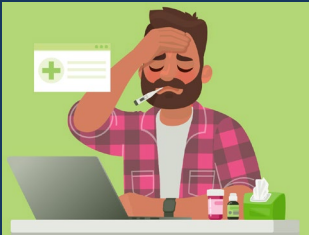


Pending Legislative Updates

AB 995:

Bill to Expand Paid Sick Days



Assemblywoman Lorena Gonzalez (D-San Diego) introduced her Assembly Bill 995 dealing with the accrual and use of paid sick days. This bill would amend Section 246 of the Labor Code and increase paid sick days from 24 hours (3 days) to 40 hours (5 days). Additionally, the proposed bill would increase accrual cap from 48 hours (6 days) to 80 hours (10 days).

AB 95:

Bill to Provide Bereavement Leave

Assemblyman Evan Low (D-Campbell) introduced his Assembly Bill 95, which would create a bereavement leave program which would require employers with 25 or more employees to grant request of up to 10 business days of unpaid bereavement leave and up to 3 business days for less than 25 employees.



Reflecting on Juneteenth: Enhancing Diversity and Inclusion in the Workplace

Juneteenth is not just Black history; it is American history. Over the past year, in the wake of countrywide Black Lives Matter protests, many U.S. organizations have taken to acknowledging Juneteenth, or June 19, the anniversary of the day in 1865 when the last group of enslaved Black Americans were freed by Union troops. Some have offered a paid company holiday for all employees; others, an extra floating holiday to use on Juneteenth or another day, an event to celebrate Juneteenth with Black Employee Resource Groups or learning sessions for all staff. However, many Black and other POC employees feel that designating the day as a federal holiday falls short of its potential. Companies can approach Juneteenth in a way that significantly enhances their diversity, equity, and inclusion work. This anniversary is a tangible opportunity to amplify understanding of the unique experience of Black Americans and serve as a catalyst for conversations about intersectionality.

Organizational Opportunity

When celebrating Juneteenth this year and going forward, we recommend taking four steps to make it a DEI (diversity, equity, and inclusion)-enhancing experience for your organization.



1. Make it Personal. Many of us have spent the last year hearing advice on how to educate yourself about DEI topics such as racial injustice in the workplace. While this is a foundational step that everyone should take, it's time to move beyond general awareness to personal action. Leaders should reflect and share how their personal and family histories, experiences, values, and identities connect to these events. For example, if you are just understanding the importance of Juneteenth, take it as an opportunity to be vulnerable and share what you have learned with your team. Then go a step further by inviting conversation with your teams. You might be surprised how much employees engage, either relieved they are not the

only ones who had not previously recognized the holiday

2. Expand the Message. Juneteenth is not only a celebration of freedom, but also one of opportunity, equity, and access. That must not be lost. According to Coqual (formerly the Center for Talent Innovation), Black professionals occupy just 3.2% of senior leadership roles at large U.S. companies and just 0.8% of all Fortune 500 CEO positions. June 19 events also present an opportunity for companies to reckon and wrestle with their own DEI goals with an eye to access and advancement for professionals of color. It is a time to think harder about supporting and recruiting through historically Black colleges and universities (HBCUs), tribal colleges and universities (TCUs), and Hispanic-serving institutions (HSIs) as well as racial identity-based professional organizations.

3. Enhance the Meaning. Make Juneteenth and other cultural holidays meaningful in the workplace, we challenge organizations and employees to utilize this time off to advance their knowledge and deepen their awareness. Companies might suggest or sponsor visits to one of the more than 160 Black/African-American museums, sites, and cultural centers across the nation, distribute critical texts that detail the United States' legacy of systemic racism and oppression, or encourage participation in local Juneteenth celebrations and patronage of Black businesses in your cities/communities.

4. Honor Intersectionality. There is room for everyone at the DEI table, and when we advocate for change, it inherently raises all the boats creating a more inclusive environment for all. At the same time, we should recognize that people have multiple identities, not just based on race and gender but also sexual orientation and even backgrounds and interests, such as being a veteran, immigrant, artist, or fitness enthusiast. Any DEI event should celebrate the fact that we all bring many different perspectives to our workplaces. Be thoughtful about celebrating Juneteenth (or Pride or any other day relevant to a non-majority group) in a way that allows people to still feel like they can be their authentic and complex selves.

COVID-19 Vaccination Programs

On May 28, 2021, The EEOC issued additional guidance regarding mandating vaccines and vaccine incentive programs on their [Frequently Asked Questions \(FAQ\)](#) page. The EEOC reiterates that the federal EEO laws do not prevent an employer from requiring all employees physically entering the workplace to be vaccinated for COVID-19, subject to religious and disability-related employee exemptions.

