

From: Ruji <ruji@letstalkpoly.com>
Sent: Monday, February 09, 2015 5:39 PM
To: minwageinfo@oaklandnet.com
Subject: Minimum Wage Law

Dear Sirs,

My name is Ru Ji Li, the office manager at Siu's Products & Distributor Inc. We are a manufacture in Oakland for over 35 years. Currently we have 18 employees. I have read the information about the new minimum wage law in City of Oakland which will be effective from March 02, 2015.

In order to comply to the new law we need some assistance by getting more detailed information for us to understand the law better. Is there someone we can consult or just email our questions to this email address and one of your staff will get back to us?

Your early response is highly appreciated!

Sincerely Yours,

--

Ru Ji Li
700 Kevin Court,
Oakland, CA 94621
T: (510)382-1700 Ext: 103
F: (510)382-1800
Toll Free: 866-913-8326
ruji@letstalkpoly.com
siusproducts.com

From: Jacquelyn Grillo <grillo.jacquelyn@gmail.com>
Sent: Monday, February 09, 2015 5:20 PM
To: minwageinfo@oaklandnet.com
Subject: Re: Minimum Wage

My question is still not being answered. If my wage is currently higher than minimum wage, will it go up in March or not?

Sent from my iPhone

On Feb 9, 2015, at 3:58 PM, <minwageinfo@oaklandnet.com> <minwageinfo@oaklandnet.com> wrote:

If employees make the minimum wage then the employer is complaint with the minimum wage. However, employees must also be paid sick leave of 1 hour for every 30 hours worked, which can be capped at 40 hours for small business with 10 or fewer employees and 72 for all other employers.

-----Original Message-----

From: Jacquelyn Grillo [<mailto:grillo.jacquelyn@gmail.com>]
Sent: Fri 2/6/2015 7:06 PM
To: minwageinfo@oaklandnet.com
Subject: Re: Minimum Wage

?Hi,

Thank you for getting back to me so quickly. I was actually wondering if this effects people who currently make an hourly wage that is more than the minimum? Or if it just? effects the people who are currently earning less than the minimum wage?

I was reading the FAQ and didn't see an answer.

Thank you, I greatly appreciate it!

Jackie Grillo
Salon Director
77 Salon
www.77saloninc.com

5358 College Ave
Oakland, CA 94618
510.601.7776

1629 Park St.
Alameda, CA 94501
510.521.7707

On Fri, Feb 6, 2015 at 4:14 PM, <minwageinfo@oaklandnet.com> wrote:

> The ordinance effects any employee who works in the city of Oakland for
> more than two hours in a particular work week. Please see attached and let
> me know if you have any further questions.

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> Thank you,
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> -----Original Message-----
> From: Jacquelyn Grillo [<mailto:grillo.jacquelyn@gmail.com>]
> <grillo.jacquelyn@gmail.com>
> Sent: Fri 2/6/2015 1:54 PM
> To: minwageinfo@oaklandnet.com
> Subject: Minimum Wage
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> going up in March. Does this affect hourly wages as well? Or just those who
> currently earn the minimum?
>
> Thank you!
>
>
>

From: Tom Gosselin <Tom@teraokalaw.com>
Sent: Tuesday, February 10, 2015 9:33 AM
To: minwageinfo@oaklandnet.com
Subject: RE: Have you developed an employee notice model like Labor Commissioner did for CA Paid Sick Leave law (Attached)?

Thank you! Sorry for confusion. I was looking for an "employee" notice (that is required by the ordinance upon hire), akin to the Labor Commissioner 2810.5 Anti Wage Theft Notice. But I understand that the notice for posting can work for individual notice as well.

Many thanks!

Tom

From: minwageinfo@oaklandnet.com [mailto:minwageinfo@oaklandnet.com]
Sent: Tuesday, February 10, 2015 10:13 AM
To: Tom Gosselin
Subject: RE: Have you developed an employee notice model like Labor Commissioner did for CA Paid Sick Leave law (Attached)?

Sorry for the confusion. The use of the term "sample" was purposeful. Employers do not need to use the City's official postings, and instead they can create their own. However, if they choose to use the City's Official Notice, there is a presumption under the law that the notice is adequate. The Notices are clearly on the City websites. Hopefully this clears up any confusion.

-----Original Message-----

From: Tom Gosselin [mailto:Tom@teraokalaw.com]
Sent: Mon 2/9/2015 11:38 AM
To: minwageinfo@oaklandnet.com
Subject: RE: Have you developed an employee notice model like Labor Commissioner did for CA Paid Sick Leave law (Attached)?

Hi Oakland Team Member!

Any update (on yellow matter below)?

Many thanks!

Tom Gosselin

From: minwageinfo@oaklandnet.com [mailto:minwageinfo@oaklandnet.com]
Sent: Friday, February 06, 2015 5:25 PM
To: Tom Gosselin
Subject: RE: Have you developed an employee notice model like Labor Commissioner did for CA Paid Sick Leave law (Attached)?

