

Impacts of Labor Law in Healthcare

Employment Law Updates & Refreshers



Increase Paid Sick Leave



Workplace Violence Prevention Plan & Training



Wage and Hour Penalties



Leave of Absence Protections



Pay Statement Requirements

2024 California Paid Sick Leave

New California Paid Sick Leave (PSL)

Effective January 1, 2024

- ✓ The law requires employers to provide and allow employees to use at least 40 hours or five days of paid sick leave per year. Before January 1, 2024, an employer could limit an employee's use to 24 hours or three days during a year.
- ✓ Employees who work at least 30 days for the same employer within a year in California, including part-time, per diem, in-home supportive services (IHSS) providers, and temporary employees, are covered by this law.
- ✓ Employers may still require a 90-day employment period requirement before an employee takes any sick leave
- ✓ Remember to keep in mind Local Laws! Los Angeles County for example requires a minimum of 48 hours of paid sick leave a year

California Workers: You have the right to Paid Sick Leave

Starting January 1, 2024: Take 40 hours or 5 days of earned paid sick leave per year

How does paid sick leave from your employer work:



You qualify if you work 30 days for the same employer in a year.



You can start taking leave after working 90 days for the same employer



Full-time, part-time or temporary workers qualify

You can use paid sick leave:



For treatment, diagnosis or preventative care for yourself or a family member or a designated person.



By notifying your employer as soon as possible when you need to take paid sick leave. A note from the doctor is not required.



You may take 40 hours or 5 days of earned paid sick leave each year, whichever is more

Earning Paid Sick Leave: Most Employees earn 1 hour of paid sick leave for every 30 hours worked, or employers can provide all 5 days or 40 hours at the start of each year or 12 month period.

! Cities or regions in California may require employers to provide additional sick leave.

What is 40 hours or 5 days?

The employer must allow workers to use 40 hours or 5 days of earned leave each year, whichever is more.

Example 1: An employee normally works 10-hour days. They have the right to take 5 days, or 50 hours, of earned paid sick leave each year.

Example 2: An employee normally works 8-hour days. They have the right to take 40 hours of earned paid sick leave each year.

If you were not paid for the sick leave you took, you can file a wage claim.



Keep track of your hours and pay stubs



Document communication with employer



Contact the Labor Commissioner's Office near you

It is illegal for your employer to fire you, reduce your hours or otherwise retaliate against you for asking to use paid sick leave. All workers qualify for paid sick leave, regardless of immigration status. For questions on paid sick leave, retaliation protections, filing a wage claim or retaliation complaint, call the Labor Commissioner's Office 833-LCO-INFO (833-526-4636).

For more information, visit www.dir.ca.gov/PaidSickLeave



2024 Workplace Violence Prevention Plan & Training

California Senate Bill 553

Effective July 1, 2024


- ✓ SB 553 addresses workplace violence by requiring employers to implement protections to protect employees while at work.
- ✓ It requires employers to develop and implement a workplace violence prevention plan in accordance with Labor Code section 6401.9 (which sets out the plan requirements).
- ✓ Employers in California must establish and maintain a Workplace Violence Plan that includes:
 - Prohibiting employee retaliation
 - Accepting and responding to reports of workplace violence
 - Employee workplace violence training and communication
 - Emergency Response
 - Workplace violence hazard assessments
 - Other requirements, such as maintaining a Violent Incident Log

California Department of Industrial Relations
Division of Occupational Safety & Health
Publications Unit
SAFETY & HEALTH | FACT SHEET

STATE OF CALIFORNIA
CAL OSHA
DEPARTMENT OF INDUSTRIAL RELATIONS

Workplace Violence Prevention in General Industry (Non-Health Care Settings) – Information for Employers

According to the Occupational Safety and Health Administration (OSHA), workplace violence affects nearly 2 million American workers annually. SB 553 addresses workplace violence by requiring employers to implement basic protections to protect employees while at work.