The EEOC suggests the following as accommodations for employees not vaccinated due to valid exemptions: "an unvaccinated employee entering the workplace might wear a face mask, work at a social distance from coworkers or non-employees, work a modified shift, get periodic tests for COVID-19, be given the opportunity to telework, or finally, accept a reassignment."



Additionally, The EEOC noted that an employer may provide incentives to employees who can demonstrate that they received a COVID-19 vaccination from a third party because it is not a disability-related question. It may also provide an incentive to employees for voluntarily receiving a vaccination that the employer or its agent administers. However, for the employer program, the EEOC points out the incentive should not be "so substantial as to be coercive" as a very large incentive would put pressure on employees to disclose medical information. (FAQ, E. 17.) These employee incentives are legal under GINA as long as the employer does not acquire genetic information.

Cal/OSHA Relaxes Workplace Mask Requirements

Fully vaccinated workers in California are no longer required to wear masks in many circumstances, according to the California Division of Occupational Safety and Health's (Cal/OSHA's) latest revisions to COVID-19 safety rules. But some restrictions remain in place, particularly for unvaccinated workers. Cal/OSHA updated the state's [COVID-19 Prevention Emergency Temporary Standards \(ETS\)](#) on June 17, and Gov. Gavin Newsom [signed an executive order](#) to allow the revisions to take effect immediately.

New Mask Rules

Employers must document inoculation status before allowing fully vaccinated employees to go mask-free while indoors, according to Cal/OSHA. Employers should note that the California Department of Public Health still requires employees in certain indoor settings to wear a face mask regardless of vaccination status, including; on public transit, in K-12 educational facilities, in health care and long-term-care settings and in correctional and detention facilities and shelters. Additionally, employers must adhere to special requirements during a COVID-19 outbreak, which is defined as three or more cases in an exposed group of employees. During outbreaks, all employees must wear face coverings indoors and outdoors when six-foot physical distancing cannot be maintained, regardless of vaccination status per Cal/OSHA.

While unvaccinated employees no longer have to wear masks in many outdoor settings, Cal/OSHA still requires them to wear face coverings when indoors and in vehicles unless they are alone, eating or drinking, or require an accommodation. Employers may have to find an alternative to face masks when job duties make wearing a mask infeasible or hazardous. Employers are required to provide face coverings to unvaccinated employees and "upon request" to vaccinated workers.

Continuing Obligations

Despite more-relaxed requirements under the revised ETS, Cal/OSHA said employers must continue to:

- Maintain a written COVID-19 prevention program.
- Provide employee training on the prevention plan and employees' rights under the ETS.
- Notify public health departments about COVID-19 outbreaks.
- Notify employees about workplace exposures and close contacts.
- Offer testing after potential exposures.
- Respond to COVID-19 cases and outbreaks.
- Pay employees who are excluded from the workplace for certain COVID-19-related reasons.
- Follow basic prevention requirements for employer-provided housing and transportation.

Additionally, employers should review the revised rules carefully and determine how they apply to their particular workplace. Employers that want to relax COVID-19 safety protocols in the workplace must first have a clear understanding of all the COVID-19 rules that apply to their businesses. Employers should also be aware of their employees' comfort level with relaxing workplace safety protocols. A phased approach to relaxing protocols may be advisable for maintaining employee morale or avoiding resistance to policy changes.

Nagele-Piazza, L (2021, June). Cal/OSHA Relaxes Workplace Mask Requirements. Retrieved from <https://www.shrm.org/ResourcesAndTools/legal-and-compliance/state-and-local-updates/Pages/CalOSHA-Relaxes-Workplace-Mask-Requirements.aspx>

California Minimum Wage Updates Effective July 1, 2021

Jurisdiction	Minimum Wage Rate
Alameda	\$15.00/hour
Berkeley	\$16.07/hour + Consumer Price Index ("CPI")
Emeryville	\$16.84/hour + CPI
Fremont	\$15.00/hour + CPI (26 or more employees), \$15.00/hour (1-25 employees)
Los Angeles (City and Unincorporated Areas of County)	\$15.00/hour
Malibu	\$15.00/hour
Milpitas	\$15.40/hour + CPI
Novato	\$15.24/hour (100 or more employees), \$15.00/hour (26-99 employees), and \$14.00/hour (1-25 employees)
Pasadena	\$15.00/hour
San Francisco	\$16.32/hour + CPI
South San Francisco	\$15.24/hour
San Leandro	\$15.00/hour
Santa Monica	\$15.00/hour
Santa Rosa	\$15.20/hour

*As of July 1, 2021, the City of Los Angeles will make no distinction between smaller or midsize businesses. Only one minimum wage rate applies.