We will look into this issue and get back to you on Monday.
Thank you.

-----Original Message-----

From: Tom Gosselin [mailto:Tom@teraokalaw.com]
Sent: Fri 2/6/2015 11:32 AM

To: minwageinfo@oaklandnet.com<<mailto:minwageinfo@oaklandnet.com>>; Katz, Alex
Subject: Have you developed an employee notice model like Labor Commissioner did for CA Paid Sick Leave law (Attached)?

Thank you!

I went to below but nothing there:

26. Does an employer need to provide notice of an employee's rights under the Paid Sick Leave Measure?

A: Yes. Employers must give written notice to current employees and to new employees at the time of hire of his/her rights.

The notice must be in all languages spoken by more than ten percent (10%) of the employees and shall be posted prominently in work areas that can be seen by all employees.

You may access the City's sample notice at <http://www.oaklandbac.com>.

Tom

Thomas M. Gosselin
Teraoka & Partners LLP
San Francisco Office
One Embarcadero Center

Suite 1020
San Francisco, CA 94111

Tel: 415-517-7700 Direct
Fax: 415-981-0222
tgosselin@teraokalaw.com<<mailto:tgosselin@teraokalaw.com>>
www.teraokalaw.com<<http://www.teraokalaw.com>>

Palo Alto Office
350 Lytton Avenue

Los Angeles Office
Century Park Plaza

San Francisco Office
One Embarcadero Center

Second Floor
Palo Alto, CA 94301

1801 Century Park East
Suite 2400
Los Angeles, CA 90067

Suite 1020
San Francisco, CA 94111

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[cid:_1_09190F50091905D40077853385257884]

From: Ruji <ruji@letstalkpoly.com>
Sent: Tuesday, February 10, 2015 12:09 PM
To: minwageinfo@oaklandnet.com
Subject: Re: Minimum Wage Law

Thank you for your prompt reply. We have the following questions:

1. The new minimum wage law is going to be effective from March 02, 2015; does this mean all employers will have to increase employees minimum wage to \$12.25 per hour if their current hourly rate is below \$12.25 per hour starting from March 02, 2015? Who can be exempt from this new law?
2. Since the federal minimum wage rate; the California state minimum wage rate; the city of Oakland minimum wage rate are different. As an employer in the city of Oakland which one we will follow?
3. If new hired employees under training period which we usually will train them for a period of two weeks or three weeks before they can perform their work properly, during their training period does the employer still need to pay them the minimum wage of \$12.25 per hour?
4. If new hired employees under their probation (90 calender days) does the employer need to pay them the minimum wage of \$12.25 per hour?
5. The law require the employer to offer up to 72 hours of paid sick leave to eligible employees. Does the law require the employer to offer employees paid holidays and paid vacations? For my understanding the paid holidays and paid vacations are optional for employers.

Looking forward to having the information which will answer our questions.

Thank you,

On 2/10/2015 9:17 AM, minwageinfo@oaklandnet.com wrote:

> Please email your questions.

>

>

> -----Original Message-----

> From: Ruji [<mailto:ruji@letstalkpoly.com>]

> Sent: Mon 2/9/2015 5:39 PM

> To: minwageinfo@oaklandnet.com

> Subject: Minimum Wage Law

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> address and one of your staff will get back to us?
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> Your early response is highly appreciated!
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> Sincerely Yours,
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F: (510)382-1800
Toll Free: 866-913-8326
ruji@letstalkpoly.com
siusproducts.com

minwageinfo@oaklandnet.com

From: Nisha Gnanamuthu <nisha@ecovote.org>
Sent: Tuesday, February 10, 2015 12:13 PM
To: minwageinfo@oaklandnet.com
Subject: Sample Minimum Wage Notice to Employees

Hello,

Can you provide a sample letter regarding the minimum wage increase that we can send to our employees?

Thanks,
Nisha

Nisha M. Gnanamuthu
Administrative Manager
California League of Conservation Voters
350 Frank H. Ogawa Plaza, Suite 1100
Oakland, California 94612
tel: 510.271.0900 x307
direct: 510.844.0227
fax: 510.271.0901
nisha@ecovote.org

From: Jacquelyn Grillo <grillo.jacquelyn@gmail.com>
Sent: Tuesday, February 10, 2015 1:30 PM
To: minwageinfo@oaklandnet.com
Subject: Re: Minimum Wage

Hi,

Is there someone else who I can talk to? It seems like we're not understanding each other.

Sent from my iPhone

On Feb 10, 2015, at 9:15 AM, <minwageinfo@oaklandnet.com> <minwageinfo@oaklandnet.com> wrote:

The minimum wage will be \$12.25 on March 2, 2015. That is what employers will be required to pay. If this does not answer your question, you may want to seek legal advice.

