



AB 1513

COMPLIANCE DEADLINE CHECKLIST



This Compliance Deadline Checklist will help to ensure that you timely evaluate your options with regard to the AB 1513 safe harbor provisions and ensure that you timely comply with the payment requirements in order to be able to assert the affirmative defense in any current or future litigation regarding nonproductive time. Please note that this Checklist is for planning purposes only and is not intended to include all critical deadlines or a schedule that will work for your specific seasonal business needs.

Do not hesitate to contact The Saqui Law Group or the Sonoma County Winegrowers for further information and guidance!

Task to be Completed	Deadline	Completed <input checked="" type="checkbox"/>
Contact your Timekeeping and Payroll companies to initiate reprogramming of timing and payroll systems in compliance with the wage statement and record keeping requirements of AB 1513.	Immediately	<input type="checkbox"/>
[Statutory Deadline] Ensure that compensation practices regarding rest & recovery periods and other nonproductive time are compliant with AB 1513 (Labor Code § 226.2).	January 1, 2016	<input type="checkbox"/>
For any pending litigation, seek leave and amend the Answer to assert AB 1513 as an affirmative defense.	January 11, 2016	<input type="checkbox"/>
Compile the raw data for a sampling of past or present piece rate employees.	February 26, 2016	<input type="checkbox"/>
Complete AB 1513 Worksheets using the sampling of employee data.	March 11, 2016	<input type="checkbox"/>
Review payment methods (“Actual NPT Sums Due” method or “4% Gross Wages” method) to determine the best payment method for you and outline a plan for compilation of the employee list and wage payment data.	March 18, 2016	<input type="checkbox"/>
Compile a complete “Payee List” of past and present employees who did any piece rate work from July 1, 2012 through December 31, 2015 . Determine if any members of the Payee List may be excluded under the statute.	April 15, 2016	<input type="checkbox"/>
[Statutory Deadline] Deadline to reprogram payroll systems (only for large, publicly traded companies acquired by another legal entity between July 1, 2015, and October 1, 2015) (Labor Code section 226.2(a)(3)(C)(ii)).	April 30, 2016	<input type="checkbox"/>

Task to be Completed	Deadline	Completed <input checked="" type="checkbox"/>
Provide notice to the Department Of Industrial Relations' ("DIR") Piece Rate Section regarding your election to make payments to current and former employees.	May 6, 2016	<input type="checkbox"/>
Prepare the Detailed Wage Statement Form to be provided to all payees with payment based upon the chosen payment method, ensuring the Form contains all necessary information.	May 13, 2016	<input type="checkbox"/>
Evaluate the necessity of retaining a third-party consultant and/or actuarial company to aid in the compliance steps, including employee location due diligence, calculations for payments to be due to payees, and/or making payments.	May 13, 2016	<input type="checkbox"/>
Complete due diligence locating up-to-date contact information for all past and present employees on the Payee List, and identify any past employees for whom payments will have to be made directly to the DIR.	June 10, 2016	<input type="checkbox"/>
Compile necessary raw wage payment data for the members of the Payee List.	June 17, 2016	<input type="checkbox"/>
[Statutory Deadline] Provide notice to the DIR's Piece Rate Section regarding your election to make payments to current and former employees (Labor Code § 226.2(b)(3)).	July 1, 2016	<input type="checkbox"/>
Complete the calculations of payments due for all members of the Payee List.	July 15, 2016	<input type="checkbox"/>
Complete the calculations of actual amounts due to all members of the Payee List, taking into account payroll taxes and withholdings, in coordination with third-party consultants and/or accountants.	July 22, 2016	<input type="checkbox"/>
Complete preparation of Detailed Wage Statements for each member of the Payee List, detailing the payment method used, the hours worked, gross wages, etc., and the calculations used for determining the amount to be paid.	August 12, 2016	<input type="checkbox"/>
Complete all payments to employees (and/or the DIR) with accompanying wage statement details and administrative fee to the DIR.	September 16, 2016	<input type="checkbox"/>
Conduct an audit of a sampling of the Payee List members to assure payment calculations and payments made were complete and accurate, so that any additional corrections may be made in time before statutory deadline for payments.	October 7, 2016	<input type="checkbox"/>
[Statutory Deadline] Complete all payments to employees (and/or the DIR) with accompanying wage statement details (Labor Code § 226.2(b)(4)).	December 15, 2016	<input type="checkbox"/>

Task to be Completed	Deadline	Completed <input checked="" type="checkbox"/>
[Statutory Deadline] Until this date, Employer MUST MAINTAIN ALL RECORDS of hours worked, calculations of hours worked, and records of payments made to employees pursuant to AB 1513 (Labor Code § 226.2(d)(3).	December 16, 2020	<input type="checkbox"/>

For more information visit the following websites:

The Saqui Law Group,
www.laborcounselors.com

Division of Labor Standards Enforcement FAQs,
http://www.dir.ca.gov/pieceratebackpayelection/AB_1513_FAQs.htm