

The Communicator

T H E C A L I F O R N I A M O V I N G & S T O R A G E A S S O C I A T I O N

Congress Passes Stop-Gap Extension on Federal Highway Funding

Current DRIVE Act Sections that Impact Household Goods Carriers

By: Dan Veoni, *American Moving & Storage Association*

On July 31, Congress passed a three-month, stop-gap highways and transit extension that keeps the federal aid highways and transit programs operating until October 29. The bill included \$8 billion in budgetary offsets that should keep the Highway Trust Fund afloat until the end of the calendar year. This likely sets up a scenario where the programs will be extended yet again until the end of the calendar year while both chambers hash out a long-term 3- to 6-year reauthorization bill.

The Senate voted 65–34 to approve its \$45 billion six-year bill, which funds federal highway and other surface transportation infrastructure projects for just three years. The ball is now in the House’s court for them to move their version of a long-term bill. House Transportation and Infrastructure Chairman Bill Shuster indicated that his committee plans to mark up a bill by the end of September. But the chairman and House leadership have made it clear they have no intention of taking up the Senate’s bill as their own.

Below is a breakdown of the sections of the DRIVE Act, as passed by the Senate, which survived behind-the-scenes negotiations and are most pertinent to household goods carriers:

Section 32502, Grants to States: Rewrites the Motor Carrier Safety Assistance Program (MCSAP), which is the program that provides funding to states to enforce federal motor carrier safety regulations, to allow States to use their MCSAP funding to enforce “household goods

regulations on intrastate and interstate carriers if the State has adopted laws or regulations compatible with the Federal household goods regulations” (p. 463). Currently, states are not allowed to use their MCSAP funding to enforce federal or state HHG regulations. If a state wanted to use MCSAP funding to enforce HHG regulations, it would have to include those activities in its state plan.

Section 32606, Household Goods Consumer Protection Working Group: Establishes an HHG consumer protection working group, which would produce recommendations that reduce the paperwork burden on consumers going through an interstate move. This section is one of AMSA’s legislative agenda items.

Section 32001, Correlation Study: Requires a study of the CSA program by the National Academy of Sciences (NAS). The study will analyze CSA’s ability to identify high-risk carriers and drivers, and correlation between the scores and future crash risk. FMCSA is then required to submit a corrective action plan that implements solutions to problems identified in the NAS report.

Section 2301, Minimum Insurance Requirements: Requires FMCSA to initiate a rulemaking to increase minimum insurance requirements if they find there are a significant number of crashes not covered by the current minimums. The removal of this section would allow FMCSA to move forward with their proposed increases of the insurance minimums.



Chairman's Corner

By: Patrick Longo

The summer, just like the year, has been moving at warp speed. If you're anything like me, you just can't seem to catch your breath between juggling family and a busy work schedule. It is important to take a step back once in awhile and focus on what's important and not dwell on all of the negative aspects of the daily grind. I know it's easier said than done, but we are in a very challenging business, and it is our job to try and stay calm under pressure and not overreact. Just know at the end of the day, it always seems to work out.

Speaking of important things, I had a chance to watch the opening ceremonies of the Special Olympics World Games being held right here in Los Angeles. Every one of those incredible athletes, parents and volunteers really seem to have life figured out. I listened to Jamaal Charles speak about how he was a Special Olympics athlete growing up because of his

learning disabilities and is now a star running back in the NFL for the Kansas City Chiefs. Then, I heard a story about a beautiful young athlete who was adopted into the U.S. at an early age, competing not only as a disabled athlete but also as a cancer patient. Her only message was: "All she wants to do is compete" and everything else doesn't matter.

It's important we take away these inspirational messages and incorporate them into our business and personal life. They really have the ability to keep things simple and be incredibly productive at the same time. I have never been more proud of my involvement in the CMSA and our Special Olympics foundation as we now are able to see firsthand how we are able to affect so many lives with our hard work raising money for our athlete sponsor every year. Thank you all for your continuing efforts with this charity through your chapter fundraisers.