-----Original Message-----

From: Jacquelyn Grillo [<mailto:grillo.jacquelyn@gmail.com>]
Sent: Mon 2/9/2015 5:19 PM
To: minwageinfo@oaklandnet.com
Subject: Re: Minimum Wage

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Sent from my iPhone

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> Jackie Grillo

> Salon Director
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>> From: Jacquelyn Grillo [<mailto:grillo.jacquelyn@gmail.com>

>> <grillo.jacquelyn@gmail.com>]

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From: Lupe Rocha <lupe@lafincatortillas.com>
Sent: Tuesday, February 10, 2015 3:51 PM
To: minwageinfo@oaklandnet.com
Subject: Questions....

Good morning-

I have a small business in the City of Oakland, I will like to ask some questions regarding the new minimum wage that goes into effect in March 2, 2015 the questions are as follow:

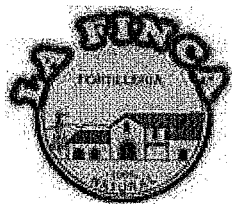
- Our current company policy gives employees 40 hours paid leave upon completion of one year of service and 80 hours paid leave for employees with two year plus (as long as you work for the company)of service with the company. Will that be considered pay leave under the new city of Oakland sick leave policy? If not, can we remove or modify that policy and set up as paid sick leave?
- How much time an advance can we allowed an employee to give us notice for them not coming into work due to sickness? (We are a manufacturing company that depend on workers to be at work on time to start production.)
- I have employees that are getting paid 12.25 hour they been working for our company for three years, how can I address the situation when that employee ask us why is the new employee receiving the same pay as me when I have been here longer? How can I approach that situation reminding you that we are a small family owned company and we cannot afford to pay more?

Lupe Rocha

La Finca Tortilleria, Inc

510-261-6600 P

510-261-6603 F



minwageinfo@oaklandnet.com

From: Tom Gosselin <Tom@teraokalaw.com>
Sent: Wednesday, February 11, 2015 10:58 AM
To: minwageinfo@oaklandnet.com
Subject: Follow-up question re Paid Sick Leave
Attachments: LC FAQs_Summary of new Sick Leave law_12-9-2014.pdf

Hi again,

Last question (I think).

Any guidance of the minimum amounts that an employer require administratively to track use of Paid Sick Leave for less than a full day absence (that is, a partial absence). I could find nothing in the ordinance, the sample Notice or in the City Attorney FAQs.

In this regard, I note under the recent CA Paid sick leave law, the new Labor Code section 246(j) expressly states:

LC section 246 (j):

An employee may determine how much paid sick leave he or she needs to use, provided that an employer may set a reasonable minimum increment, not to exceed two hours, for the use of paid sick leave.

And the Labor Commissioner incorporates subpart (j) in its FAQs at p4:

Q: What can I use sick leave for?

A: You can take paid leave for you or a family member for preventive care or care of an existing health condition or for specified purposes if you are a victim of domestic violence, sexual assault or stalking. Family members include the employee's parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Preventive care would include annual physicals or flu shots. For partial days, your employer can require you to take at least two hours of leave, but otherwise the determination of how much time is needed is left to the employee.

Thank you again!

Tom

Thomas M. Gosselin
Teraoka & Partners LLP
San Francisco Office
One Embarcadero Center
Suite 1020
San Francisco, CA 94111

Tel: 415-517-7700 Direct
Fax: 415-981-0222
tgosselin@teraokalaw.com
www.teraokalaw.com

Palo Alto Office
350 Lytton Avenue
Second Floor
Palo Alto, CA 94301

Los Angeles Office
Century Park Plaza
1801 Century Park East
Suite 2400

San Francisco Office
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Suite 1020
San Francisco, CA 94111

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Please consider the environment before printing this email.

[http://www.dir.ca.gov/dlse/Paid Sick Leave.htm](http://www.dir.ca.gov/dlse/Paid_Sick_Leave.htm)

[as of December 9, 2014]

Frequently Asked Questions

About California's New Paid Sick Leave law (AB 1522)

ELIGIBILITY FOR PAID SICK LEAVE UNDER THE NEW LAW

Q: When does the new law take effect?

A: The state's new sick leave law takes effect January 1, 2015. However, the right to accrue and take sick leave under this law does not take effect until July 1, 2015.

Q: How do I qualify for paid sick leave?

A: An employee qualifies for paid sick leave by working for an employer on or after January 1, 2015, for at least 30 days within a year in California and by satisfying a 90 day employment period (which works like a probationary period) before an employee can actually take any sick leave.

Q: What if I work less than 30 days in California within a year?

A: If you work less than 30 days in California within a year you are not entitled to be paid sick leave under this new law.

Q: What if I work more than 30 days in California within a year but less than 90 days?

A: The 90 day period works like a probationary period. Although you begin to accrue paid sick leave on July 1, 2015, or your first day of employment if you are hired after July 1, 2015, if you work less than 90 days for your employer, you are not entitled to take paid sick leave.

