New Employment Laws That Will Affect California Veterinary Hospitals in 2012

The following laws go into effect January 1, 2012:

1. **Pregnancy Disability Leave:** SB 299, “Employment: Pregnancy or Childbirth Leave,” requires all employers with five or more employees who provide health insurance to continue to maintain and pay for health coverage under a group health plan for an eligible female employee who takes Pregnancy Disability Leave (PDL) up to a maximum of four months in a 12-month period. The health coverage should be maintained “at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.”

2. **Willful Misclassification of Independent Contractors:** SB 459, “Employment: Independent Contractors,” provides new penalties of between $5,000 to $25,000 for the “willful misclassification” of independent contractors. SB 459 defines a “willful misclassification” as “avoiding employee status for an individual by voluntarily and knowingly misclassifying that individual as an independent contractor.” Employees that work full-time, exclusively for one business, use the businesses equipment and supplies, and do not contract work out under their own business entity are employees, not independent contractors.

3. **Notice of Pay Details:** AB 469, “Employees: Wages,” requires employers to provide non-exempt employees, at the time of hire, a notice that specifies:
   a. The rate of pay and the basis, whether hourly, salary, piece commission or otherwise, including any overtime rate;
   b. Allowances, if any, claimed as part of the minimum wage, including meal and lodging allowances;
   c. The regular pay day designated by the employer as required under the Labor Code;
   d. The name of the employer, including any “doing business as” names;
   e. The physical address of the employer’s main office or principal place of business and any mailing address, if different;
   f. The telephone of the employer; and
   g. The name, address and telephone number of the employer’s workers’ compensation carrier.

4. **Gender Expression:** AB 887 amends the FEHA to further define “gender” to include both gender identity and “gender expression” and to make clear that discrimination on either basis is prohibited. AB 887 also amends the Government Code relating to dress codes to include that an employee must be allowed to dress consistently with both the employee’s gender identity and gender expression.

For questions about these new laws, contact Dr. Grant Miller at 916-649-0599.

The CVMA has an updated employee posting set which is current for 2012. Order yours today at www.cvma.net, Products.

By-laws Changes in the Works

In 2009 at their Vision Planning meeting the CVMA Board of Governors created a Governance Task Force and charged them with the following:

1. To explore redistricting Board and House representation, including a review of how members are represented, both geographic and non-geographic
2. To evaluate the application process to become a member of the Board of Governors

The Task Force met several times over the last year-and-a-half and came up with the following recommendations that the Board approved at the October 28, 2011 meeting:

1. The Board of Governors (BOG) shall have 15 members.
2. Eleven members shall be elected from the nine districts as described in the bylaws.
3. An additional four Governors shall serve at-large and shall be nominated by the Leadership Development Committee (LDC).
4. The LDC shall be responsible for promoting, identifying and helping choose leaders for the CVMA.
5. Using appropriate Association resources, the LDC shall educate CVMA members about service in the CVMA, maintain a database of potential leaders, accept applicants for the At-Large BOG positions and evaluate/nominate At-Large BOG candidates for final Board approval.
6. The current 10 districts were changed to 9 to reflect a more equitable representation for each district.

The changes have been referred to the Ways & Means Committee to write the language for the bylaws. The new by-laws will then be printed in California Veterinarian before going to the Board for a final vote. We will keep you updated on the process.