Finally, our fall chapter meetings and fundraisers are just around the corner. Now is the time to start finding ways to recruit new members into our moving fraternity. If you have a relationship with another local mover or vendor in your area, invite them to your next chapter

(Chairman's Corner cont. on page 4)



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President's Comments

By: Steve Weitekamp

As mentioned in the July issue of this publication, the National Council of Moving Associations met in early summer. Part of this valuable program was a conference call with the membership of the National Conference of State Regulator Specialists (think state regulatory enforcement staff). During the call, it was discovered that Craigslist.org had taken down the consumer warning notice information on each of its regional sites. This warning was a useful resource for consumers that cared enough to do a little research into the process of selecting a mover. One of the critical elements of the notice was the fact that it was an "above the line" Craigslist post, which meant that the post did not move based upon time and date of posting, and could not be flagged or removed by anyone other than Craigslist staff. These are important distinctions that anyone who has attempted to use Craigslist will immediately understand.

We sent an email to CPUC leadership and advised them of several facts about Craigslist's mover listings warning post that should be as much of a concern to them as it is to us:

"Back in 2008, Moira Simmerson and Paul Wuerstle from the CPUC negotiated an arrangement with Craig Newmark, the founder of Craigslist.org, to have a CPUC warning about illegal operators and a link to the CPUC website posted on its listings page of movers in California. Recently, it was brought to our attention that this warning and link has disappeared from the Craigslist listings page."

In the email, we attached a copy of the CPUC statement that had originally been posted on Craigslist. On behalf of CMSA members, we asked that the agency contact Craigslist and request the reinstatement of the warning on their California mover listings page. We stated that it is imperative that consumers be aware of the risks they are taking when using unlicensed movers. It is also important that the CPUC take proper action to weed out illegal operators and

(President's Comments cont. on page 4)



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(Chairman's Corner cont. from page 2)

meeting or fundraiser. I know we all work extremely hard and our personal time is very valuable, but if you break down the amount of time it takes to attend all of our chapter events, you would be surprised to find out that it's really not that much of a sacrifice. Especially if you are able to sit next to someone from the industry you have never met before and strike up a conversation about how this occurred today at your ware-

house or this occurred in your office, and you find out he or she saying, "Wow, this just happened to us last week!"

It's a sense of camaraderie you cannot find anywhere else. A place for us all to vent about some issues we are having or celebrate small victories we have just accomplished. I like to call it our own little CMSA therapy sessions that include dinner, dessert and a speaker.

Be safe, everyone, and continue to make a difference!!!

(President's Comments cont. from page 3)

create a level playing field for legal operators.

Our communication concluded with a request that the CPUC work to reinstate the above-the-line CPUC consumer warning and link on the

Craigslist website. Our email was forwarded to other state moving associations with the hope that they will also contact their regulators to work toward the reinstatement of this consumer notice across the country.

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Office Manager of ASAP Relocations Pleads No Contest in HHG Fraud Case

On July 2, 2015, Maoz Kadesh, former foreman and office manager for ASAP Relocations Inc. (ASAP), of San Jose entered a please of no contest to insurance fraud in Santa Clara County Superior Court, related to a household goods (HHG) fraud scheme.

In March 2013, a grand jury in Santa Clara County charged Kadesh and seven other ASAP officials with conspiracy to commit grand theft, extortion, money laundering, tax fraud and insurance fraud. The charges were related to a scheme to defraud customers who had hired ASAP to move their household goods. Kadesh admitted he falsely certified insurance reports and underreported ASAP's insurance premiums and payroll taxes. In July 2014, Wayne Allen, ASAP sales manager pleaded guilty and was sentenced to six months of incarceration and ordered to pay restitution to victims totaling more than \$200,000. The five remaining defendants are currently fugitives and are believed to have fled to Israel: Roni Hayon, ASAP owner and CEO; Adii Therese Karter, Hayon's wife;

Elazar Nisanov, ASAP foreman; Ido Or, ASAP foreman and office manager; and Noam Israeli, ASAP foreman and office manager.