Q: When am I entitled to take paid sick leave?

A: A qualifying employee begins to accrue paid sick leave beginning on July 1, 2015, or if hired after that date on the first day of employment. An employee is entitled to use (take) paid sick leave only after meeting the qualifications for paid sick leave (addressed in the previous three questions/responses) and accruing enough paid sick leave time to use for one of the stated purposes of the law.

Q: Why does the law take effect January 1, 2015 if I don't begin accruing until July 1, 2015?

A: The different dates are a result of the general effective dates of new legislation (on January 1 following enactment of the law) and the way the law was drafted making some of its provisions operative on a specified date (July 1, 2015). Both the qualifying periods that determine which employees are eligible for paid sick leave and the employee notice required by Labor Code 2810.5 become effective on January 1, 2015, but the law provides that entitlement does not begin until July 1, 2015.

Q: Does paid sick leave apply to all employees who work in California?

A: An employee who works at least 30 days within a year in California, including part-time, per diem, and temporary employees, are covered by this new law with some specific exceptions. Providers of publicly-funded In-Home Supportive Services (IHSS) are exempt. Employees covered by collective bargaining agreements with specified provisions are exempt, as are individuals employed by an air carrier as a flight deck or cabin crew member, if they receive compensated time off at least equivalent to the requirements of the new law. .

Q: What if I am employed by a staffing agency?

A: Temporary employees of a staffing agency are covered by the new law. Therefore, whoever is the employer or joint employer is required to provide paid sick leave to qualifying employees.

HOW DO QUALIFYING EMPLOYEES ACCRUE AND TAKE PAID SICK LEAVE

Q: If I qualify, how much paid sick leave am I entitled to take and be paid for?

A: Starting July 1, 2015, employees will earn at least one hour of paid leave for every 30 hours worked. That works out to a little more than eight days a year for someone who works full time. But employers can limit the amount of paid sick leave you can take in one year to 24 hours (three days).

Q: How is the year measured?

A: Because paid sick leave accrues beginning on July 1, 2015 or the first day of employment if hired after July 1, 2015, the 12 month period will vary by hire date for those employees hired after July 1, 2015. Therefore, the measurement will mostly be tracked by the employee's anniversary date.

Q: Can my employer provide paid sick leave to me prior to July 1, 2015?

A: Yes. An employer may elect to advance sick leave to an employee before it is accrued, but there is no requirement for an employer to do so under this law.

Q: Why does the law let me accrue more time than I could use in a year?

A: Accrual, carryover, and use are all distinct concepts. Accrual is based on the number of hours an employee works; the amount carried over to the next year may be subject to a cap if the employer establishes a cap by policy; and finally, use may be limited to 3 days per year.

EMPLOYER POLICIES CAN PROVIDE MORE PAID SICK LEAVE BUT NOT LESS

Q: What happens when an employer has its own Paid Time Off (PTO) plan?

A: The new law establishes a minimum requirement, but an employer can provide sick leave through its own plan or establish different plans for different categories of workers. However, each plan must satisfy the accrual, carryover, and use requirements of the law or put the full amount of leave into your leave bank at the beginning of each year in accordance with the PTO policy. If an employer provides a policy which exceeds the minimum requirements, including providing a specific cap, the policy must be clear as to the additional terms that apply to their employees.

Q: How does an employer satisfy the provision for putting the full amount of leave into my leave bank under the alternative “up-front” (or advance) method for providing paid sick leave?

A: An employer must have a paid leave policy that satisfies the same purposes required by the new law and must provide no less than 24 hours or three days of paid sick leave for an employee to use each year. Therefore, the full amount of accrued leave must be available to the employee at the beginning of the 12 month period. For initial hires, however, the employee must still meet the 90 day employment requirement prior to taking any paid sick leave.

Q: Under the accrual method, can I carry over unused sick leave from one year to the next?

A: Yes, but an employer can limit or cap the amount of sick leave an employee may accrue to 6 days or 48 hours.

Q: My employer provides paid time off which I can use for vacation or illness. Will my employer have to provide additional sick leave?

A: No, as long as your employer provides at least 24 hours per year of paid leave that can be used for health care and meets other requirements in the law.

Q: My company offers unlimited time off. How does the new law affect me?

A: Most employers with this new but growing policy do not track how much time employees take off or for what reason. However, the new law requires that employers separately track sick leave accrual and use.

FOR WHAT PURPOSES CAN AN EMPLOYEE TAKE PAID SICK LEAVE

Q: What can I use sick leave for?

A: You can take paid leave for you or a family member for preventive care or care of an existing health condition or for specified purposes if you are a victim of domestic violence, sexual assault or stalking. Family members include the employee's parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Preventive care would include annual physicals or flu shots. For partial days, your employer can require you to take at least two hours of leave, but otherwise the determination of how much time is needed is left to the employee.