PRIDE 2021

4 Ways to Make Your Workplace Equitable for Trans People

1. Do your own research instead of asking intrusive questions. It's natural to be curious about experiences that are different from your own. However, that doesn't make it appropriate to ask intrusive personal questions, especially at work. So, if you have questions about what it's like to be trans, consider turning to books, videos, podcasts and other resources created by trans educators, rather than placing the burden on your transgender friends or coworkers.

Looking for a place to start? Try [these](#) recommended books and podcasts.



2. Be intentional about your language and correct mistakes. Perhaps the most common question is how to handle pronouns — and, more specifically, what to do if you hear someone misgender a coworker.

Chase Strangio, the deputy director for Trans Justice with the ACLU LGBT & HIV Project, recommends checking in with the misgendered person before acting. "And then, if that the person is struggling and needs support, then I think it can and should be a very simple and straightforward intervention," says Strangio. A simple correction, such as "So-and-so uses they/them pronouns," should do the trick.

Of course, correcting someone at work can feel awkward, scary and even rude. Keep in mind that it is ultimately ruder to misgender someone, or to let that mistake go unacknowledged, than it is to quickly remind someone of your coworker's pronouns. Especially, if you have institutional power within your organization. Strangio also recommends incorporating trainings and/or the use of email signature pronouns to institutionalize practices and create systems of accountability.

And what if you are the person who misgenders your coworker? The secret is to correct yourself quickly and move on.

3. Actively acknowledge and address inequities in your workplace. Many cis people probably can't imagine going an entire day without access to a restroom. But that's the reality for many trans and gender nonconforming people across the country. It's vital to look beyond inclusion and push for true equity. Otherwise, workers with marginalized identities may always be struggling to secure the same basic rights that other employees may take for granted.

4. Work as a team to create change. Making your work environment equitable takes teamwork. Cis people can contribute to an environment that is conducive and friendly towards trans people, but at the same time, they should involve and consult with trans people.

Consider bringing in a professional trans consultant, who can help you make sure that your workplace is truly equitable. Advocating for change can be challenging and intimidating, so there is no shame in asking for help.

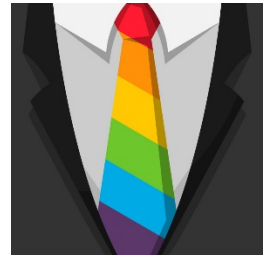
Pride at Work: Supporting your LGBTQ+ Team Members

June is LGBTQ Pride month, chosen to commemorate the Stonewall Riots that took place in New York City on June 28th, 1969, in response to police violence against LGBTQ people. One year later, demonstrators organized a march down Christopher Street to celebrate "Gay Pride" — a protest that has evolved into the Pride marches that can today be seen in communities around the world.

It wasn't until last Pride month, June 2020, that the Supreme Court ruled that that U.S. workers cannot be fired for being homosexual or transgender. However, at-will employment still gives employers opportunities to fire employees for nearly any other reason they wish to give except for race, religion, sex or national origin. And research suggests that LGBTQ workers often still face discrimination at work.

According to a recent survey of LGBTQ professionals by LinkedIn, 25% of out respondents say they have been intentionally denied career advancement opportunities (such as promotions and raises) because of their identity. A significant 31% of out respondents say they have faced blatant discrimination and microaggressions in the workplace. The majority of those polled, 54% of managers and 52% of employees, say that their company should offer educational opportunities and bias training.

Beyond harassment and discrimination, many LGBTQ workers also report being unsatisfied with how they feel their organization supports — or rather, does not support — the LGBTQ community.



So, what can businesses do to demolish career barriers, reduce workplace discrimination, and better support employees who identify as LGBT in the workplace?

- **Develop a Clear Mission for Supporting LGBT in the Workplace.** Communicate a clear mission to all of your employees, including managers and senior staff, through education and diversity training about your inclusion policies and strategies for supporting LGBT employees.
- **Offer LGBT-Friendly Benefits.** Benefits packages and non-discrimination clauses are some of the most important considerations for job seekers, yet can unintentionally exclude LGBTQ families and transgender individuals. Offer equal benefits to all employees, regardless of their sexual orientation, including parental leave, adoption leave, and time off to take care of dependents. Remember, gendered language can cause parental benefits to unintentionally exclude LGBTQ families. Make your benefits inclusive of all employees by being conscious of what words you use in your coverage and favoring gender-neutral terms.
- **Connect with your Centrality HR Team.** Your team is available to provide training resources for you and your staff. We are also available to assist with policy creation and strategic planning to make your workplace LGBTQ inclusive.