The Office of Inspector General (OIG) has participated in several operations in conjunction with investigations of household goods moving companies that have had numerous complaints filed against them for holding customers' goods hostage until illegally inflated charges were paid. In January 2010, an OIG undercover agent arranged for a move with ASAP from Nevada to California and received a telephone quote of \$1,461. After the goods were loaded, the agent was informed that the move would cost \$3,138, more than twice the original quote. Of the \$1,677 on overages, \$900 was for packing materials. The OIG is conducting this investigation with the district attorneys' offices from Santa Clara County, Monterey County and Alameda County; and the Federal Bureau of Investigation with assistance from the Federal Motor Carrier Safety Administration.



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Do's and Don'ts of Describing Valuation Protection

By: Gregg Garfinkel, longtime CMSA attorney member

This article was originally published in The Dispatch, a Mover's Choice publication

It is imperative that salespeople know the difference between the concepts of valuation protection and insurance. Actually, everyone associated with the moving process should be well-versed in the significant distinctions between those two terms, so that they can advise shippers about what is and what isn't provided in the cost of the move.

Valuation protection is NOT insurance. Valuation is the degree of worth of a shipment. The charge for valuation compensates your business for assuming a greater degree of liability than is provided for in its base transportation charges. Valuation allows your



business to assume a greater amount of liability in consideration for a higher transportation charge. The valuation options provided to a shipper are not governed by state insurance laws, but instead are authorized by state law and state public utilities commissions (PUC) (for intrastate moves) and under Released Rates Orders of the Surface Transportation Board of the U.S. Department of Transportation (DOT) (for interstate moves).

Salespeople must make it clear to their prospective shippers that transportation companies do not sell insurance. Valuation protection is a contract between a shipper and your business. Insurance is a contract between a shipper and an insurance company.

The importance of making the distinction between valuation and insurance are three fold: 1) insurance

(Valuation Protection cont. on page 7)

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(Valuation Protection cont. from page 6)

companies owe their insureds a higher degree of care and require that an insurance company place its insured's interests above their own; 2) the claims handling requirements imposed on an insurance company are far more stringent than those required of a transportation company and 3) an insurance company can be subject to punitive damages for their bad faith failure to adhere to the claims handling requirements imposed by state law. As the name might indicate, punitive damages are intended to punish and have put many good companies out of business.

There are a couple of rules to keep in mind when describing valuation options to a customer:

Rule #1: Don't Use the "I" Word

Transportation companies should NEVER

INSURANCE

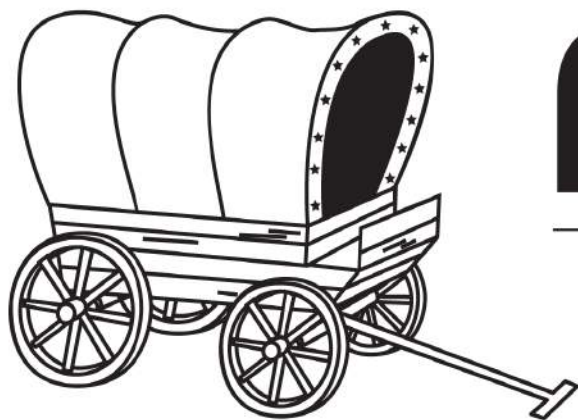
use the word insurance in dealing with a prospective shipper. Rather, they should simply utilize the descriptions of valuation protection, or released valuation, provided by the DOT and/or the state PUC. The descriptions of Released Value Protection (RVP), Full Value Protection (FVP) and Actual Cash Value (ACV) provided by the DOT and PUC should be the primary guide used by salespeople in educating the shipper/customer.

Rule #2: Don't Use Terms Associated with the "I" Word

Likewise, stay away from terms like "policy," "coverage" and "policy limits" when describing valuation protection.

Once again, those are terms most often associated with insurance, and salespeople should take great pains to avoid creating confusion as to what is being provided by your business.

(Valuation Protection cont. on page 8)



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(**Valuation Protection** cont. from page 7)

Make Sure Shipping Documents are Consistent with Rules #1 and #2

Finally, all of the verbal descriptions provided by a salesperson will mean nothing if the shipping documents, warehouse receipt, emails and/or other written communications use the "I" word or insurance-related terminology. Make sure that the forms utilized are reviewed to ensure that the company is uniform in its description of valuation protection.

