

# SDRMA Safety/Claims Education Day at the CSDA Annual Conference

**On** Wednesday, October 12, 2016, the SDRMA Board of Directors were pleased to welcome CSDA Annual Conference attendees to their annual breakfast and the awarding of the SDRMA Safety Awards. The recipients were presented the Safety Awards by SDRMA Board President David Aranda. The 2016 Safety Award recipients were:

**Earl F. Sayre Excellence in Safety Award Recipients – Property/Liability Program**



Cayucos Sanitary District  
Small Member Category



Northstar Community Services District  
Large Member Category

**McMurchie Excellence in Safety Award Recipients – Workers’ Compensation Program**



Big Bear Area Regional Wastewater Authority  
Small Member Category

Bear Valley Community Services District  
Large Member Category (*not pictured*)



After the awards were presented the attendees enjoyed SDRMA’s Guest presenter Kai Kight.

Kai is an innovative violinist, composer, and speaker who has inspired thousands to reach their own creative potential. He brings his message to conferences, companies, and organizations across the world.

With a diverse background, Kai holds an engineering degree from Stanford University’s design school and as a violinist has performed in venues including the White House and the Great Wall of China. Get Ready for 2017! Several new laws expand employee protections for 2017.



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## Fair Pay

Last year, significant amendments were made to California’s equal pay laws to address gender wage inequality. This year, two new bills expand California’s fair pay laws.

**SB 1063** expands the Fair Pay Act beyond gender wage inequality to address racial/ethnic wage disparity. The legislation prohibits an employer from paying any of its employee’s wage rates that are less than the rates paid to employees of another race or ethnicity for substantially similar work. In addition, **AB 1676** specifies that, under the Fair Pay Act, prior salary cannot, by itself, justify any disparity in compensation. The law is intended to “help ensure that both employers and workers are able to negotiate and set salaries based on the requirements, expectations, and qualifications of the person and the job in question, rather than on an individual’s prior earnings, which may reflect widespread, long-standing, gender-based wage disparities in the labor market.”

## Harassment Prevention Training

**AB 1661** requires local agency officials, including local elected officials, to receive sexual harassment prevention training and education whenever those officials receive any type of compensation, salary or stipend. By creating a specific training requirement for these officials, this law resolves any ambiguity over whether local elected officials are considered supervisory employees subject to California’s mandatory sexual harassment prevention training requirements.

Under AB 1661, local officials must undergo two hours of training within six months of taking office or starting employment and every two years thereafter. Local agencies must consult with the city attorney or the county counsel when developing the training. The requirements for this training differ from requirements under AB 1825 training.

## All-Gender Restrooms

Beginning March 1, 2017, all single-user toilet facilities in any business establishment, place of public accommodation or government agency must be identified as “all-gender” toilet facilities. The new law, **AB 1732** also authorizes inspectors or other building or local officials responsible for code enforcement to inspect for compliance.

## Paid Family Leave Benefits

Beginning January 1, 2018, **AB 908** increases the amount of paid family leave benefits an employee can receive to either 60 percent or 70 percent of earnings, depending on the employee’s income. Currently, employees may receive 55 percent of earnings. Under the new law, there still will be a maximum weekly benefit limit on the amount received. Effective January 1, 2018, the new law will also remove the current seven-day waiting period that exists before an employee is eligible to receive PFL benefits.

## Domestic Violence, Sexual Assault and Stalking Protections

**AB 2337** requires employers with 25 or more employees to provide employees with written notice about the rights of victims of domestic violence, sexual assault and stalking to take protected time off for medical treatment or legal proceedings. A required form must be given to all new employees when hired and to current employees upon request. The Labor Commissioner is required to develop the form on or before July 1, 2017. Employers are not required to comply with this notice requirement until the Labor Commissioner posts the new form on its website.

## Indoor Heat Illness

**SB 1167** requires Cal/OSHA, to propose a heat-illness and injury prevention standard for indoor workers by January 1, 2019. SB 1167 does not specify what provisions will be included in the new rule or what types of

workplaces will be covered — potentially the new rule could include all indoor workplaces, including air conditioned offices. Employers will be able to offer comments during a rulemaking process.

## Driving

**AB 1785** clarifies rules relating to the use of wireless electronic devices while driving. The legislation reaffirms the general ban on using such devices, but amends existing law to authorize drivers to use their hand to activate or deactivate a feature or function of the device with a single swipe or tap, as long as the device is mounted so as not to hinder the driver’s view of the road.

## Workers’ Compensation

Several bills relating to workers’ compensation were signed into law in 2017:

- **SB 1160 and AB 2503:**
  - Make changes to the utilization review process with respect to injuries occurring on or after January 1, 2018.
  - Require regulations to be adopted to provide employees with notice that they may access medical treatment outside the workers’ compensation system following the denial of their claim.
  - Make changes regarding liens filed after January 1, 2017.
  - Amend the reporting and request for authorization requirements for physicians who attend to ill or injured employees.
- **AB 1244** requires prompt suspensions of physicians, practitioners or providers from participating in the workers’ compensation system if the individual meets certain criteria; for instance, if the individual was convicted of any felony or misdemeanor involving abuse of the Medi-Cal or Medicare programs or the workers’ compensation systems.

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## Managing Risk [continued]

- **AB 2883** clarifies when owners or officers of businesses may be excluded from workers' compensation laws.
- **SB 914** deletes the authorization to use the American College of Occupational and Environmental Medicine as a standard for independent medical reviews.
- **SB 1175** requires providers to submit bills for medical services to the employer within one year of the date of service.

### Public Works and Prevailing Wages

A number of new laws relate to public works and prevailing wages. Employers who provide services or construction work on public works projects for the government or public-sector entities must pay the prevailing wage, which is usually significantly higher than the minimum wage.

The bills include:

- **AB 326:** Requires the Department of Industrial Relations to release funds held pending a prevailing wage determination back to the contractors who deposited them within 30 days after the conclusion of the proceeding or receiving written notice from

the Labor Commissioner of final disposition. Interest must be included.

- **AB 1926:** Requires employers to pay apprentices who are dispatched to perform work on public works projects and required to undergo pre-employment activities, such as testing or training, the prevailing wage for the time spent on the pre-employment activity, including travel time.
- **SB 954:** Limits the ability for a non-union contractor to receive a credit for certain payments made against the prevailing wage. Specified prevailing wage benefit payments are allowed only if made by an employer "obligated under a collective bargaining agreement."

On behalf of the Board of Directors and staff of SDRMA we would like to wish everyone a happy and safe Holiday Season.

For more information or to submit questions, please contact SDRMA Chief Risk Officer Dennis Timoney at 800.537.7790 or [dtimoney@sdrma.org](mailto:dtimoney@sdrma.org). ^

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SDRMA 2016



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