



H.R. UPDATE

January 2017



4740 Von Karman Avenue, Suite 130, Newport Beach, CA 92660-2119 | www.HRalternatives.com | (949) 453-6250

New I-9 Form

All employers need to start using the new I-9 form on January 22, 2017. The previous form is recognized as obsolete and not acceptable. Employers are NOT required to reverify current employees with the new form.
<https://www.uscis.gov/i-9>

"Ban The Box" - The Fair Chance Initiative

Effective January 22 Los Angeles and San Francisco have adopted an ordinance restricting employers from asking a job applicant about his or her criminal history during the application process. Under the ordinance, private employers with at least 10 employees will be barred from inquiring about a job applicant's criminal history until after a conditional offer of employment has been made. Employers can only conduct a background check of any type after a conditional offer of employment is accepted.

Independent Contractors

The misclassification of employees as independent contractors is a serious issue facing workers and employers. The EDD is performing focused audits resulting in substantial fines for employers who have misclassified their workers. Factors include the extent of control the worker has, who supplies tools and instruments, method of payment (by time or job) and much more.

CA OSHA Form 300A Posting

At the end of the year, all establishments covered in 29 CFR Part 1904 must complete OSHA's Form 300A, the "Summary of Work-Related Injuries and Illnesses", even if no work-related injuries or illnesses occurred during the year. The total number of incidents in each category listed on OSHA's Form 300 must be transferred to the Form 300A for posting.

California law requires employers to post the "Summary" page OSHA's Form 300A from February 1 to April 30 of the year following the year covered by the "Summary". It must be displayed in a conspicuous location where notices to employees are customarily posted. At the end of the three-month period, the "Summary" should be taken down and kept on file for a period of five years following the year to which it pertains.

Employee Records

Every current and former employee, or his or her representative, has the right to inspect and receive a copy of the personnel records that the employer maintains. The employer shall make the contents of those personnel records available for inspection to the current or former employee, or his or her representative, no later than 30 calendar days from the date the employer receives a written request.

If an employer fails to permit a current or former employee, or his or her representative, to inspect or copy personnel records, the current or former employee or the Labor Commissioner may recover a penalty of seven hundred fifty dollars (\$750) from the employer.

Recently, employers have received request from attorneys to review personnel and wage records with no cause but to search for "opportunity".

Your consultant at HR Alternatives can answer your questions, review your documents and provide guidance for your regulatory requirements or workplace issues. We work with you to implement relevant solutions for your workplace. Let's start 2017 with a proactive mind set.

As the primary HR Consulting firm for small and mid-sized employers throughout Southern California our goal is to support the growth of your business and navigate the challenges that can prevent you from accomplishing your objectives. HR Alternatives has been solving workplace issues since 1993.

For questions or assistance contact: Phil Barquer, phil@HRalternatives.com or (949) 390-6440