

PRESORTED STD
 US POSTAGE
PAID
 PALM DESERT, CA
 PERMIT NO.149

Issue
THREE



Law Office of Karen J. Sloat, APC (“LOOKS”)

Or Current Resident

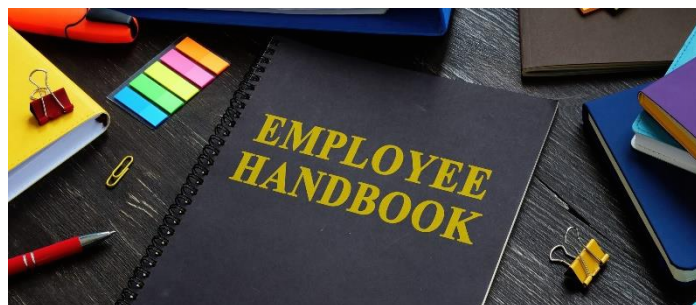
This is an advertisement.



Independence Day!

On July 4, 1776, the Second Continental Congress unanimously adopted the Declaration of Independence announcing our political separation from Great Britain.

*Customized Employee Handbooks
 Now Available to Purchase*



Employee Handbooks are the cornerstone of communication for employers and the first line of defense against potential litigation.

LOOKS news

Caring For Clients While Pursuing Justice

Karen Cares...

Isn't it wonderful to have some restrictions lifted? While our firm recognizes that employers and employees continue to struggle as the pandemic concludes – with supply chain, staffing and unemployment issues – we are pleased to support you in any way we can. Our Independence Day celebration should last the whole month, as we acknowledge how free America truly is and how grateful we are for our great nation. Honor our first responders and let some of them know that you appreciate them always. Recover well and keep the faith!

~ Karen J. Sloat



Reimbursements to Employees for Remote Work

With the rise of COVID-19 cases, Governor Gavin Newsom issued a Stay-at-Home Order to prevent the spread of COVID-19. Many businesses responded to this Order by allowing their employees to work at home. However, many employers are unaware of the need to reimburse their employees for the expenses that were incurred during that time. Failure to do so creates the potential for a lawsuit, a Private Attorneys General Act (“PAGA”) claim, or class action for expense reimbursement violations. Under California Labor Code 2802, an employee is entitled to be reimbursed “by his or her employer for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer.” These types of reimbursements are listed as mandatory business expenses: traveling for work in a personal vehicle; using a personal cell phone for calls, emails, or messaging; using a personal computer for work; using personal utilities, including personal internet while working at home; and purchasing tools and inventory for the employer. These reimbursements may not be an obligation of the employer if California opens again and the employee chooses to stay at home. However, if remote work is made mandatory by

the employer, then the reimbursement is an obligation of the employer. If an employer is held accountable to reimburse their employee, then they have several ways to fulfill the obligation. A California Court of Appeal held under *Gattuso v. Harte-Hanks Shoppers, Inc.*, 42 Cal. 4th 554, 559 (2007), that employers may compensate their employees either by separate reimbursement or enhanced compensation. Enhanced compensation could be an increased base salary rate, increased commission rate, or both. The enhanced compensation must designate which portion of the salary is for the reimbursement and which is for labor. The reimbursement portion must cover all expenses. If it does not satisfy the total expenses incurred, then the employer will be vulnerable to a legal claim. Because of the trend toward remote work, the Law Office of Karen J. Sloat is available to provide additional information to help reduce the liability to employers for damages for reimbursement-related issues. Contact our Workplace Solutions division.

**Check out the new LOOKS website
www.KarenSloatLaw.com**

Know Your Rights...

The California Department of Fair Employment and Housing (“DFEH”) lists protected characteristics of individuals protected from discrimination by public, private or state-



Whether it is accidental or intentional, any employer may be liable for discrimination against a person with a protected characteristic.

The DFEH is responsible for enforcing state laws that make it unlawful to discriminate against an employee or job applicant based on any of the listed protected characteristics. California’s primary anti-discrimination law for employment is the Fair Employment and Housing Act (“FEHA”). The FEHA prohibits discrimination against any employee with a protected characteristic and applies it to California businesses with five or more employees. It is important for



employers to familiarize themselves with DFEH regulations and ensure employees are receiving any required anti-discrimination training. The Law Office of Karen J. Sloat, APC helps employers and employees understand DFEH regulations and provides the required training.



“Labor” Laughs!

People write the strangest things on their résumés that are sometimes downright hysterical.