Q: Do I have to give notice that I need to take my paid leave?

A: Employers must permit the employee to use the paid sick leave upon an oral or written request, and the law forbids requiring an employee to find a replacement as a condition for using leave. If the need is foreseeable the employee must give reasonable advance notice, but where the need is unforeseeable the employee need only give notice as soon as practicable.

Q: If I leave my job, can I cash out my unused sick days, like I can with vacation and paid time off?

A: No, not unless your employer's policy provides for a payout. But if you leave your job and get rehired by the same employer within 12 months, you can reclaim what you had in your leave bank.

PAYMENT AND TRACKING OF EARNED AND TAKEN LEAVE

Q: When I take paid sick leave, will I get paid as I normally do for the applicable pay period?

A: The new law requires that an employer provide payment for sick leave taken by an employee *no later than* the payday for the next regular payroll period after the sick leave was taken. This does not prevent an employer from making the adjustment in the pay for the same payroll period in which the leave was taken, but it permits an employer to delay the adjustment until the next payroll. For example, if you did not clock in for a shift and therefore were not paid for it but utilized your paid sick leave, your employer would have to pay you not later than the following pay period and account for it in the wage stub or separate itemized wage statement for that following regular pay period.

Q: How much will I get paid?

A: You must be paid at your regular hourly rate. If your pay fluctuates - for example, if you get a commission or piece rate - your employer will divide your total compensation for the previous 90 days by the number of hours worked and pay you that rate.

Q: How will I know how much sick leave I have accrued?

A: Employers must show, on your pay stub or a document issued the same day as your paycheck, how many days of sick leave you have available. Employers also must keep records showing how many hours you earned and used for three years. This information may be stored on documents available to employees electronically.

Q: How does the new law fit in with local sick leave ordinances?

A: For employees subject to local sick leave ordinances, the employer will have to comply with both the local and California laws, which may differ in some respects. For each provision or benefit, the employer will have to provide whichever is more generous to the employee.

REQUIRED INFORMATION TO BE PROVIDED TO EMPLOYEES

Q: How will I learn of my rights to paid sick leave from my employer?

A: Beginning January 1, 2015, employers are required to post in a conspicuous place at the workplace, a poster containing the following information: (1) that an employee is entitled to accrue, request, and use paid sick days; (2) the amount of sick days provided for and the terms of use of paid sick days; (3) that retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited; and (4) that an employee has the right under this law to file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against an employee. The new law required the Labor Commissioner to develop such a poster, and it is now available on the Labor Commissioner's website.

Second, after January 1, 2015, employers are required to provide most employees with an individualized Notice to Employee (required under Labor Code section 2810.5) that includes paid sick leave information. A revised Notice to Employee form (available to employers for download at DLSE's website) must be used for employees hired after January 1, 2015, and is optional for use prior to the January 1, 2015 effective date. Use of the revised form prior to January 1, 2015, will be deemed compliant with the new requirement as of January 1, 2015; otherwise, for employees hired prior to January 1, 2015, the employer is required to provide a revised Notice to Employee or otherwise inform each employee of the information regarding paid sick leave within 7 days of the change, using any of the alternative methods specified in Labor Code section 2810.5(b).

Q: How will I know if my employer's policy has different terms from the paid sick leave law?

A: The state law providing for paid sick leave creates minimum standards for paid sick leave. Employers may use their existing policies so long as the specific policy complies with the minimum requirements of the law. Where the employer provides additional terms (e.g., creates caps on maximum use or accruals above the minimums), they must inform employees of those additional terms. The revised Notice to Employee form has a check box to inform an employee of an employer's own policy that meets or exceeds the requirements of the new law. To avoid misinformation or misunderstanding regarding an employer's specific paid leave policy, employers are encouraged to ensure that employees are made fully aware of the terms and

conditions of their specific policy which provides any additional paid sick leave terms. Although the notice requirements of Labor Code section 2810.5 do not apply to employees who are exempt from the payment of overtime, employees who are exempt from the payment of overtime are covered by this new paid sick leave law.

December 2014

Healthy Workplace Healthy Family Act of 2014 (AB 1522)



An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment, is entitled to paid sick leave. Employees, including part-time and temporary employees, will earn at least one hour of paid leave for every 30 hours worked. Accrual begins on the first day of employment or July 1, 2015, whichever is later.

Exceptions: Employees covered by qualifying collective bargaining agreements, In-Home Supportive Services providers, and certain employees of air carriers are not covered by this law.

An employer may limit the amount of paid sick leave an employee can use in one year to 24 hours or three days. Accrued paid sick leave may be carried over to the next year, but it may be capped at 48 hours or six days.

Usage

- An employee may use accrued paid sick days beginning on the 90th day of employment.
- An employee may request paid sick days in writing or verbally. An employee cannot be required to find a replacement as a condition for using paid sick days.
- An employee can take paid leave for employee's own or a family member for the diagnosis, care or treatment of an existing health condition or preventive care or for specified purposes for an employee who is a victim of domestic violence, sexual assault or stalking.

