

1/4/24

EPISCOPAL DIOCESE OF EL CAMINO REAL  
PERSONNEL COMMITTEE  
2024 EMPLOYMENT LAW CHANGES

California has enacted a number of changes in employment law, most effective on January 1, 2024. This memo covering changes usually applicable to ECR employees is for all ECR employers to take note and act upon such changes as needed. The Diocesan Personnel Policies will be updated and probably available to congregations in February to use to update their own policies. Some of these changes are applicable to churches with a minimum number of employees and are so noted for that. The number of employees is bodies and not FTEs. Employees of missions are counted towards the total Diocesan number of employees.

1. **Paid Sick Leave Expansion.** Employers must provide annual paid sick leave at the rate of five days (or 40 hours) for full time employees. In 2023 the required sick leave days was three with an accrual rate that is still the law of one hour for every 30 hours worked. But now employees must be allowed to accrue at least 40 hours of accrued sick leave by the 200<sup>th</sup> day of employment, in addition to the requirement that employees have at least three days (24 hours) by the 120<sup>th</sup> day of employment. Employees must be allowed to use at least five days each year.
2. **Minimum Wage Increases.** The statewide minimum wage will be \$16 per hour. And the minimum exempt salary will rise from \$64,480 to \$66,560. There are other requirements for employees to be classified as exempt but often the minimum wage is a determining factor. Many municipalities have minimum wages above the state requirement that are not applicable to the exempt determination.
3. **Reproductive Loss Leave.** This is applicable to employers with five or more employees. A "Reproductive loss event" may now be the trigger for a leave of up to five days, within three months of the loss event, restricted to 20 days within a 12-month period and available to both parents, each of whom must have completed at least 30 days of employment. The leave may be unpaid and may be taken non-consecutively. A reproductive loss event may include "the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction." Information from the employee asking for the leave must remain confidential and the employer may not ask for documentation.
4. **Cannabis Use.** While churches are not subject to California's Fair Employment and Housing Act under which the new cannabis law sits, employers should be aware that subject employers cannot discriminate against an employee or applicant's cannabis use off the job. The new law does not permit an employee to possess, be impaired by, or use cannabis while working.

5. **Workplace Violence Prevention Safety Plan.** By July 1, 2024, employers of any size must (1) prepare a written prevention plan, accessible as an individual document, for all employees; (ii) keep a log of every workplace violence incident and (iii) implement training when the plan is first established and annually thereafter. Certain training records must be maintained for one to five years. “Workplace violence” is defined as “any act of violence or threat of violence that occurs in a place of employment that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.” Regulations have not yet been issued but Cal/OSHA should publish a model program. This is in addition to the injury and illness prevention program for which Cal/OSHA has published a model program.
6. **Emergency or Disaster Declaration Information** The employers’ wage theft notices is expanded to include information regarding “[t]he existence of a federal or state emergency or disaster declaration applicable to the county or counties where the employee is to be employed” that affect employees’ health and safety during their employment. Wage theft notices must contain specific information to all employees at the time of hire and within seven days of any changes unless the new information appears on the next timely wage statement. The Department of Labor Standards Enforcement has updated the template notice available online for employers to use starting January 1, 2024. The notice must also include paid sick leave information. Check with your payroll provider to see how much, if any, information they provide.
7. **I-9 Document Inspection.** During Covid there was some change in the inspection process. Now employers must inspect the I-9 documents in person within three days of hire, as well as those hired since March of 2020 who did not have an in-person inspection. And employers must use the latest I-9 form (now dated 8/01/23). ICE has published an FAQ page that addresses several common questions about I-9 protocols, which is available at <https://www.uscis.gov/i-9-central/form-i-9-related-news/questions-and-answersrelated-to-covid-19>.
8. **Use of Criminal Records.** Again for employers of more than five employees, California’s Fair Chance Act generally prohibits questions regarding criminal records prior to a contingent offer of employment, and consideration of arrests that have not resulted in a conviction. If a background check or a voluntary disclosure from applicant show a criminal record, the employer must conduct an “individualized assessment” of the situation before making an offer decision. This applies also to internal applicants for a new position. Ask for legal help in this situation.

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