The moving process is a stressful one, and sometimes customers will hear what they want to hear (i.e., "that you promised to insure my goods"). Thus, it is imperative that salespeople, claims technicians and everyone else associated with a move makes it clear to prospective customers that: 1) valuation and insurance are different concepts and 2) NO INSURANCE is provided by the transportation company for the customer's move.



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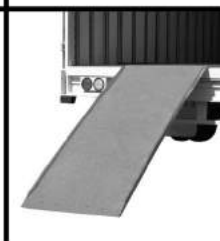
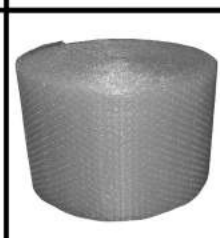
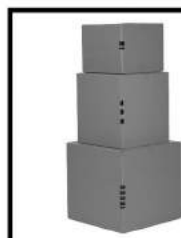
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MEMORIAL BULLETIN



James Badgett

August 3, 1938—July 14, 2015

CMSA member James Badgett of Crowley Consulting passed away Tuesday, July 14, from a massive heart attack. He co-owned Crowley Consulting with his wife, Toni Crowley.

Jim was in the Army for 20 years, and had worked for the Board of Equalization and the California Pub-

lic Utilities Commission (CPUC).

He retired from the CPUC in 2001, and he and Toni started Crowley Consulting in March 2002 to help movers be compliant with intrastate moving regulations.

Jim is survived by Toni, his wife of 20 years, and six children.

CPUC Investigations Result in Enforcement Actions and Fines Imposed on Various Moving Companies

SAN FRANCISCO, July 20, 2015—The California Public Utilities Commission (CPUC), in its ongoing commitment to consumer protection, took a number of actions in the second quarter of 2015 to protect consumers from illegally operating moving companies. CPUC staff took the following enforcement actions against moving companies for violations of the Public Utilities Code and CPUC rules and regulations, including Maximum Rate Tariff 4 (MAX 4), which contains maximum rates that carriers must observe as well as rules and regulations governing intra-state moves:

Criminal Filings

- Markis Frederick Stone Jr., an individual doing business as (DBA) Bubbas Moving Company, et al., San Diego (MTR 190605; Case # M094878): CPUC staff submitted a report requesting the San Diego district attorney's office to file a misdemeanor complaint against this company for operating and advertising while under suspension/revocation and without workers' compensation insurance coverage. On April 15, 2015, the San Diego County district attorney's office charged defendant with violations of Labor Code 3700.5 and Public Utilities Code Sections 5133 and 5314.5. The defendant did not show for the hearing held on June 15, 2015. The district attorney will file for an arrest warrant.

Updates

- Brendon Arman Attias DBA South Coast Moving and Advantage Moving (Unlicensed; Case# 14HM08348): CPUC staff submitted a report requesting the Orange County district attorney's office to file a misdemeanor complaint against this company for operating without CPUC authority and failure to maintain in effect public liability/property damage, cargo and workers' compensation insurance. On October 16, 2014, the Orange County district attorney's office filed in Harbor Newport Superior Court. The company was charged with violation of Public Utilities Code

Section 5133 (3 counts). Pretrial was set for July 30, 2015.

- Rustam Kholov and Umed Salomov, a general partnership DBA San Francisco Moving, Belmont and Andrey Slivko DBA Vector Moving, San Diego (MTR 190802; Case# M094830): CPUC staff submitted a report requesting the San Diego district attorney's office filed a misdemeanor complaint against this company for operating without workers' compensation insurance coverage. On December 30, 2014, the San Diego County district attorney's office charged defendants with a count of Labor Code 3700.5. The case was set for pretrial on July 6, 2015.

Administrative Citations

David D. Troup DBA Dynasty Movers, Anaheim (MTR 149891) was fined \$2,500 for the following violations:

1. Operated as a household goods carrier during a period of suspension and revocation,
2. Failed to include a Not to Exceed Price on all freight bills and
3. Failed to provide and properly complete the Important Notice About Your Move booklet.