This fact sheet is an overview of the [California Senate Bill 553](#) (SB 553), which was signed into law on September 30, 2023. SB 553 amended Labor Code section 6401.7 to require employers to develop and implement a workplace violence prevention plan in accordance with newly codified Labor Code section 6401.9, which sets out the requirements for the plan. Starting July 1, 2024, the majority of employers in California must establish, implement, and maintain a Workplace Violence Prevention Plan that includes:

- Prohibiting employee retaliation.
- Accepting and responding to reports of workplace violence.
- Employee workplace violence training and communication.
- Emergency response.
- Workplace violence hazard assessments.
- Other requirements, such as maintaining a Violent Incident Log.

What must employers know?
All employers, employees, places of employment, and employer-provided housing must comply with the new Labor Code requirements, except those listed in subsection (b) of Labor Code 6401.9.

This fact sheet only provides an overview. Employers should review the full requirements of [California Senate Bill 553](#) (SB 553), which includes Labor Code section 6401.9.

Creating a workplace violence prevention plan

Labor Code section 6401.9 outlines the elements of a workplace violence prevention plan required by section 6401.7:

- Every covered employer is required to establish, implement, and maintain an effective workplace violence prevention plan.
- The plan needs to include the following:
 - The names of persons responsible for its implementation.
 - Effective procedures for employee involvement in developing and implementing the plan.
 - Methods to coordinate implementation of the plan with other employers, when applicable.
 - Procedures for employers to handle and respond to reports of workplace violence, while ensuring no retaliation against the reporting employee.
 - Procedures to ensure compliance from employees, including supervisors.
 - Procedures to communicate with employees regarding workplace violence matters.

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Meal and Rest Periods

Employees are entitled to a 30-minute uninterrupted unpaid meal break for every 5 hours of work. Employees who work more than 10 hours in a day are entitled to a second meal break of at least 30 minutes.



Premium Pay: For each missed meal or rest break, employers are required to pay employee(s) one hour of their regular rate of pay (up to two hours of penalty pay per day).



Meal Waivers: Employers may collect a meal waiver from an employee only when the employee is working a shift of six hours or less and both parties mutually agree to waive the meal break. If an employee works more than 10 hours, they can only waive their second meal break if they took their first meal break.



Meal Waivers should be obtained on a per-shift basis.



Both Employer and Employee(s) must agree to waive the meal break

Remember to Consider Wage and Hour Penalties

Leave of Absence Protections in the Workplace

The Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide eligible employees with job protected leave. Employees are eligible if they have worked at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees.



FMLA

A federal law that provides up to 12 weeks of unpaid leave per year: Including but not limited to the birth or adoption of a child, caring for a family member with a serious health condition, or taking medical leave for a serious health condition. FMLA also allows up to 26 weeks of leave to care for a covered service member.



CFRA

California law that provides job-protected leave for eligible employees, including bonding with a new child, caring for a family member with a serious health condition, or having a serious health condition



ADA

No time or hours worked requirement to be eligible. An employer may be required to consider an unpaid leave of absence as a reasonable accommodation if it enables an employee to return to work and perform their job duties (leave must be defined for a specific period of time)

Pay Statement Requirements in California

Potential Areas of Opportunity



PRIOR Period Beginning and Ending Dates:

Employers must also provide Period Beginning and Period Ending dates for earnings paid for work performed in PRIOR pay periods, such as:

- Adjustments
- Retro Pay
- Quarterly/Annual Bonuses



PRIOR Period Overtime: California requires that overtime be paid to the employee in the pay period in which it was earned or in the next regular pay period. When overtime is paid in the next pay period, the pay statement must include the dates of the pay period in which the overtime was earned. Employers with Semi-Monthly Pay Periods should watch out for this



Paid Sick Leave Requirements:

Employers must provide the following Paid Sick Leave Information, or Paid Time Off (PTO):

- Available for use (including accrued leave), and
- Already used during the current benefit year

Q&A