Employers

There are several things employers must do to comply with the Healthy Workplace Healthy Family Act of 2014 (AB 1522).

- Display poster on paid sick leave where employees can read it easily.
- Provide written notice to employees with sick leave rights at the time of hire.
- Provide at least 24 hours or three days of paid sick leave for each eligible employee to use per year.
- Allow eligible employees to use accrued paid sick leave upon reasonable request.
- Show how many days of sick leave an employee has available. This must be on a pay stub or a document issued the same day as a paycheck.
- Keep records showing how many hours have been earned and used for three years.

Retaliation or discrimination against an employee who requests or uses paid sick days is prohibited. An employee may file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee for exercising these rights or other rights protected under the Labor Code. Local offices are listed on our website at <http://www.dir.ca.gov/dlse/DistrictOffices.htm>.

minwageinfo@oaklandnet.com

From: Lupe Rocha <lupe@lafincatortillas.com>
Sent: Wednesday, February 11, 2015 11:42 AM
To: minwageinfo@oaklandnet.com
Subject: RE: Questions....

Ok thanks for your fast respond.

I did not receive the attachment for frequent asked questions. Can you please send it. We will really appreciate your help.

Thanks,
Lupe

From: minwageinfo@oaklandnet.com [mailto:minwageinfo@oaklandnet.com]
Sent: Wednesday, February 11, 2015 10:48 AM
To: Lupe Rocha
Subject: RE: Questions....

Attached are Frequently Asked Questions(FAQs). If this is not sufficient to answer your question, you may want to seek legal advise.

If an employer has a paid leave policy, such as a PTO or vacation policy, that makes available to employees paid leave that may be used for the same purposes specified in the Measure (or for any purpose) and the policy is sufficient to meet the Measure's requirements for paid sick leave accrual, then an employer is not required to provide additional paid sick leave.

Yes. Employers can require employees to give reasonable notice of the need to take paid sick leave.

What is reasonable depends on the specific situation. An employer's policies or practices should not be so onerous that they deter employees from legitimate use of paid sick leave.

Employers may only take reasonable measures to verify or document that an employee's use of paid sick leave is lawful. They cannot require an employee to incur expenses in excess of \$5.00 in order to show his/her eligibility to take paid sick leave.

How you handle employee complaints is not for the City to answer.

-----Original Message-----

From: Lupe Rocha [mailto:lupe@lafincatortillas.com]
Sent: Tue 2/10/2015 3:50 PM
To: minwageinfo@oaklandnet.com
Subject: Questions....

Good morning-

I have a small business in the City of Oakland, I will like to ask some questions regarding the new minimum wage that goes into effect in March 2, 2015 the questions are as follow:

* Our current company policy gives employees 40 hours paid leave upon completion of one year of service and 80 hours paid leave for employees with two year plus (as long as you work for the company)of service with the company. Will that be considered pay leave under the new city of Oakland sick leave policy? If not, can we remove or modify that policy and set up as paid sick leave?

* How much time an advance can we allowed an employee to give us notice for them not coming into work due to sickness? (We are a manufacturing company that depend on workers to be at work on time to start production.)

* I have employees that are getting paid 12.25 hour they been working for our company for three years, how can I address the situation when that employee ask us why is the new employee receiving the same pay as me when I have been here longer? How can I approach that situation reminding you that we are a small family owned company and we cannot afford to pay more?

Lupe Rocha

La Finca Tortilleria, Inc

510-261-6600 P

510-261-6603 F

From: Kathy Doyle <drdoyle@ymail.com>
Sent: Wednesday, February 11, 2015 12:05 PM
To: minwageinfo@oaklandnet.com
Subject: Re: service charges

Thank you for your quick reply.

Kathy Doyle, D.C.

400 40th St. Ste.C
Oakland,CA 94609
510-601-6325
doyledc.com

From: "minwageinfo@oaklandnet.com" <minwageinfo@oaklandnet.com>
To: Kathy Doyle <drdoyle@ymail.com>
Sent: Thursday, February 5, 2015 4:02 PM
Subject: RE: service charges

1. I assume that all employees in Oakland, even servers who get tips, have a base pay of \$12.25/hr and tips are on top on that.

Oakland's minimum wage applies to all employees who work at least two (2) hours in a particular week in the geographic boundaries of the city of Oakland.

2. If a service charge is collected, can it be split equally among all workers, or does it have to go to just the server?

We cannot provide legal advice on Measure FF so please refer to the current FAQs. If you have ongoing questions, you may want to consult a lawyer.

3. 3. Can it be split unequally, for example 50% to servers, 25% to cooks, 15% to bussers and 10% to dishwashers?

We cannot provide legal advice on Measure FF so please refer to the current FAQs. If you have ongoing questions, you may want to consult a lawyer.