The company was also fined \$1,000 for failure to provide access to records.

Broadway Moving and Storage Inc., Stockton (MTR 189596) was fined \$15,000 for the following violations:

1. Utilized unlicensed subhaulers
2. Failed to utilize subhauler agreements
3. Committed various Maximum Rate Tariff 4 violations
4. Failed to adequately pay TRF fees
5. Failed to have a qualifier on staff and
6. Failed to display CAL T number

(CPUC Investigations cont. on page 12)

(CPUC Investigations cont. from page 11)

Champions Movers Inc., San Jose (MTR 190342) was fined \$3,000 for the following violations:

1. Failed to include a Not To Exceed Price on agreements and
2. Committed various Maximum Rate Tariff 4 violations.

Gordon Transportation Services Inc., Irvine (MTR 190855) was fined \$2,000 for the following violations:

1. Failed to provide access to records and
2. Failed to comply with overcharge directive.

Phone Disconnections

As part of its ongoing efforts to clamp down on illegal moving companies, the CPUC had telephone service shut off to moving companies operating in California without household goods permits. These companies continued to advertise and hold themselves out to engage in the business of transporting used household goods, notwithstanding CPUC staff directives to immediately

cease and desist unlawful acts and to obtain a household goods permit.

- Mark Cook DBA San Jose Movers, Bay Area Movers and All Pro Moving, San Jose (unlicensed): This company advertised household goods moving services on the Internet without obtaining the appropriate permit. Notwithstanding a CPUC staff cease and desist notice directing the company to immediately cease all unlawful advertisements and operations, the company continued to violate the law. On March 26, 2015, CPUC staff obtained a Finding of Probable Cause signed by a Santa Clara County Superior Court Judge. The Finding ordered disconnection of the telephone service to the numbers advertised and used by the company to violate criminal laws in the state of California.
- Kenneth A Marley, DBA San Diego Small Moves, San Francisco Small Moves, San Francisco (unlicensed): This company advertised and offered moving services on the Internet and listed two phone

(CPUC Investigations cont. on page 13)

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(CPUC Investigations cont. from page 12)

numbers. Notwithstanding a CPUC staff cease and desist letter directing the company to immediately cease all unlawful advertisements, the company continued to violate the law as evidenced by advertisements on the Internet. On April 1, 2015, CPUC staff obtained a Finding of Probable Cause signed by a San Francisco County Superior Court Judge. The Finding ordered disconnection of telephone service to the numbers advertised and used by the company to violate criminal laws in the state of California.

- Steven Hayes DBA S&C Movers, Chico (unlicensed): This company advertised household goods moving services on the Internet without obtaining the appropriate permit. Notwithstanding a CPUC staff cease and desist notice directing the company to immediately cease all unlawful advertisements and operations, the company continued to violate the law. On May 20, 2015, CPUC staff obtained a Finding of Probable Cause signed by a Butte

County Superior Court Judge. The Finding ordered disconnection of the telephone service to the numbers advertised and used by the company to violate criminal laws in the state of California.

- Ali Ochoa DBA Dream Team Movers, Sacramento (Unlicensed; HHG-2208): This company advertised household goods moving services on the Internet without obtaining the appropriate permit. Notwithstanding a CPUC staff cease and desist notice directing the company to immediately cease all unlawful advertisements and operations, the company continued to violate the law. On May 27, 2015, CPUC staff obtained a Finding of Probable Cause signed by a Sacramento County Superior Court Judge. The Finding ordered disconnection of the telephone service to the numbers advertised and used by the company to violate criminal laws in the state of California.

- Ararat Moving LLC, Daly City (unlicensed; HHG-2280): This company advertised and
- (CPUC Investigations cont. on page 14)**



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(CPUC Investigations cont. from page 13)

offered household good services on the Internet. CPUC staff served the company with cease and desist letters directing the company to immediately cease all unlawful advertisements and operations. However, the company continued to violate the law. On May 29, 2015, CPUC staff obtained a Finding of Probable Cause signed by a San Mateo County Superior Court Judge. The Finding ordered the disconnection of telephone services to the number advertised and used by the company to violate the Public Utilities Code. The advertised telephone number was disconnected on June 15, 2015.

