

Bradford Reclamation District

2059

Hiring for Staff, Legal Counsel, Auditing Firm, District Engineer(s)

Standard Hiring Practices

Board Discusses the Position

A Job Posting Notice outlining the job description, requirements for job, hours, rate of pay and any other details is drafted.

Board requires a public notice; RFPs go out for the District Engineer(s), Auditing Firms or Attorney's Positions. A minimum of three (3) and up to ten (10) qualified firms will receive the RFP for the position.

The RFP will outline a respond by date with how and where to respond.

Hiring ADs are placed in the local newspaper(s) or by placing a job posting AD with a qualified and reputable job placement company such as however not limited to:

- a. Indeed, Cal Jobs, Zip Recruiter

Resumes or Qualified RFP submittals are reviewed and filtered through for the most qualified candidates

The interviewees are called and notified of when to come in for an interview

The Board of Trustees conducts the interviews as a panel

The Board of Trustees votes on who the most qualified candidate is for the position.

The same steps are repeated for the Legal, Auditing or Engineering Positions.

All candidates are notified on if they were selected or not selected

The hired candidate comes in to complete their new hire packet

The payroll Packet is submitted to the Payroll Company for processing

District's legal counsel/Payroll Company provide New Employment Law Updates

CALIFORNIA ASSEMBLY BILL NO. 5 - INDEPENDENT CONTRACTORS

With respect to workers' compensation, California Assembly Bill No. 5 (AB 5) goes into effect on July 1, 2020 and

applies to policies issued on or after July 1, 2020, as well as policies in force as of July 1, 2020.

AB 5 creates a presumption that an entity's workers are employees rather than independent contractors unless the

hiring entity can show that the worker meets three conditions, known as the "ABC Test":

The "ABC" Test:

- (A) The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
- (B) The person performs work that is outside the usual course of the hiring entity's business.
- (C) The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Exemptions:

AB 5 provides an extensive list of occupations that are conditionally exempt from the application of Section 2750.3(a)(1).

Occupations that are exempt from the “ABC” Test are instead governed by the 11-factor test found in the California

Supreme Court’s decision in *S.G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341.

Resources:

- You can visit www.statefundca.com for comprehensive resources related to this important topic.
- The pertinent sections of the California Labor Code and Unemployment Insurance Code may be accessed at
<http://leginfo.legislature.ca.gov>.
- You may access the California Labor & Workforce Development Agency webpage at
<https://www.labor.ca.gov/employmentstatus/> for more information.