4. 4. Can it be paid weekly or biweekly with the worker's paycheck or does it have to be paid daily? Please refer to Section IV. 7

5. 5. Can an owner take any portion of it if they are also serving
No. Please refer to Section IV. 6.

-----Original Message-----

From: Kathy Doyle [mailto:drdoyle@ymail.com]
Sent: Wed 2/4/2015 6:40 PM
To: minwageinfo@oaklandnet.com
Subject: service charges

I have several questions about the service charge portion of the new minimum wage law. 1. I assume that all employees in Oakland, even servers who get tips, have a base pay of \$12.25/hr and tips are on top on that. Correct? 2. If a service charge is collected, can it be split equally among all workers, or

does it have to go to just the server?3. Can it be split unequally, for example 50% to servers, 25% to cooks, 15% to bussers and 10% to dishwashers?4. Can it be paid weekly or biweekly with the worker's paycheck or does it have to be paid daily?5. Can an owner take any portion of it if they are also serving, for example. I ask these questions, well, because it's kind of confusing. Also, I'll bet that a lot of restaurants are thinking of putting a service charge on their menu to cover the minimum wage increase. But that won't work. They just have to raise their prices if they want more money, correct?Thank you.

Kathy Doyle, D.C.

400 40th St. Ste.C
Oakland, CA 94609
510-601-6325doyledc.com

From: Dawnette Coltrin <Dcoltrin@gso.com>
Sent: Wednesday, February 11, 2015 3:18 PM
To: minwageinfo@oaklandnet.com
Subject: Sick Pay - Wages Question

We have employees who rate of pay changes daily due to piece-work pay. Can we use the Oakland minimum wage as the employee's hourly rate since Employee will be guarantee the minimum wage rate?

11. At what rate does an employer pay out paid sick leave when he/she chooses to use it?

A: For hourly employees, employers pay out sick leave at their regular hourly rate. Employers should use the rate in existence at the time the employee takes the paid sick leave. For exempt employees, employers must follow state and federal law to determine how much is owed to the employee.

Dawnette Coltrin

Benefits Administrator

800-322-5555 Ext 5349

Cell: 510-205-7856

*Golden State Overnight – Orange County Office
Region 09*



minwageinfo@oaklandnet.com

From: Mary Barr <marypbarr@outlook.com>
Sent: Thursday, February 12, 2015 8:32 AM
To: minwageinfo@oaklandnet.com
Subject: New min wage and sick leave

Are the employees who work at the airport, who work for an airline subcontractor covered under this new ordinance?

thanks,
Mary

From: Alana Turner <aturner@westcoastcc.org>
Sent: Thursday, February 12, 2015 11:29 AM
To: minwageinfo@oaklandnet.com
Subject: Paid Sick Leave: what happens when employee is promoted?

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

What happens if we have a part time employee who accrues sick leave under this law, then we hire that same employee to a full time position in which they would be eligible for PTO (our current PTO policy is more generous than the sick leave policy)? Would that employee lose the sick leave that they had already accrued? Would they lose it right away, or would they have a certain amount of time after their promotion to use the sick leave, and then they would lose it?

I know you don't have to pay out the accrued sick leave upon the employee's separation of employment, but technically the employee is not separating from the company, they are just ending the position in which they were entitled to sick leave (and moving into a position that is entitled to a better time-off policy).

Thanks!

~Alana

--

Alana Turner
Staff Accountant
WestCoast Children's Clinic
3301 E.12th Street, Suite 259
Oakland, CA 94601
PH: 510-698-3854
FX: 510-698-3869

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From: Tom Gosselin <Tom@teraokalaw.com>
Sent: Friday, February 13, 2015 10:16 AM
To: Tom Gosselin; minwageinfo@oaklandnet.com
Subject: Follow-up question re Paid Sick Leave-2d Request

Any update on below Team? Many thanks!

Tom

Thomas M. Gosselin
Teraoka & Partners LLP
San Francisco Office
One Embarcadero Center
Suite 1020
San Francisco, CA 94111

Tel: 415-517-7700 Direct
Fax: 415-981-0222
tgosselin@teraokalaw.com

From: Tom Gosselin
Sent: Wednesday, February 11, 2015 11:58 AM
To: 'minwageinfo@oaklandnet.com'.
Subject: Follow-up question re Paid Sick Leave

Hi again,

Last question (I think).

Any guidance of the minimum amounts that an employer require administratively to track use of Paid Sick Leave for less than a full day absence (that is, a partial absence). I could find nothing in the ordinance, the sample Notice or in the City Attorney FAQs.

In this regard, I note under the recent CA Paid sick leave law, the new Labor Code section 246(j) expressly states:

LC section 246 (j):

An employee may determine how much paid sick leave he or she needs to use, provided that an employer may set a reasonable minimum increment, not to exceed two hours, for the use of paid sick leave.