Overcharges and Refunds

CPUC staff assisted and/or directed moving companies to refund consumers more than \$4,000 for overcharges and other violations of the Maximum Rate Tariff 4.

Cease and Desist Notice

Twelve companies were issued a cease and desist notice for operating and advertising with-

out a valid permit (unlicensed, revoked or denied). Additionally, in response to a consumer complaint, more than 100 notices were sent to suspected illegal household goods carriers in the San Diego area. The following companies were issued a cease and desist notice:

1. Kelly Anhdao Ngo DBA Kelly's Elite Moving Co., Elk Grove (MTR 191076)
2. Rapid Moving Inc., Los Angeles (MTR 191019)
3. Ritu Narayan DBA Liftee, San Carlos (Unlicensed)
4. Anthony Smith DBA Peace of Mind Moving Assistance, Carmichael (Unlicensed)
5. Patrick Rickey DBA Rickey's Gold Country Moving, Grass Valley (Unlicensed)
6. John Rivera DBA AAA Moving, Beaumont (Unlicensed)
7. Gregory Maurice Pinto DBA Greg's Moving & Delivery, Murrieta (MTR 189651)
8. Ali Avanti DBA Let's Get Moving and Storage, Inglewood (Unlicensed)
9. Alfred Griffin DBA Griffin Moving Delivery,

(CPUC Investigations cont. on page 16)



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FMCSA Denies 2 Mover Associations' Requests for 14-Hour Exemptions

WASHINGTON—The Federal Motor Carrier Safety Administration (FMCSA) has denied an application by two moving and storage associations for an exemption from the 14-hour on-duty rule on the occasions that drivers are delayed at a residence beyond the 14th hour and need to move their vehicle to a safe location for overnight parking.

The American Moving & Storage Association (AMSA) and the International Association of Movers (IAM) had asked for the exemption in separate applications.

The IAM application was denied April 16 and the AMSA application was denied on June 8.

Notice of the denials was officially published in the Federal Register on July 16.

Dan Veoni, vice president of government affairs for AMSA, expressed disappointment over what he called the agency's one-size-fits-all approach.

"We are disappointed that the FMCSA has denied our reasonable request for an exemp-

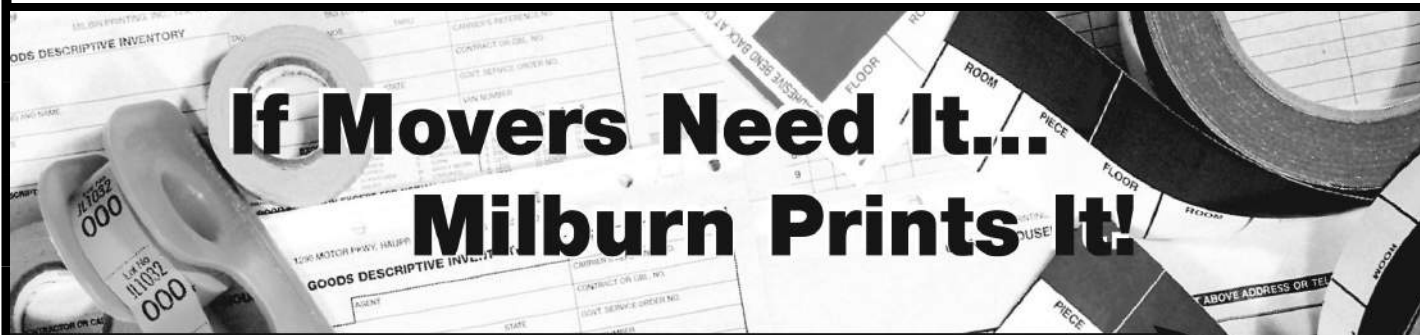
tion. The nature of our members' operations is unlike those in other sectors of the trucking industry, and regulations should reflect that reality. This is a prime example of the flaws associated with a one-size-fits-all approach to safety."

