
AB 5 and the “ABC Test”: Independent Contractor or Employee? How California’s New Classification Law Will Affect Your Center

WHAT WE’LL COVER

In September 2019, California Governor Gavin Newsome signed an unprecedented new law, Assembly Bill 5, which now requires **all** employers to evaluate their relationships with independent contractors.

This legislation codifies and expands upon the California Supreme Court’s 2018 decision in Dynamex Operations West v. Supreme Court which was a major turning point for businesses in the state that classify some of their workers as “independent contractors.” The Supreme Court ruling in Dynamex states that a worker is presumed to be an employee under California’s wage orders unless the business proves three conditions are met (A, B, and C). As a result, businesses now have the burden of proving all three elements when hiring and/or employing an independent contractor.

Many CBAS centers in California rely on independent contractors for various reasons. However, because of AB 5 and the Dynamex decision the test for establishing independent contractor status has now become more stringent than ever. Accidental or intentional misclassification of employees as independent contractors can now result in some very serious consequences. According to California’s Labor Code, employers can face \$25,000 for each “willful misclassification,” and/or jail time, and/or Federal and State tax penalties up to 40% of the underreported wages.

This webinar will provide centers with the timely information they need to ensure compliance with AB 5 and the Dynamex decision. After completing this training, you will:

- Know why employee classifications matter to your business, and learn about the penalties for “contractor” misclassification under the new law (AB 5) and the Dynamex decision
- Understand the “ABC” test, and the less strict “Borello” test and how to apply the test to your current “contractor” arrangements
- Determine how to reclassify workers to employees when necessary and minimize the risk of future claims

WHO SHOULD ATTEND

Center leaders and staff

PRESENTER

Jennifer L. Yazdi, Associate, Hanson Bridgett



Jennifer is an Associate Attorney in the firm's Labor & Employment group. Previously, her practice focused on consumer financial services litigation, asserted under the Fair Debt Collection Practices Act, Telephone Consumer Protection Act, the Fair Credit Reporting Act. In 2014, she served as a Law Clerk to California Supreme Court Chief Justice Tani Cantil-Sakauye. Jennifer graduated from the University of California, Davis School of Law in 2014, and attended the University of California, Berkeley for her undergraduate studies.

WHEN

Thursday, February 6, 2020 from 2:30 PM to 4:00 PM

REGISTRATION

NON MEMBERS: **\$129 Per Registrant**

CAADS MEMBERS: **\$35 Per Registrant**

Registration includes access to the webinar for each attendee/email address registered.

Advance registration is required. Please complete the registration form and return it with payment to CAADS by **12:00 PM on Wednesday, February 5, 2020**. We CANNOT process registrations received after this deadline. You will receive a confirmation with log-on information **after CAADS receives and approves your registration and payment**. Registration includes handouts and the webinar recording.

There is no limit on how many staff you gather to listen. Or, register each person individually to participate from their own computer. Internet connection and speakers / microphone **OR** access to a telephone for the audio presentation is required.

NO REFUNDS; however, substitutions will be accepted if made by 12:00 PM Thursday, February 6, 2020. We are unable to register or change registrations beginning 30 minutes prior to the webinar start time.

FOR ASSISTANCE

- Beginning **30 minutes** prior to the webinar, CAADS' staff is preparing for the webinar. Should you need to contact us, please send an email to education@caads.org.
 - For problems logging on from your computer, call "GoToWebinar" customer service at **1-800-263-6317**.
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