

CALIFORNIA AND SAN JOSE EMPLOYMENT LAW UPDATES

2017 is a Training Year for California Employers

California law requires all employers with 50 or more workers to provide at least two hours of interactive training to all supervisory employees on the prevention of sexual harassment, abusive conduct, discrimination, and retaliation (commonly referred to as AB 1825 training). When the law was enacted, it required the first training be completed within 2005 and repeated every two years thereafter. Accordingly, **for most California employers, 2017 is a “training year.”** The law also requires new supervisory employees receive such training within 6 months of hire (or within 6 months of becoming a supervisor).

If you regularly employ 50 or more persons (for this law, “employ” includes using independent contractors), now is a good time to check your records and determine whether you are up to date on your trainings. For smaller employers, harassment prevention trainings are still recommended even though they are not legally required. Hoge Fenton’s employment law team regularly provides harassment prevention trainings that satisfy California’s requirements.

Effective March 1, 2017: All Single-User Restrooms in California Must Be Unisex

As of the beginning of this month, all single-user toilet facilities in any California business establishment, place of public accommodation, or government agency must be identified as all-gender toilet facilities. **No structural changes are necessary—only signage needs to be updated.** Existing multi-user toilet facilities do not need to be retrofitted or changed.

Effective March 13, 2017: San Jose Opportunity to Work Ordinance

Beginning March 13, 2017, employers of 36 or more employees in the city of San Jose, or those who are subject to the city’s business license tax, **must offer additional work hours to existing and qualified part-time employees prior to hiring more employees.** Employers must keep records of employee schedules, offers of additional work hours, and information regarding new hires for four years. Employers may apply for a “hardship” exemption, if needed. First time violators of this new ordinance will be issued a warning, but repeat violators will be assessed substantial monetary

penalties.

In response to numerous requests for clarification regarding the ordinance and its implementation, the San Jose Office of Equality Assurance has published a list of Frequently Asked Questions, which can be downloaded **here**.

Employers are also required to **post an official notice** regarding this new ordinance in a location where it can be easily read, and it must be displayed in any language primarily spoken by more than 5% of the company's employees. The poster can be downloaded **here** in English, Spanish, Vietnamese, and Cantonese.

The Fine Print.

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