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Teen Center's Ninth Anniversary



Hawthorne Teen Center's outstanding youth volunteers were honored during the ninth anniversary celebration hosted by the South Bay Workforce Investment Board (SBWIB) on December 7 at the Hawthorne Memorial Center. More than 100 youth, parents and civic and educational leaders attended the event. Pictured with the students are, from left, Dr. Greg O'Brien, Superintendent of the Centinela Valley Union High School District; City of Hawthorne Mayor Alex Vargas; SBWIB CEO Jan Vogel; and Gloria Garcia, Teen Center Director. Photo by Tom Quintana

New Laws Passed to End Pay Gap and Harassment in the Workplace

By Rob McCarthy

South Bay employers next year will be paying more and asking less when the state's minimum wage rises again and a new law ends the practice of asking prospective employees how much they've earned at past jobs.

The hike in the minimum hourly wage to \$11 is just one of the changes that companies must incorporate into their employment practices in the new year. The state minimum wage is scheduled to increase every year on January 1 until it reaches \$15 in 2022. Companies with 26 or more employees must pay \$11 per hour, while smaller employers are required to pay \$10.50 per hour next year.

Employers, particularly food service and retailers, could choose to reduce employees' hours to lessen the impact of the wage hike on payroll and operating expenses. Economists predicted when passed in 2015, the \$15 minimum wage law would hurt employment by forcing business owners to cut staff and hours.

The other pay-related change ahead for South Bay companies is AB 168, which the Legislature approved in hopes of narrowing the gender pay gap for women. Employers no longer can ask a job candidate about his or her salary history, and instead must provide a salary range for the position if asked what a position pays.

Using salary history in pre-employment screening contributed to the gender pay gap, the bill's supporters said. Men traditionally earn higher salaries than their female counterparts for doing the same work, and knowing salary history gave employers an unfair leverage in salary negotiations, according to supporters of the bill.

A person's salary history cannot be a criterion when a company is considering making an offer of employment either, under the new law. The Legislature a year ago approved a less restrictive law that a company could not rely to past salary to justify a wage gap between two employees with the same job responsibilities.

The new law is a total ban of the practice, however. If the applicant "voluntarily and without prompting" provides his or her salary information, the employer may use it "in determining the salary for that applicant," under

the new pay equity law.

AB 168 applies to all employers, including state and local government employers and the Legislature. Violation of the "don't ask, don't tell" rule governing past salary is a misdemeanor, subject to a penalty. The Western States Trucking Association denounced the law, saying it "effectively eliminates an employer's ability to negotiate wage, as well as creates a new reason to sue." The San Jose School District in the Bay Area also opposed the bill, saying that salary history information was valuable in assessing the quality of candidates for teaching jobs.

Local legislators Assemblywoman Autumn Burke, D-Inglewood, and State Senator Ben Allen (D-Redondo Beach) supported the bill's passage. Assemblyman Al Muratsuchi (D-Torrance) did not cast vote on AB 168.

Ahead of the change, employers are being advised to revise job applications, all hiring forms and notices--both online and hard copies. Company hiring materials should omit any questions that could seek salary history information, and policy and procedure manuals for interviewing and screening job applicants should be revised, according to employment law firms.

Another change coming for human resource professionals and employment agencies is known as the "ban the box" law. Much like the salary question, employers no longer may ask job applicants during the interviewing process if they've been convicted of a crime. An employer can, however, withdraw an offer of employment to a candidate if a conviction or criminal history shows up on a background check.

Employers with five or fewer employees are exempt, as are a small number of jobs. Those include government positions that require a criminal background, farm labor contractors and criminal justice positions.

Other employment-related changes happening on January 1 include:

Unpaid parental leave: The New Parent Leave Act expands the state's family rights law to allow employees who work for an employer with 20 employees to take 12 weeks of unpaid leave when a child is born. The existing law

applies only to companies with 50 or more employees. This change is expected to affect 2.7 million working Californians, and applies both to private and public employers.

Parents of newborns, adopted or foster children are eligible for unpaid leave to bond with a child. Parents who work for the same employer can be asked to share the 12-week leave. Workers may use vacation, sick days or paid personal time off as compensation during their new state-mandated family leave.

Whistleblower protection: Senate Bill 306 will expand claims of retaliation by employers against whistleblowers who report alleged workplace violations. It allows the Labor Commissioner to launch an investigation of employers, with or without a complaint being filed. Current law authorizes labor commission investigations only when an employee files a complaint.

California law makes it illegal to retaliate against any employee who provides information to a government or law enforcement agency when the employee has reasonable cause to think there is a violation or noncompliance with the law. Workers in whistleblower cases cannot be fired, demoted suspended or disciplined for their actions. Employers who retaliate face civil fines of up to \$10,000, not including penalties levied by the labor commissioner.

Coverage requirements for workers' comp: Professional corporations owned by eight or more partners can apply to be exempt from the state's workers' compensation coverage requirements for the owners. The workplace accident policy needn't include the professionals and directors of the corporation's board if they waive their right to coverage, under the new law. This change, supported by the California Medical Association, is expected to save South Bay medical practices up to \$18,000 per year on their workers' comp insurance.

Current law made the opt-out available only to partners with at least a 15 percent ownership stake. State Senator Steven Bradford, D-Gardena, sponsored the bill that lowers the ownership stake to 10 percent, making South Bay medical and other professional practices with 10 or more partners eligible for the workers' comp policy savings. •

Weekend Forecast

Friday
Mostly
Sunny
63°/48°



Saturday
Partly
Cloudy
64°/50°



Sunday
AM Clouds/
PM Sun
66°/52°

