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Contractors / Employers / Business Owners
A Few Reminders As We Begin 2015

*By: Joseph M. Sweeney, Esq., Roger M. Mason, Esq.,
Christopher J. Olson, Esq. and Scott A. Mangum, Esq.*

Contractors

- Public works contractors and subcontractors have until March 1, 2015 to register through the California Department of Industrial Relations (“DIR”) to bid and enter into public works contracts on state and local public works projects. Unregistered contractors and subcontractors may not be listed in a bid after March 1, 2015, and may not work on a public works project after April 1, 2015.
- Additionally, with a few exceptions, public works contractors and subcontractors will be required to electronically submit certified payroll records via a new DIR certified payroll form on all public works projects awarded after April 1, 2015.
- As of July 1, 2014, contractors bidding on public works projects must include the license number of all subcontractors listed in their bid. The failure of a bidder to provide the license number in a subcontractor listing submitted with its bid will render the bid non-responsive.
- Now is a good time to review both your form contracts and liability insurance coverages. Are your contracts up to date and do they contain terms and conditions (including indemnity, scope of work and payment provisions) that adequately protect your business and serve your needs? Moreover, do you have adequate insurance to protect your company when something inevitably goes wrong—including coverage for your subcontractors’ work (if applicable)? What exclusions and exemptions does your insurance policy contain? Have appropriate additional-insured endorsements been issued for particular projects and, if so, does that coverage continue or terminate when the subcontractor (or contractor) completes its work? All of these important questions should be addressed in advance of contracting to mitigate against potential catastrophic results. Contractors are encouraged to have their contracts reviewed by counsel.

Employers

- California employers are now required to provide their employees with up to three days of paid sick leave each year. The new law applies to both full-time and part-time workers at businesses of all sizes – public

and private, for profit and non-profit. Effective July 1, 2015, employees who work in California for 30 or more days within a year from the date of hire (with a few exceptions) can accrue one hour of paid sick leave for every 30 hours worked subject to an employer's ability to cap the accrual of paid sick leave at six days and the use of such leave to three days per year. The new law also contains certain posting, disclosure and record-keeping requirements. Although the law does not go into effect until July 1, 2015, a new sick leave poster and revised Notice to Employee must be used by employers as of January 1, 2015. Employers are encouraged to review and update their employment policies and handbooks to comply with the new law, and consult with legal counsel regarding any questions about its administration.

- Several Bay Area cities have also passed ordinances requiring a higher minimum hourly wage effective January 1, 2015. Some of these cities include: San Jose (\$10.30), Sunnyvale (\$10.30) and San Francisco (\$11.05).

Business Owners With Public Accommodations

Is your business compliant with requisite state and federal (ADA) accessibility standards? ADA litigation is expensive and time consuming, and investigating and remediating non-compliant features is the best way to minimize your exposure to costly lawsuits. Contrary to common misconception, most businesses—even those that have been in existence for many years—are required to be accessible. Although it is impossible to entirely insulate your business from liability or a lawsuit, you can minimize those risks by assessing your business for accessibility barriers (including inspection by a Certified Access Specialist) and promptly remediating any areas of non-compliance. Property owners and tenants can also allocate responsibility among themselves by contract for maintenance and correction of any non-conforming features – as well as the defense and indemnity for damages resulting from an accessibility lawsuit. Indeed, a commercial property owner or lessor must state in every lease or rental agreement executed on or after July 1, 2013, whether the property being leased or rented has undergone inspection by a Certified Access Specialist (CASp) and, if so, whether the property has or has not been determined to meet all applicable construction-related accessibility standards pursuant to California Civil Code Section 55.53. Business owners should consult with legal counsel regarding any questions about their business' accessibility or questions about their leases.

SMWB 25th Anniversary/St. Patrick's Day Celebration

Mark your calendars and save the date! On Thursday, March 12, 2015, from 4:00–7:00 p.m., Sweeney, Mason, Wilson & Bosomworth will host its traditional St. Patrick's Day celebration and commemorate 25 years in business serving the legal needs of businesses and individuals in Silicon Valley and the greater Bay Area. We hope to see you here!

The information provided in this issue of "Legal Notice" is general in nature and is not intended to answer every question that may arise under different fact situations and should not be relied on in the place of professional advice in a given case. If you have specific questions please contact Joseph M. Sweeney, Roger M. Mason, Christopher J. Olson or Scott A. Mangum.

SWEENEY, MASON, WILSON & BOSOMWORTH is a Professional Law Corporation located at 983 University Avenue, Suite 104C, Los Gatos, California, 95030, telephone (408) 356-3000.

SWEENEY, MASON, WILSON & BOSOMWORTH's philosophy is that by educating our clients and other businesses about their legal obligations, including changes in the law, we best serve our legal goal of minimizing or preventing expensive litigation.

983 University Ave #104C | Los Gatos, CA 95032 US

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