



LAW

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Social Justice Firm Opens In the Valley

Right time for attorney to realize her lifelong dream.

By AMY STULICK Staff Reporter

The Equal Rights Law Group, founded by employment attorney Mika Hilaire, opened its doors in Sherman Oaks at the

beginning of June – a time in modern history many compare to the Civil Rights era of the 1960s.

With four years of experience working on the employer's side, and another 16 years representing employees in court, Hilaire said her phone has been “ringing off the hook”

with potential civil rights cases and harassment claims.

Protests on an international level have catapulted the Black Lives Matter movement onto the global stage, amplified by the death of African-American George Floyd in Minneapolis while in police custody.

Officer Derek Chauvin pressed his knee to Floyd's neck for nearly nine minutes while three other officers looked on: **J. Alexander Keung, Thomas Lane and Tou Thao**.

Chauvin was charged with second- and third-degree murder; the other officers were charged with aiding and abetting second-degree murder.

The employment and civil rights attorney is dealing with demand through contract attorneys picked via a curated network built over 20 years. It's an office of two for now, Hilaire said, with one assistant at her side; she's on the lookout for a paralegal office manager in the new location at 15233 Ventura Blvd.

“The Equal Right Law Group is kind of like my culmination of all of my 20 years of experience and really trying to establish myself as a civil rights lawyer in terms of police brutality cases, but really having my focus on employment discrimination cases,” Hilaire told the Business Journal. “A lot of private companies have attorneys on retainer and so as being someone who represents employees, it's important to also be someone who can share knowledge with employees.”

Besides civil rights law, Hilaire's firm will handle cases involving employment litigation; harassment; pregnancy accommodations and rights; discrimination and retaliation; wage-and-hour disputes; wrongful termination; employment contract negotiations; breach of contract; invasion of privacy; and workplace investigations.

Hilaire is a victim of workplace discrimination herself when she had her second child, and hopes to help others in the workplace, particularly women, get proper legal advice and appropriate representation in court.

“It was very eye-opening to me, the difficulty of juggling being a professional woman and being a mother, on top of being in a profession that is traditionally male-dominated,” Hilaire explained.

“To me, being a champion of women and particularly being able to give a voice to those who have gone unheard is the most rewarding aspect of it, and to be that role model for my daughter as well.”



Hilaire

Lab Work: Ruling allows testing for active coronavirus infection.



Employers Cannot Require Antibody Tests

Regulators rule the requirement would violate ADA.

By AMY STULICK Staff Reporter

The U.S. Equal Employment Opportunity Commission in mid-June issued guidance regarding COVID-19 antibody tests and the workplace, saying such a test violates the Americans with Disabilities Act.

The antibody tests check to see if a patient has had the virus in the past, by determining if antibodies are still in the blood.

“In light of current (Centers for Disease Control and Prevention) interim guidelines, the ADA at this time does not allow employers to require antibody testing before allowing employees to re-enter the workplace,” EEOC said in a statement on June 17. “Please note that an antibody test is different from a test to determine if someone has an active case of COVID-19 (i.e., a viral test). The EEOC has already

stated that COVID-19 viral tests may be permissible under the ADA.”

Valley law firms, in email correspondence to clients, said employers can still require temperature checks and other symptom screenings in addition to viral tests when bringing employees back to the workplace, or bringing on new workers.

“The rationale is that while these procedures are deemed ‘medical exams’ under the (ADA), the exams are nevertheless permitted if the employer has a reasonable belief, based on objective evidence, that an employee with COVID-19 will pose a ‘direct threat’ to the employee, co-workers or others due to a medical condition,” **Ballard Rosenberg Golper and Savitt** said in an email. The employment law firm, serving employers, is based in Encino.

Employers are also allowed to require a doctor’s note “certifying fitness of duty,” EEOC said on its website.

Workers' Comp Classifies Stay-at-Homers Less Risky

But employers must carefully document the change.

By AMY STULICK Staff Reporter

The California Department of Insurance, acknowledging that many people are working from home now, has said certain workers can be reclassified when it comes to workers' compensation premiums.

The rule was made effective July 1, approved by **Ricardo Lara**, insurance commissioner for the state. Reclassifications would in turn make for less expensive insurance policies — less risk if more employees are put into the desk job bracket, or clerical classification, as it's called in the insurance sphere, rather than in the field.

“Such should obviously minimize, to some degree, the impact on California employers experience rating and classifications, on a going forward basis,” **Woodland Hills' Roxborough Pomerance Nye and Adreani** said in an email to clients.

“To qualify, employers have to be careful to document the reclassification of these kind of employees.”

An experience rating refers to the amount of loss an insured party experiences compared to other, similarly insured entities.

Other pandemic-related rulings include COVID-19 claims being excluded from an employer's experience rating, and employee payroll no longer used to calculate insurance premiums;

this last ruling is only for employees who are not working but kept on company payroll, Roxborough Pomerance said.



Lara

A Portal to Pro Bono for Businesses

Nonprofit offers legal help to those under \$100K in revenue.

By AMY STULICK Staff Reporter

LA Represents, a legal assistance initiative founded in April to help Angelenos during the COVID-19 pandemic, has expanded on an existing endeavor to help small businesses.

Called the Small Business Project, the support system offers legal advice to businesses throughout Los Angeles County, so long as it reaches certain criteria.

Eligible businesses must have had earnings of less than \$100,000 last year and less than \$50,000 in liquid assets, the nonprofit organization said.

'Most of the legal issues that have come to play are questions around the stimulus funding for COVID-19 coming from the federal government – how to apply, whether or not they're eligible, if they have received funding, how to make sure they're following all the different rules and regulations.'

DIEGO CARTAGENA
Bet Tzedek Legal Services



Cartagena

Within a month of promoting the project through LA Represents, more than 80 businesses have gotten clarification on government relief programs, compliance with emergency health and safety mandates, and lease issues.

“Most of the legal issues that have come to play are questions around the stimulus funding for COVID-19 coming from the federal government – how to apply, whether or not they're eligible, if they have received funding, how to make sure they're following all the different rules and regulations,” said **Diego Cartagena**, chief executive of **Bet Tzedek Legal Services**.

Bet Tzedek, based in downtown L.A., oversees the project.

“The other area of law that has really come to the forefront are employment law issues – trying to be good employers and making sure they're keeping their employees healthy and safe, so understanding all the sick leave rules, paid leave, what it means to reopen under COVID-19,” added Cartagena.

Of businesses helped so far, 80 percent are people of color, and 70 percent are women, LA Represents said.