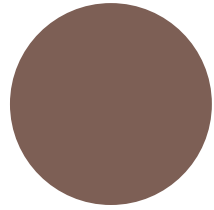
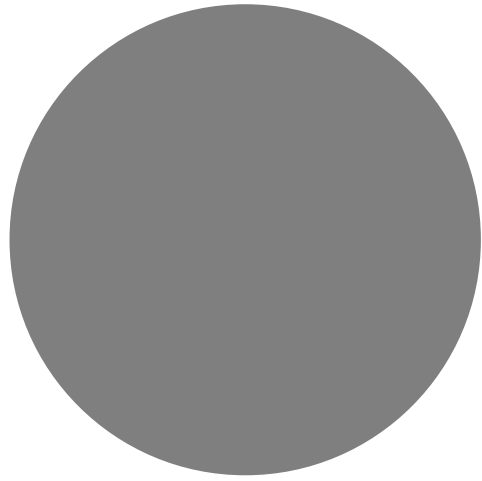


2022 Employment Laws: What Medical Practices Need to Know

Presented by Alexis D. James, Esq. and
Renee N. Noy, Esq. of WorkWise Law, PC



New California Family Rights Act Expansion



The California Family Rights Act

CFRA requires:

- job-protected leave of up to 12 weeks in a 12-month period
- care for their own or family member's serious health condition or bond with a new child.
- only employees with more than 12-month service and 1,250 hours
- leave is unpaid

CFRA Changes in the Last Two Years

- Now covers employers of 5 or more (previously 50 or more)
- New “Qualifying Exigency” Military Leave
- Expanded list of family members; includes parent-in-law
- Elimination of employer rights

Confidentiality Clauses in Employee Settlement and Separation Agreements



Separation Agreements Versus Settlement Agreements

Separation agreement – no claim
made

Settlement agreement – claim
made

- Demand Letter
- Administrative Claim
- Civil Action





Separation Agreements

Restrictions:

- Can't restrict disclosure of unlawful conduct
- Mandatory language
- Notice of right to consult attorney

OK:

- Can include general release
- Can restrict amount paid



Settlement Agreements

Restrictions:

- Can't restrict disclosure of factual info re civil action or administrative complaint alleging discrimination or harassment based on any protected status

OK:

- Can restrict identity of claimant
- Can restrict amount paid



Ongoing Employment Agreements

Restrictions:

