



Managing Impacts of New Employment Laws For Charter Schools in 2020

LET'S GET YOUR CHECKLIST STARTED!

AB 5: EMPLOYEE OR INDEPENDENT CONTRACTOR?

Effective January 1, 2020, AB 5 sets forth a strict statutory presumption which mandates charter schools to classify service providers, vendors, and/or contractors as employees unless a three-part test can be passed. Misclassification of employees as independent contractors can result in serious negative consequences, including wage and hour violations and other legal liability. Charter schools should review all independent contractor positions and consult with legal counsel on compliance with the new law.

AB 1505: CHANGE IN CREDENTIALING REQUIREMENTS?

In addition to several new restrictions on charter school formation, renewal, and hiring, AB 1505 requires all charter school teachers to meet professional fitness standards and obtain a Certificate of Clearance no later than July 1, 2020. It also eliminates the flexibility in the law for charter school use of non-credentialed teachers with a small but important exception for certain current charter school employees.

NEW MINIMUM WAGE LAW: ARE YOUR EMPLOYEES PROPERLY CLASSIFIED AS EXEMPT?

On January 1, 2020, the California minimum wage increased to \$12 or \$13/hour (based on employer size). This increase impacts hourly/nonexempt employees and raises the minimum salary amount that must be paid to exempt employees to maintain their "exempt" status. Charter schools must carefully review all employee wages for compliance. Failure to meet the minimum wage and exempt salary requirements may result in violations of wage and hour laws and significant liability.

SB 778: ARE YOU PREPARED FOR THIS TRAINING DEADLINE?

While employers are currently required to provide sexual harassment prevention training to all employees, SB 778 extends the timeline for providing sexual harassment prevention training to non-supervisory employees until January 1, 2021. Charter schools should ensure that all personnel are appropriately trained in advance of this deadline.

If you should have any questions regarding this update, please contact a member of our labor and employment team at the Law Offices of Young, Minney & Corr, LLP at (916) 646-1400, or find us on the web at www.mycharterlaw.com.

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