

THE CALIFORNIA EMPLOYMENT LAW CORNER

"THE
LIKEABLE
LAWYER"



JESSICA A. BRAVEMAN, ESQ.

A New Year brings along a renewed opportunity for business owners and employers to launch new policies, procedures, and legally compliant measures to better protect the business owner from potential fines, audits and lawsuits.

Now is the ideal time to implement cost effective yet critical suggestions so the business owner and employer can avoid legal trouble in 2010.

Your 2010 Employee Handbook must be updated, current & correct

Let the business owner and employer beware that many sources of 'free' employee handbook advice is not correct, complete or compliant. Just because you saw it on the Internet or your friend gave you their template, does not shield you from liability. Instead, the courts look to the creator of the handbook as being legally responsible fully for its content.

Instead, be sure to obtain solid legal advice about any handbook or edits you are thinking about implementing in 2010. Know what you need and what you do not need. There are many new laws, new California court decisions and new requirements that business owners will be legally liable to know. The California Employment Law Training Center offers many budget-conscious ways to create, edit or supplement existing employee handbooks and still remain in compliance. Not every company needs a million page handbook either.

Be Sure your Company has a Sexual Harassment Policy

The law in California is that any business owner, whether a sole-proprietor or a fortune 500 company can be sued for Sexual harassment from an employee, a

customer, a vendor or a third party. Insurance Companies will reveal that business owners are more likely to have a claim for Sexual Harassment than a slip/fall or errors/omission claim. Take this subject matter seriously in 2010 as lawsuits are plentiful.

Have a written sexual harassment and equal opportunity policy and follow it. Work with legal counsel to implement your policy and have a written process to follow if someone comes forward with an allegation. The California Employment Law Training Center has enormous experience and success with this area. Call 925 827 4198 for information.

Know the legalities surrounding Employee Paychecks

California considers the Employee paycheck to be sacrosanct, so Employers must beware of the legalities of the do's and don'ts regarding the Employee paycheck. Remember: The paycheck must be on time. No deductions unless medical/dental/401k benefits. If the employee is fired/terminated, the paycheck must be given at the time of termination. If the employee quits without notice, the employer generally has 72 hours to get the paycheck to that employee. This area is very fact sensitive, yet the employer is held to exact rules. Penalties for lateness and mistakes on paychecks average \$200 a day on top

of the money owed to the employee. Consult with legal counsel immediately and avoid this highly contested area.

Retain a trusted employment law advisor to do a self-audit for 2010

Before innocent errors are made costing business owners and employers *huge* fines, legal fees, lawsuits and headaches, invest wisely now in January in a trusted employment law advisor who has both legal and practical experience in assessing your complete situation and one who won't try to 'sell' you on things you do not need. The old saying that you will either pay now or pay later in this area of the law is right on target. Have a prevention plan **now** to save you tons of potential legal landmines **later**.

Many questions about paychecks can be found at the California Labor Commissioner at www.DIR.ca.gov. For additional application of these laws, you may wish to retain the legal consulting services of the California Employment Law Training Center at 925- 827- 4198 or www.CAELTC.com, a Martinez Chamber of Commerce Member.

This is a regular column for the Martinez Chamber of Commerce Newsletter. However this is an informational column only and nothing written may be construed as legal advice. All readers should consult with a legal professional.

**Congratulations to the
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Adam Hoffert - New York Life**

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