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Labor & Employment Law Update: New Year, New Posters, New Laws

With the onset of a new year, employers must be aware of new laws scheduled to take effect in 2011. Most importantly, employers should be aware that their 2010 California and federal notices posters are now outdated, and certain employers may be required to include additional postings.

Specifically, all employers should be aware that there are new 2011 versions of the required federal posters, including but not limited to, "Federal Minimum Wage," "Equal Employment Opportunity is the Law," and "Safety and Health Protection on the Job." Additionally, there are new 2011 versions of California required posters such as "California Minimum Wage," "Your Rights Under USERRA (Veterans Benefits)," and "Notice Employee Polygraph Protection Act" posters, among others. All employers must have these posters displayed at each work site in an area accessible to all employees and applicants. Therefore, it is important to make sure that new 2011 versions are posted immediately. Employers may be required to display other postings as well. Therefore, it is advisable to contact legal counsel with any questions.

In addition to these, in 2011, certain employers will also be required to display additional posters as follows:

Workers' Compensation: The posting and notice requirements were amended in 2010 to require all employers using Managed Professional Networks (MPNs) to provide treatment for workers' compensation claims to give employees information regarding the MPN(s) being used. Therefore, in addition to the required workers' compensation poster ("Notice to Employees – Injuries Caused by Work") that employers must display, they must also display additional information about the MPN(s). Further, any pamphlet distributed by the employer regarding workers' compensation must also include information regarding the employer's MPN(s).

San Francisco: The San Francisco minimum wage increased as of January 1, 2011 from \$9.79 per hour to \$9.92 per hour. Employers are required to display a poster regarding the minimum wage in each workplace in English, Spanish, Chinese, and any other language spoken by at least five percent of the workforce. A notice regarding the minimum wage containing the employer's name, address, and telephone number must also be given to every employee at the time of hire.

In addition to new posters, employers should be aware of new laws that have recently gone into effect or will go into effect this year, including the following:

Leaves of Absence for Organ and Bone Marrow Donation: California employers with 15 or more employees must provide paid leaves to employees who choose to donate organs or bone marrow. Specifically, organ donors must be provided a 30-workday leave of absence in any one-year period and bone marrow donors must be provided a leave of absence up to five workdays in any one-year period. The statute states that these donor leaves do not run concurrently with leaves provided for by the Family Medical Leave Act ("FMLA"). However, federal law overrides state law, so if an employer is covered by FMLA (*i.e.*, has 50 or more employees) and the employee is eligible for FMLA leave, then a leave for organ or bone marrow donation may run concurrently with the FMLA.

American with Disabilities Act: The Justice Department's Americans with Disabilities Act regulations were

revised and subsequently published in the Federal Register on September 15, 2010. These revised regulations take effect on March 15, 2011 and include revisions to the ADA Standards for Accessible Design, which set the minimum requirements for newly designed and constructed or altered government facilities, places of public accommodations, and commercial facilities to be readily accessible to and usable by persons with disabilities. Employers should consult with an attorney or a Certified Access Specialist to ensure that their facilities are compliant with these new regulations.