



H.R. UPDATE

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PTO May Include CA Sick Leave

Employers may provide the required leave as part of a paid time off (PTO) benefit, in

which allotted paid-time-off days can be used for sick leave, vacation or other leave. If sick leave is included in a PTO benefit; employees must be paid for their unused days upon their departure from the company.

Under the paid-sick-leave law, an employee gets to choose when to use his or her allotted sick leave and how much of the allotted time to use. An employer can't retaliate against an employee for exercising that right.

Employers also can't retaliate against a worker for failing to provide details about the need to use sick leave.

Employers should ensure workers aren't being disciplined for excessive absenteeism when taking sick leave that's protected under the law.

TO DO: Contact your HR Alternatives consultant about your PTO policy questions.

Leave and the Interactive Process



When an employee ask for a leave of absence you should be engaging in the interactive process to determine whether the employee has a disability, whether it is a reasonable accommodation to provide an extended leave of absence and whether reasonable accommodations other than a leave of absence are available.

California disability regulations expressly state that an employer must engage in the interactive process if an employee who has exhausted his or her family medical leave indicates that he or she needs additional leave.

An employer does not have to provide indefinite leave, an employer does not have to provide leave as a reasonable accommodation if doing so would be an undue hardship. The longer the leave and the greater the impact on an employer's operations, the more likely it is that an employer will be able to show undue hardship.

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.

California and federal law are clear that an employer cannot implement a maximum leave policy that would allow for the termination of employees after they have been on leave for a certain period of time. Instead, employers must evaluate leave and undue hardship on a case-by-case basis.

TO DO: Contact your HR Alternatives consultant about long term leave of absence.

Requirements for an employer's Injury and Illness Prevention Program (IIPP)



All California employers must create and carry out an effective program to meet the requirements of Cal/OSHA's (IIPP) regulation. The employer's IIPP must be in writing and must specify the employer's ongoing activities in each of the following areas:

Responsibility: Name/ job title of the person(s) authorized and responsible for implementing the program.

Compliance: Written system for ensuring compliance with safe and healthy work practices.

Communication: System for communicating in a form readily understandable by employees about safety and health matters. This can include meetings, trainings, postings, written communications, and a labor-management safety and health committee. Employers must encourage employees to report hazards without fear of reprisal.

Hazard Assessment: Procedures for identifying and evaluating workplace hazards, including periodic inspections.

Accident or Exposure Investigation: Procedure for investigating occupational injuries and illnesses.

Hazard Correction: Methods and procedures to correct unsafe or unhealthy working conditions in a timely manner.

Training and Instruction: Effective program for instructing employees on general safe work practices and hazards specific to each job assignment.

Recordkeeping: Written documentation of the steps taken by the employer to establish and implement the IIPP.

TO DO: Review your IIPP to ensure it's complete.