- Can't restrict disclosure of unlawful conduct



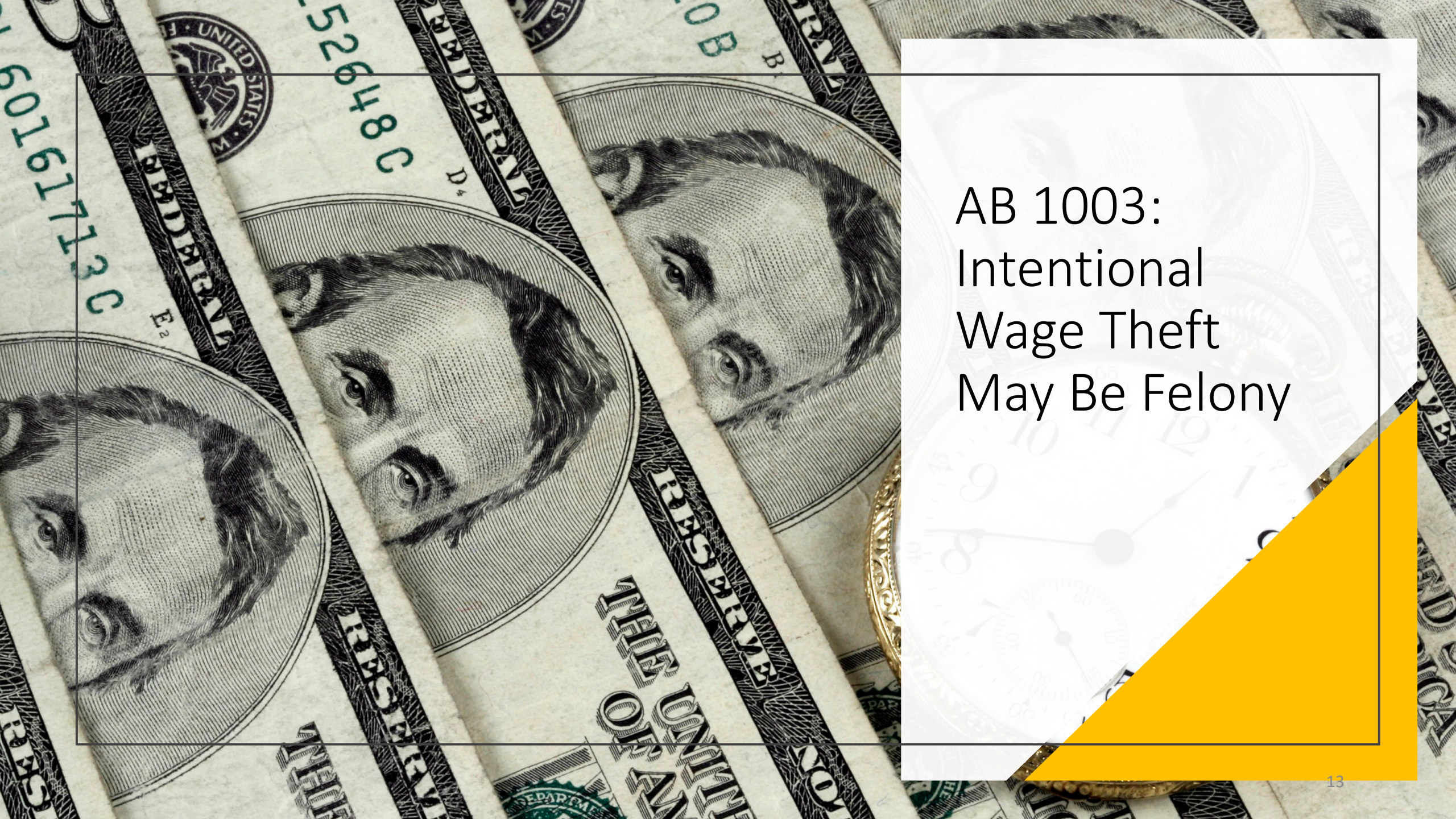
Retention of Personnel Records



Time to keep
personnel records
increases to four years

An hourglass with red sand falling from the top bulb into the bottom bulb. The background is a soft, out-of-focus light gray.

Wage And Hour Updates

The background of the slide features a collage of US dollar bills, including the portrait of George Washington on the one-dollar bill and the portrait of Abraham Lincoln on the five-dollar bill. A clock face is also visible in the background, partially obscured by the bills. A yellow triangle is located in the bottom right corner of the slide.

AB 1003:
Intentional
Wage Theft
May Be Felony



Donohue v. AMN Services: Presumption of Meal Period Violations

Existing rules:

- Must provide opportunity to take 30-minute lunch by end of 5th hour
- Employer must record when lunch begins and ends

Donohue change:

- If records show missed, late, or short lunch, burden now on employer to show no violation



Donohue: Ban On Rounding Times of Meal Periods

Existing rules:

- time rounding generally permissible if neutral

Donohue change:

- time rounding now not allowed for meal periods



Ferra: Increased Premium Required for Missed Meal or Rest Periods

Existing rules:

- Missed meal or rest period gets 1 hour premium pay

Ferra change:

- Hour of pay is not at hourly rate but at “regular rate” as in overtime
- So employees paid other than straight hourly get increased premiums



Cal/OSHA ETS

1) DOES IT APPLY TO YOU?

Emergency Temporary Standards require

- written COVID-19 Prevention Program
- training and instruction
- notification of potential exposure
- exclusion of COVID-19 cases and close contacts
- provision of testing to close contacts



ETS: Changes

Changes to ETS:

- At-home tests must now be watched by employer
- Close contacts must be offered testing regardless of vaccination status
- In outbreaks, all employees must be offered testing regardless of vaccination status
- Vaccinated employees who can't be tested must wear face coverings and social distance.

COVID Exposure Notices

Employers must provide notice of potential COVID-19 exposure

- To exposed employees and independent contractors
- Within one business day
- In manner usually used to communicate employment information
- Including cleaning and disinfection plan



Vaccination

Vaccination requirements:

- CDPH vaccination requirement for health care workers
- OSHA vaccination/testing requirement for large employers
- Vaccination requirement for Medicare/Medicaid recipients



CDPH Vaccination Requirement For Health Care Workers



- Workers must be vaccinated by September 30, 2021
- Workers must be boosted when eligible
- Exemptions only for disability or religious reasons



CDPH Healthcare Workers: Documentation

- Disability exemption requires doctor's note
- No documentation needed for religious exemption
- Must keep records of vaccination or exemption

Vaccination Requirement For Medicare/Medicaid Recipients

Mandatory vaccination for health care facilities using Medicare or Medicaid

- Testing not an option
- Upheld by US Supreme Court





Testing Requirements

Must provide testing at no cost to

- Symptomatic unvaccinated employees
- All close contacts (regardless of vaccination status)
- All employees in outbreak
- When required by CDPH's Isolation and Quarantine Guidance

COVID-19 Paid Sick Leave laws

Jurisdictions that have required COVID-19 supplemental sick leave:

- California
- Los Angeles County
- City of Los Angeles





California Rules on COVID-19 Supplemental Sick Leave

- Old version expired September 30, 2021
- New version went into effect for employers with 25+ employees
- Retroactive to January 1, 2022
- SB 114

Los Angeles County Rules On COVID-19 Supplemental Sick Leave



Supplemental sick leave ordinance:

- Applies to employers in **unincorporated** areas of county
- 80 hours of supplemental paid sick leave

Vaccine leave ordinance

- Applies to employers in unincorporated areas of county
- 4 hours per vaccine injection

Employers must post notice of rights



City Of Los Angeles Rules On COVID-19 Supplemental Sick Leave

Supplemental sick leave order

- Applies to employers with at least 500 or more employees within the City of Los Angeles; or 2,000 or more employees within the United States
- 80 hours of supplemental paid sick leave

CONCLUSIÓN





Thank you for watching!

23945 Calabasas Road, Suite 107

Calabasas, CA 91302

(818) 591-6724

www.workwiselaw.com

Disclaimer

The information provided in this presentation does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available in this presentation are for general informational purposes only.

Readers of this presentation should contact their attorney to obtain advice with respect to any particular legal matter. Only your individual attorney can provide assurances that the information contained herein – and your interpretation of it – is applicable or appropriate to your particular situation. Use of, and access to, these presentation slides or any of the resources contained within the presentation do not create an attorney-client relationship between the reader, user, or browser and presentation authors, contributors, and their respective employers.