The FMCSA said it concluded that AMSA and IAM did not demonstrate how commercial motor vehicle (CMV) operations under such an exemption would be likely to achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the exemption.

AMSA and IAM said in their applications that unexpected delays during the day result in situations arising when work at a residence cannot be completed with the 14-hour on-duty limit.

The associations further said that movement of CMVs from residential areas to overnight parking eliminates the safety hazard created when vans are parked in residential neighborhoods, and ensures the security of household

(Exemptions Denied cont. on page 16)



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(CPUC Investigations cont. from page 14)

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10. Chaotung Chan DBA Best Moving, Rosemead (Unlicensed)
 11. Move In Move Out DBA Sunrise Cleaning Service, Long Beach (Unlicensed)
 12. Shleppers Moving & Storage, North Hollywood (Unlicensed)

Official Notice

The following companies were issued an official notice for advertising and operating without a permit.

1. Nola Ramos DBA Top 10 Moving, San Mateo (MTR 191120)
2. Adolfo & Sons Moving, Palmdale (MTR 0190817)
3. Andrew Sanchez DBA D&L Movers Santa Clara (MTR 191303)
4. Marcus Chubbs DBA A New Beginning Monterey LLC, Seaside (MTR191245)
5. Man With A Truck Moving Inc., Los Angeles (MTR190988)

(Exemptions Denied cont. from page 15)

goods in the moving vans.

What's more, a random check of city ordinances revealed that in many cities, it is illegal to park a CMV in a residential area overnight.

AMSA and IAM proposed that the exemption limit CMV driving after the 14th hour to 75 miles or 90 minutes.

Four individuals and Advocates for Highway and Auto Safety submitted comments on AMSA's application. All opposed the application for exemption.

Ten commenters supported the IAM application and five opposed it.

The FMCSA said the applicants did not offer any measures to offset the excessive fatigue to which CMV drivers operating beyond the 14th hour would be subjected.

Furthermore, the agency said the applications did not limit how often the proposed exemption could be used.

Source: The Trucker News Services

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Clarifying Amendments to California Paid Sick Leave

By: Paul Finkle, *SharedHR*

In July 2015, the California state legislature passed AB 304, an urgent measure to clarify California's mandatory sick leave law (Healthy Workplaces, Healthy Families Act of 2014). The below summary highlights the key changes, which impact California employers.

Unlimited PTO

One of the compliance requirements of California's sick leave law is that employees must receive notice of their leave balance on wage statements (or in some separate writing) accompanying the payment of wages. AB 304 clarifies that employers with unlimited sick time or Paid Time Off (PTO) policies can simply state "unlimited" on the applicable document (check stub).

Record Keeping

AB 304 clarifies that employers have no obligation to record the purpose for an employee taking any leave. Employees are not required to

code their time as sick time (contrary to a prior Department of Labor Standards Enforcement position).

Accrual Method

Employers have options for calculating the accrual of paid sick leave as follows:

- 1 hour for every 30 hours worked;
- Other method that provides accruals on a regular basis and the employee will receive no less than 24 hours of accrued sick leave by the 120th calendar day of employment; or
- Each calendar year or each 12-month period.

Lump Sum

There is no accrual or special carryover of the leave provided that the full amount of leave is granted at the beginning of the period (each year of employment, calendar year or 12-month

(Paid Sick Leave cont. on page 18)

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(Paid Sick Leave cont. from page 17)

period). Employers can also satisfy the accrual requirement by providing no less than 24 hours or 3 days of paid sick time to use by the completion of his or her 120th calendar day of employment.

Modification of Existing Policies

If employers already have a PTO or sick policy, they simply need to make available an amount of leave that can be used for "the same purposes and under the same conditions" as specified in the statute, and the policy must satisfy one of the following:

- Satisfy the accrual, carryover or use requirements of the statute; or
- Have already provided sick leave or PTO to employees before January 1, 2015, based on a policy that used an accrual method different than originally provided under the statute (1 hour for every 30 hours worked) provided the accrual method is used as specified above.

