquire or consider conviction history until a conditional offer has been made to the applicant; and 3) "consider, distribute, or disseminate information related to specified prior arrests, diversions, and convictions."



Thank you!



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