



Hot Labor and Employment Topics for 2016

As 2016 begins, charter schools are once again faced with how to address a changing legal landscape. This year will present a number of new legal requirements impacting the relationship between charter schools and their employees. Below is a summary of some of the most significant changes to labor and employment laws of which charter schools should be aware.

Minimum Wage

Recently, there has been a push throughout the nation to raise minimum wage rates. While President Barack Obama has called on Congress to raise the national minimum wage rate, many states and cities have enacted their own minimum wage requirements. For example, the cities of San Diego, San Francisco, and mostly recently Los Angeles have each enacted their own minimum wage ordinances. On the state level, California's minimum wage increased to \$10.00 per hour on January 1, 2016.

Please be aware that the increase to California's minimum wage will impact which employees may lawfully be classified as "exempt" from overtime requirements. Specifically, exempt employees must earn a monthly salary equivalent to at least twice the minimum wage for an employee working forty (40) hours per week. The increase in minimum wage may result in some employees no longer earning the requisite salary to lawfully remain as exempt employees.

Paid Sick Leave

Beginning on July 1, 2015, the Healthy Workplaces, Healthy Families Act of 2014 ("Act") required virtually every employer in California (including charter schools) to offer paid sick leave to every employee who works thirty (30) or more days in a year, regardless of whether the employee is full-time or part-time. This past summer, Governor Jerry Brown signed into law a bill amending the Act to allow for additional ways that an employer may lawfully provide sick leave benefits to its employees.

The Act also requires employers to provide employees with a written notice detailing employees' rights to paid sick leaves. In December 2015, the California Department of Industrial Relations issued a written reminder of this requirement, which suggests that enforcement of this requirement may become an agency priority.

Other New/Noteworthy Legislation

Over the past several months, Governor Jerry Brown has signed hundreds of new bills into law, many of which will significantly impact charter schools' labor and employment practices moving forward. Below is a brief summary of some of the most notable assembly bills ("AB") and senate bills ("SB") that took effect on January 1, 2016:

- **AB 215:** Currently, employment contracts between an employee and a local agency must include a provision stating if the contract is terminated, the maximum settlement the employee can receive is either the equivalent of eighteen (18) months' of salary or the remaining term of the contract, whichever is less. AB 215 amends the law by requiring that employment

contracts with a district superintendent of schools limit the maximum settlement to the equivalent of twelve (12) months' of salary or the remaining term of the contract, whichever is less. Although AB 215 does not directly refer to charter schools, our office recommends that charter schools abide by the laws pertaining to maximum settlement amounts as a best practice.

- **AB 302:** California employers (including charter schools) are currently required to provide accommodations for lactating employees who wish to express breast milk for an infant child. AB 302 expands those rights to include lactating students. Furthermore, any student who is denied her right to lactate may file a complaint pursuant to the Uniform Complaint Procedures.
- **AB 827:** This bill requires public schools (including charter schools) to provide certificated school site employees who serve students between the Seventh (7th) and Twelfth (12th) Grades with information about school site and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning students.
- **AB 1452:** This bill restricts public schools (including charter schools) from expunging allegations of egregious misconduct involving a certificated employee from the employee's personnel file unless the allegations have been heard before a neutral third party (arbitrator, governing board, etc.) and the allegations were found to be false or unsubstantiated.
- **SB 579:** Currently, employers must allow parents, guardians, and grandparents having custody of a child to take up to forty (40) hours off each year to participate in school activities. SB 579 expands the existing law by allowing parents/guardians to also take time off to find, enroll, or reenroll their child with a licensed child care provider. SB 579 also expands the definition of "parent" to include stepparents and foster parents.

Charter schools should amend their policies and practices to comport with the new laws noted above.

Beyond these legal updates, please also note that union organizing efforts are ongoing throughout California charter schools, with a high concentration of organizing efforts in Los Angeles and the Bay Area. Charter schools must be prepared to respond to these efforts within legal parameters.

If you should have any questions regarding this update, please contact Jim Young, Chastin Pierman, or Marvin Stroud at the Law Offices of Young, Minney & Corr, LLP at (916) 646-1400. Or find us on the web at: www.mycharterlaw.com.

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