



SINSHEIMER JUHNKE LEBENS & McIVOR, LLP
ATTORNEYS AT LAW

Employment Law Update 2009

David A. Juhnke, Esq.

805.541.2800

1010 Peach St., SLO 93401

www.sjmlaw.com

Employment Law Update - 2009

What is the size of your company?

- a. Less than 5 employees
- b. 5-20 employees
- c. 20-50 employees
- d. More than 50 employees

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What is your position with the company?

- a. Owner
- b. Human Resources Manager
- c. Supervisor
- d. Legal Advisor
- e. Other

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- 2009 Changes/Areas of Concern
- Forecast for the Future

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The information contained in this PowerPoint should not be construed as legal advice for any individual or situation



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What areas of employment law are of biggest concern to your company?

- a. Leave Issues (FMLA, Pregnancy, etc.)
- b. Meal and Rest Period Issues
- c. Overtime Issues
- d. Harassment/Discrimination Issues
- e. Layoff Issues

2009 CHANGES/AREAS OF CONCERN

- Family & Medical Leave
- Disability
- Wage and Hour
- Meal and Rest Periods
- Reductions in Force
- Immigration
- Policies and Procedures

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2009 CHANGES/AREAS OF CONCERN - Family & Medical Leave

- New DOL Regulations - eff. 1/16/09
- Military Caregiver Leave
- Eligibility and Notice Requirements
- Certification
- Waiver of Rights
- Impact in California

2009 CHANGES/AREAS OF CONCERN - Disability

- Federal (ADAA) - eff. 1/1/09
 - Changes to Federal Law
 - Impact on California Employers
- Calif. Access Law - eff. 1/1/09
- Disability Litigation
- Workers' Comp Return to Work

2009 CHANGES/AREAS OF CONCERN - Wage and Hour

- Minimum Wage
- Overtime
- Time Cards/Pay Stubs
- Temporary Staffing Agencies
- *Martinez v. Combs*

2009 CHANGES/AREAS OF CONCERN - Meal and Rest Periods

During the past two years, has an employee filed a claim against your company relating to meal periods/rest breaks?

- a. Yes*
- b. No*

2009 CHANGES/AREAS OF CONCERN - Meal and Rest Periods

- Background
- *Brinker v. Superior Court*
- Response to *Brinker*
- *Brinley v. Public Storage*

2009 CHANGES/AREAS OF CONCERN - Reductions in Force

What is the likelihood that your company will experience layoffs in 2009?

- a. Definitely will be layoffs
- b. Likely to be layoffs
- c. May be layoffs
- d. Unlikely to be layoffs

2009 CHANGES/AREAS OF CONCERN - Reductions in Force

- RIF Options
- Criteria for Making Decisions
- Legal Issues for RIF
- Independent Contractors
- Severance Agreements

2009 CHANGES/AREAS OF CONCERN - Immigration

- No Match Safe Harbor Rule
 - Supplemental Rule Issued 10/23/08
 - Impact
- E-Verify - eff. 1/15/09
 - Required for Federal Contractors
 - Voluntary for Private Employers

2009 CHANGES/AREAS OF CONCERN - Policies and Procedures

Does your company have
written policies and
procedures?

- a. Yes
- b. No

2009 CHANGES/AREAS OF CONCERN - Policies and Procedures

Does your company have
Employment Law notices
posted in the workplace?

- a. Yes
- b. No

2009 CHANGES/AREAS OF CONCERN - Policies and Procedures

- Postings/Handouts
- Computer Issues
- Driving Policies
- Same Sex Marriage
- Non-Compete Agreements

FORECAST FOR THE FUTURE

Does your company have
unionized employees?

a. Yes

b. No

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FORECAST FOR THE FUTURE

- Federal Forecast
 - Union Organizing
 - Discrimination
 - Wage and Hour
 - Leave
 - Layoff
- State Forecast
 - Paid Sick Leave
 - Wage and Hour
 - Discrimination

Employment Law Update - 2009

- Questions
- Have a Safe and Prosperous New Year

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