Funniest Résumé Bloopers:

- Education: Have repeated courses repeatedly.
- Interest: Women and fishing, not always in that order.
- Social Worker: Assisted undeserved populations.
- Other Interests: Playing with my two dogs. (They actually belong to my wife, but I love the dogs more than my wife.)
- Education: I have a bachelorette degree in computers.
- Experience: Stalking, shipping & receiving.
- Achievements: Nominated for prom queen.
- Education: I am bilingual in three languages.
- Reasons for leaving the last three jobs. 1) Boss was crazy. 2) Boss was crazy. 3) Boss was crazy.
- Hobbies: Enjoy cooking Chinese and Italians.



760-779-1313

“Head Honcho” Headaches

As most California residents know, when it comes to labor laws, California is extremely employee-favored. Accordingly, it should come as no surprise to anyone that employers have a lot of potential liability. Section 558.1 of the California Labor Code was enacted in 2016 and expanded liability to business owners, by holding them personally liable for wage and hour Labor Code violations.

Section 558.1 was enacted, in part, to prevent companies from avoiding employee-related debts caused by certain labor law violations. Naturally, this means California employees have more rights, right? Well, maybe...

A recent appellate court decision, *Jackie O’Neal Usher vs. Shirley White at 2021 WL 2173167 (Ct. App. 4th Dist.) 5/28/2021*, provided further clarification about Labor Code section 558.1 and held that an officer, director, or managing agent of a company may be held personally liable for causing specific wage and hour law violations. For example, if an officer of a company is *personally involved* in the day-to-day operations, that officer may be personally liable for a violation because of their direct involvement in causing or directing another employee to violate California’s wage and hour laws.

The court did not create a bright-line rule or definition for the term *personally involved*. Instead, the court stated that each case would need to be determined on an individual basis. The more involved the officer, director, or managing agent is in the daily operations of the business, the more potential personal liability they may have.

You may be thinking, “What does this mean for me as a small business owner?” The Law Office of Karen J. Sloat, APC, recommends being mindful of California’s Labor Codes, and if you have questions, give us a call. It is better to err on the side of caution than to be held personally responsible.

www.KarenSloatLaw.com

Honoring Our First Responders Past & Present

“Next to creating a life, the finest thing a man can do is save one.” **Abraham Lincoln, 16th U.S. President**

Speaking at a Medal of Valor Ceremony where our nation presents the highest and most prestigious awards for public safety officers, then U.S. Attorney General William Barr acknowledged, “All first responders do noble work, and all of them deserve our respect and our appreciation.” As we take this opportunity to honor our first responders, we offer our sincere gratitude for their commitment to serve and protect our communities. Their exemplary dedication and courage are foundational to our sense of safety and security.

An estimated 4.6 million people serve as career and volunteer firefighters, police, emergency medical technicians, and paramedics in the United States. Across our great country, they answer the call to help others in need. When facing extraordinary challenges, they bravely put their lives on the line, willing to sacrifice themselves for the greater good. They are our heroes!



Above/Right: Alanna Udcoff, Retired EMT at American Medical Response. For over 10 years, she responded to traumatic 9-1-1 calls throughout the Coachella Valley providing lifesaving support to residents. Alanna is currently a J.D. serving in our Workplace Solutions division.



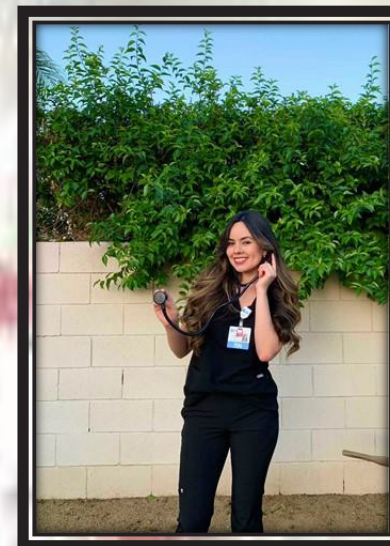
Above: Captain James Tolson, Retired Battalion Chief in Mount Vernon, VA. He was a member of Virginia Task Force 1, the International Search and Rescue Team, and the Fire Department for 37 years. Captain Tolson is the cousin of attorney Karen Sloat.



Left: Megan Moyers is a Charge Nurse of Same Day Surgery at Eisenhower Medical Center’s Operating Room. She is currently in school for her nurse practitioner’s license and is the sister of Danielle Moyers, a J.D. in our Workplace Solutions division.



Above: Pastor Stephen Sloat has been the volunteer Chaplain at the Indio Police Department for over 17 years. He loves encouraging and supporting the police and IPD staff and assisting officers when they deal with difficult family situations, like an unexpected death. Stephen is the husband of attorney Karen Sloat.



Left: Erika Cortes is a Critical Care Nurse at Methodist Hospital in Arcadia, CA. Her specialty is helping patients recover from open heart surgery. Erika loves that she is constantly learning and helping people on their worst days. She was best friend in high school to Ariana Lopez, our Director of First Impressions.

760-779-1313

www.KarenSloatLaw.com