And the Labor Commissioner incorporates subpart (j) in its FAQs at p4:

Q: What can I use sick leave for?

A: You can take paid leave for you or a family member for preventive care or care of an existing health condition or for specified purposes if you are a victim of domestic violence, sexual assault or stalking. Family members include the employee's parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Preventive care would include annual physicals or flu shots. For partial days, your employer can require you to take at least two hours of leave, but otherwise the determination of how much time is needed is left to the employee.

Thank you again!

Tom

Thomas M. Gosselin
Teraoka & Partners LLP
San Francisco Office
One Embarcadero Center
Suite 1020
San Francisco, CA 94111

Tel: 415-517-7700 Direct
Fax: 415-981-0222
tgosselin@teraokalaw.com
www.teraokalaw.com

Palo Alto Office
350 Lytton Avenue
Second Floor
Palo Alto, CA 94301

Los Angeles Office
Century Park Plaza
1801 Century Park East
Suite 2400
Los Angeles, CA 90067

San Francisco Office
One Embarcadero Center
Suite 1020
San Francisco, CA 94111

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Please consider the environment before printing this email.

minwageinfo@oaklandnet.com

From: Gena Lawrence <genalawrence@aol.com>
Sent: Friday, February 13, 2015 10:53 AM
To: minwageinfo@oaklandnet.com
Subject: wage increase

Hi, I was wondering how I could learn more about this new law - rate increase and sick leave. I have a pre-school in Rockridge with a staff of 6. Do I fall under this? I don't live in Oakland so I had not heard of this vote.
I only have one person at \$12.00 and I am happy to raise to 12.25. Sick leave is paid for everyone but the 12.00 person who is just hourly at 4 hours per day, per 4 days a week. How much sick leave do they get?
Thanks and please let me know if I am not clear.
Gena

Gena Lawrence
Founder/Administrator
My Own Montessori
5723 Oak Grove Ave.
Oakland, CA 93618
www.myownmontessori.com
genalawrence@aol.com

minwageinfo@oaklandnet.com

From: Melin, Sarah <Sarah.Melin@yoh.com>
Sent: Friday, February 13, 2015 1:03 PM
To: minwageinfo@oaklandnet.com
Subject: Sick Leave Question: Rehire Policy

Importance: High

Hello,

In the new sick leave mandate are there any requirements surrounding rehires such as do we have to reinstate any unpaid, unused balance upon rehire within a certain time frame? If so, do they need to undergo the 90 day probationary period again or is it immediately available to them to use?

SARAH MELIN

SENIOR GENERALIST, HUMAN RESOURCES
YOH, A DAY & ZIMMERMANN COMPANY

D 215.299.8238

C 215.495.5123

F 215.299.2354

A 1500 Spring Garden Street
Philadelphia, PA 19130

W yoh.com



minwageinfo@oaklandnet.com

From: Tacos Sinaloa <taquerasinaloa1@gmail.com>
Sent: Monday, February 16, 2015 9:23 PM
To: minwageinfo@oaklandnet.com
Subject: Measure FF information request

Hi,

I am emailing requesting any information available to Oakland employers. I watched the video of the last meeting held on February 10, 2015 in the video it was mentioned letters, packets and posters available to oakland business and a letter sent out in December that was never received.

I would appreciate any print information available and upcoming information meeting dates sent to

Taqueria Sinaloa
2138 International Blvd
Oakland Ca 94606
Guadalupe Bueno owner

Thank You!
Marlem Bueno
510-325-5069

From: Michelle Mayer <mmayer@epssac.com>
Sent: Tuesday, February 17, 2015 11:05 AM
To: minwageinfo@oaklandnet.com
Subject: Oakland Paid Sick Leave Questions

Importance: High

Hi there,

I am working on revising our policies in an effort to comply with the City of Oakland's paid sick leave Measure FF. My company is not in the hospitality industry, as we are a land economic consulting firm. Our employees are also compensated more than the new minimum wage requirement set forth by the City of Oakland, so the questions I have pertain strictly to the paid sick leave ordinance.

- Based on the information above do I need to post all 3 of the notices in our Oakland break room, or just the minimum wage and sick leave ordinance notices as the hospitality service charge does not pertain to our firm?
- Is posting the notices sufficient, or does each Oakland employee need to receive the notice? If they need to receive the notice is it sufficient to email it or does it need to be printed and distributed?
- If we were to convert to a PTO policy and offer 192 hours of PTO at the minimum amount of time offered does that meet the requirements of the Oakland sick leave ordinance?
- If we convert to a PTO policy we would need to make sure and pay out all PTO at the time of a separation, we could not designate hours within a PTO policy as sick time hours to avoid paying them out, correct?

Thank you,

Michelle Mayer
Human Resources/Benefits Administrator

Economic & Planning Systems (EPS)
2295 Gateway Oaks Dr. Ste. 250
Sacramento, CA 95833
T 916-649-8010
<http://www.epsys.com>

