



# Human Resources Committee

JAN 14, 2016

Palm Springs, CA

What is the most devastating thing  
that can happen to your company?

Threats

Workplace Violence

Fighting

Weapons in the Workplace



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WHAT ARE YOU DOING  
TO PROTECT  
YOURSELF,  
YOUR EMPLOYEES,  
AND  
YOUR CUSTOMERS?



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# Let's Start with Good Policies

## Fighting, Horseplay, Threats And Weapons Policy

- The following conduct is **STRICTLY PROHIBITED**:
  - Fighting, verbal threats or threatening conduct.
  - Horseplay (e.g., arm-wrestling, wrestling, kicking, slapping, strength contests, etc.), practical jokes or arguments.
  - The possession of any type of weapon or ammunition on Company property.
- Any employee found to have engaged in or promoted such misconduct will be subject to discipline up to and including immediate termination.



# Let's talk *REALITY*

## That's just a piece of paper....

- Be consistent in enforcement of Policies.
- Take every threat seriously!
  - Establish a good relationship with law enforcement; utilize the for “KTP”
    - Discipline & Termination Situations
  - Restraining Orders
- Situational Awareness - Constant Vigilance!



# Weapons in the Workplace?

- Standard policy is no weapons in the workplace...
- Recently, more employers asking for policies to allow concealed carry at work...



# Weapons in the Workplace?

- Some states have laws that prohibit an employer from prohibiting legal concealed or open carry in the workplace...  
check your state laws!



# Key Points to Remember:

- Have good policies
- Consistently enforce those policies
- Take all threats seriously!
- Have a good relationship with law enforcement
- Consider restraining orders
- Be aware and have a plan for responding to violence and threats!





# California Tech Pay Update

## AB1513

- Remember *DTLA Motors & Bluford???*
- *DTLA Motors*
  - Flat rate does not pay for non-productive time – Min Wage for “downtime”
- *Bluford*
  - Must pay Min Wage for Rest Periods



# California Tech Pay Update

AB1513

*Codified DTLA Motors & Bluford!!!*

- If paying “piece-rate” (i.e., flat/flag rate):
  - Must pay separately for **non-productive** time
  - Must track and show on pay stub the:
    - Non-productive hours
    - Rate at which you are paying for those hours
    - Gross wages for non-productive time
  - Separately paying min wage for all hours worked is considered compliant and no pay stub changes.



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# California Tech Pay Update

AB1513

*Codified DTLA Motors & Bluford!!!*

- If paying “piece-rate” (i.e., flat/flag rate):
  - Must pay separately for **rest period** time
  - Must track and show on pay stub the:
    - Rest period hours
    - Rate at which you are paying for those hours (greater of Min. Wage OR “Regular Rate”)
    - Gross wages for rest period time



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# California Tech Pay Update

AB1513

## What is the Rest Period “Regular Rate”?

- Rest Periods must be paid at the GREATER of the applicable minimum wage (Tool Rule?) OR the average hourly rate for all hours worked, excluding rest periods.
- The calculation:
  - Total Compensation for the Workweek, not including overtime or compensation earned for rest periods  
*DIVIDED BY*
  - Total clock hours worked, not including rest periods



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# California Tech Pay Update

AB1513

## What about the “Safe Harbor” in the Statute?

There is a “Safe Harbor” provision that allows an employer to potentially avoid certain liability created by this new law

...

**BUT**

It is extremely complicated and fraught with hidden pitfalls.  
It is too much to go into here...



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# California Tech Pay Update

AB1513

## Key Points to Remember:

- IF you are paying piece-rate, in whole or in part, you need to comply with this new law!
- Compliance requires paying separately for:
  - Non-productive time (don't try...)
  - Rest Periods (remember the funky formula)
- Make sure you include correct data on pay stubs!
- CONTACT ME for compliant Pay Plan & Calculator!
- Get competent legal counsel before considering the “safe harbor”



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Thank You!  
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