

HOSPITALITY ALERT

MANY NEW LAWS AFFECTING CALIFORNIA BUSINESSES TAKE EFFECT JANUARY 1, 2010

Every year, new laws go into effect in California that impact California hotels, restaurants, and other hospitality businesses. The following is a list of recently-enacted laws that take effect on January 1, 2010. Also included here are other recently-enacted laws that are already in effect. Businesses should already be complying with these new laws.

Anti-Entrapment Drains for Swimming Pools (AB 1020) - Beginning January 1, 2010, all newly constructed hotel, motel, and other “public pools” in California must be equipped with anti-entrapment drain covers that comply with the applicable ASME/ANSI performance standard. Public swimming pools constructed prior to January 1, 2010 shall have until July 1, 2010 to be fully retrofitted to comply with these requirements. Once proper construction or retrofitting is completed, the pool owner has 30 days to file a completed compliance certificate with the local environmental health department.

California Lead Plumbing Law (AB 1953) - Beginning January 1, 2010, all plumbing fixtures newly installed in California that dispense or convey water for human consumption must be “lead free.” This means that every newly installed faucet, water fountain, bubbler, pot filler, and any other fixture that delivers water for cooking or drinking must be “lead free” in California starting in 2010. Note that the new law does not regulate existing fixtures that are already installed.

New Federal I-9 Form - Effective August 7, 2009, the new federal form I-9, which was revised and circulated by the Department of Homeland Security, must be completed when hiring employees in California.

E-Verify Required for Federal Contractors - As of September 8, 2009, federal contractors and sub-contractors must use the Internet-based E-Verify system to ensure the eligibility of all new employees to work in the United States.

New Family & Medical Leave Act Benefits - New federal legislation effective October 28, 2009 expanded the definition of “qualifying exigency” so that more employees with a spouse, son, daughter, or parent in the regular Armed Forces, National Guard, or Reserves are now eligible for federal FMLA benefits. In addition, the new legislation expands the “military caregiver” entitlement so that any “spouse, son, daughter, parent, or next-of-kin” is now allowed to take up to 26 weeks of unpaid leave in a single 12-month period to care for an injured service member.

Civil Air Patrol Leave (AB 485) - Beginning January 1, 2010, California employers with more than 15 employees must provide not less than 10 days per year of additional leave to employees who are volunteer members of the Civil Air Patrol.

Alternative Workweek Flexibility (ABx2 5) - Beginning January 1, 2010, employers may offer a regular schedule of 5 workdays of 8 hours each as one option in a menu of workweek options. In addition, if multiple options were approved in a flexible workweek vote, the new law allows employees to switch more frequently (weekly) between the approved options.

Increase in Payroll Withholdings (AB 17) - Effective November 1, 2009, California employers must increase payroll withholdings by 10% for all employee wages. In addition, withholding rates for employee supplemental wages and for stock option and bonus payments that constitute wages were also increased (to 6.6% and 10.23%, respectively).

Hospital Workplace Violence (AB 1083) - Effective January 1, 2010, all hospitals licensed in the State of California are required to conduct an annual safety and security assessment aimed at protecting employees from workplace violence.

Workers' Compensation for Employees Killed or Injured by Third Parties (AB 1093) - Beginning on January 1, 2010, if an employee is killed or injured by a third party in the course of the employee's employment, and the third party killed or injured the employee because of that employee's race, religion, disability, sex, or sexual orientation, no "personal connection" or "personal relationship" shall be deemed to exist which would deny benefits to the injured employee.

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