Training of the Month

We offer a wide variety of web training courses through our training portal, ThinkHR. Courses vary in length and cover an array of topics including workplace safety, diversity, and harassment prevention. The full course catalog is available upon request. All courses are offered at a rate of \$10 per participant.

Below is one of our available courses. Please reach out to your Centricity team for more information on this or any courses that interest you.

Retaining Your Talent Pool



Employee retention remains a critical issue that no corporation is immune to. For a company to remain successful and competitive, it must keep its biggest assets – its people – engaged and committed for the long term. It's a known fact that even the most lucrative compensation plan alone is not enough to keep your much-needed employees from moving on, so your organization must utilize successful strategies for retaining employees. This course provides you with an overview of employee retention strategies. This course also covers employee engagement, including identifying and enhancing engagement drivers, measuring engagement, and executing an engagement strategy.

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Q&A Corner



One of our employees has disclosed to me that they are trans and

has asked to be addressed as female. How can we best be supportive of them?

First, let this employee know that you support her and ask her how she defines support, i.e., what support she would like to receive. Then ensure she receives fair and equal treatment in the workplace. Trans individuals are often the victims of workplace harassment. According to the National Center for Transgender Equality, more than one in four transgender people have lost a job due to bias, and more than three-fourths have experienced some form of workplace discrimination.

You can also support your trans employee by stressing your commitment to equal employment and related protections. Affirm her right to express her gender freely and without discrimination. Use her correct pronouns and new name if she's chosen one. Encourage her to choose what restroom she wants to use. And ask her what details she'd like shared with her colleagues and whether she'd like her email and other company profiles updated.

You won't be able to modify legal documents like the I-9 unless she legally changes her name, but you can ask her if she'd like changes made to any non-legal documents. You do not need, and she should not have to provide, any medical or legal documentation of her gender identity.

If you or she have concerns about discrimination, it might be beneficial to remind employees about your prohibitions on harassment, relevant company policies, equal employment opportunity, and expected behavior. You might also consider adding a transgender-inclusive policy in your handbook.

Can we require or allow certain groups of employees, but not others, to work from home?



Yes. Employers may offer different benefits or terms of employment to different groups of employees as long as the distinction is based on nondiscriminatory criteria. For instance, a telecommuting option or requirement can be based on the type of work performed, employee classification (exempt v. nonexempt), or location of the office or the employee. Employers should be able to support the business justification for allowing or requiring certain groups to telecommute.

HRPros (2021, June) Q&A Stream. Retrieved from <https://centricity.myhrsupportcenter.com/app/landing/20/show/list>

How do we report non-binary employees on the EEO-1 form?

The current EEO-1 form only provides a male or female option, but there is comment box you can use to report data for non-binary employees by job category and race/ethnicity. The comment box appears on the certification page in the EEO-1 Component 1 Online Filing System. The EEOC asks that you preface this data with the phrase, "Additional Employee Data." For example, to report a non-binary white administrative assistant, you would type, "Additional Employee Data: 1 non-binary gender employee in Job Category Administrative Support Workers; Race/Ethnicity: White (Not Hispanic or Latino)." In the future, the EEOC may add an option for easily reporting non-binary employees.

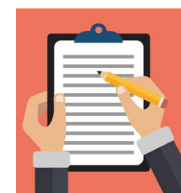


Can we share employee vaccination status with managers so they can enforce any policies based on that information, such as masking and social distancing?

Yes. Obviously, managers will need this information if they are expected to enforce vaccination-dependent policies, and employers should train them on how they should be enforcing the policies and how and when to escalate issues to HR or a higher level of management. However, you should not share this information any more widely than necessary. Vaccination status is medical information that must be kept confidential. While anonymized information is okay to share widely—e.g., "80% of our employees are vaccinated!"—each employee's vaccination status should be treated as confidential, even if the fact that they are wearing a mask to work seems to reveal their status publicly.

Can I ask applicants if they need a reasonable accommodation to perform the job?

No, for the most part asking an applicant whether they need an accommodation would constitute a pre-employment disability inquiry, which is prohibited under the Americans with Disabilities Act (ADA). Prior to making an offer of employment, you should only ask whether the applicant can perform the essential functions of the job with or without accommodation. You can and should, however, describe the physical demands of the job (e.g., regularly lifting up to 30 pounds) as well as the physical layout of the workspace in both job postings and job descriptions. Doing that will enable potential applicants to determine for themselves whether the job is something they can physically do.



However, be careful not to exaggerate the physical requirement of the job—doing this will limit your candidate pool and could be discriminatory if the requirement is not job-related and consistent with business necessity.