If an employer modifies the accrual method used in the policy it had in place prior to January 2015, it must comply with the accrual method set forth above.

Limit on Leave

Employers can limit an employee's use of accrued sick leave to 24 hours or 3 days per year of employment, calendar year or 12-month period.

Pay

Employers can calculate paid leave for non-exempt employees using one of two options:

- The regular rate of pay for the work week in which the employee uses paid sick time; or
- By dividing the employee's total wages (excluding overtime or premium pay) by the employee's totaled hours worked in full pay periods of the prior ninety (90) days of employment.

Most employers will choose the first option

(Paid Sick Leave cont. on page 19)

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(Paid Sick Leave cont. from page 18)

based on standard payroll calculations. Exempt employees should be compensated at the same rate used for any other form of paid leave.

Definition of Same Employer

Employees must work for the same employer for at least 30 days within a year from the beginning of employment to be eligible to accrue paid sick time with that particular employer.

Rehire

Employees who are paid accrued sick time upon separation and then rehired within one year are not entitled to their paid time off grant.

Significance

Hopefully these modifications will resolve many of the challenges in drafting policies under California's new sick leave law. Regardless, if

you have not updated your policies in 2015 to accommodate for this new California sick leave legislation, you need to do so in order to maintain compliance for workers in California.

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EMPLOYMENT OPPORTUNITY

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Calendar of Events

Thurs., September 10	San Diego Chapter Meeting	Wed., November 11	San Diego Chapter Meeting
Tues., September 22	Twin Counties Chapter Meeting	Thurs., December 17	Sacramento Chapter Meeting
Wed., September 23	O.C./Beach Cities Chapter Meeting	Wed., January 13	San Diego Chapter Meeting
Fri., October 2	Monterey Bay Chapter Golf & Bocce	Wed., February 10	San Diego Chapter Meeting
Mon., October 5	O.C./B.C. Chapter Golf Tournament	Wed., February 17	Northern Region Chapter Meeting
Tues., October 13	Greater Los Angeles Chapter Meeting	Thurs., February 18	Sacramento Chapter Meeting
Wed., October 14	San Diego Chapter Meeting	Wed., March 9	San Diego Chapter Golf Tournament
Wed., October 14	Ventura/S. Barbara Chapter Meeting	Wed., April 13	San Diego Chapter Meeting
Thurs., October 15	Central Valley Chapter Meeting	2016 CMSA Convention May 10 to 15	



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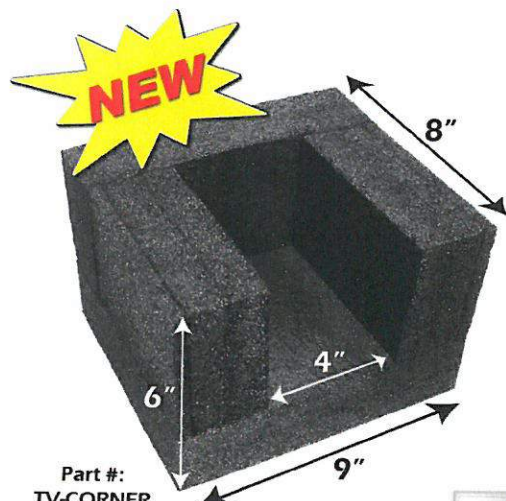
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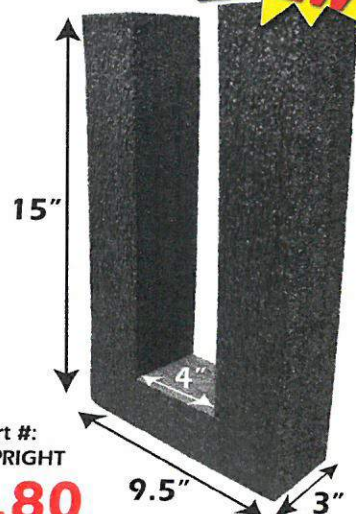
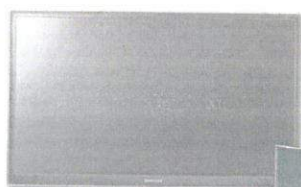
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