

ELECTION DAY PROCEDURES

The November 2 election is fast approaching. With the political ads for the Presidential race, propositions, and other ballot measures dominating our attention, many California employers may have forgotten about two key obligations set forth in the California Election Code. *To Stay In Compliance and Out of Court*, remember:

Notice and Posting

Not less than ten (10) days before *every* statewide election, *every* employer shall keep posted conspicuously at the place of work (if practicable, or elsewhere where it can be seen as employees come and go to work) the notice of the right to time off to vote. (*See below.*)

Time Off To Vote

Each employee is entitled to time off from work, with pay, to vote in a statewide election. Section 14000 of the Elections Code provides that if a voter does not have sufficient time, outside of work hours, to vote in statewide election, then:

The voter may take time off with pay, to enable the employee to vote.

No more than two (2) hours shall be taken without loss of pay.

Unless mutually agreed otherwise, the time off for voting shall only be at the beginning or end of the work shift, whichever allows the most free time for voting and the least time off from the regular work shift.

If the employee on the third (3rd) work day prior to the election knows or has reason to believe that time off to vote will be necessary, the employee shall give the employer at least two (2) work days' notice that time off for voting is desired.

NEW CALIFORNIA LAW REQUIRES SEXUAL HARASSMENT TRAINING FOR SUPERVISORS EVERY TWO YEARS

On September 30, 2004, Governor Schwarzenegger signed into law AB 1825 which amends California's Fair Employment and Housing Act (FEHA) to require employers with fifty (50) or more employees to provide two (2) hours of sexual harassment training to all supervisors at least once every two (2) years. The law does NOT specify that the fifty (50) employees must be within California. Unless the law is clarified, the prudent interpretation is to assume that the law applies, even if the company has fifty (50) or more employees nationwide, but only a few work in California.

This new law, as well as all of the other new employment laws effective in 2005, will be discussed at the **January, 2005 Breakfast Briefing** to be presented by Burton F. Boltuch in Oakland, California. Details as to the date and time will be announced soon. Respond by e-mail if you or others you know are interested in attending.

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PROVIDING SOLUTIONS TO WORKPLACE PROBLEMS

For more information about the above or any other workplace employment issue, contact:

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*Advising, Counseling and Litigating
and
Providing Solutions to Workplace Problems*

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