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April, 2018

2018

CEAC LEGISLATIVE UPDATE

The Senate, Assembly and the Governor are working on new legislation for 2018. This is a list of major employment bills that became effective 1/1/18. I have also included legislation that has been introduced in 2018. If you know of any legislation I missed, please let me know.

If you want to research any of these bills, there is a new website address to access pending legislation. It is now www.leginfo.legislature.ca.gov. Please do not rely on this report as legal advice, because it isn't. If you need more detailed information, you should contact your attorney, or give me a call.

Signed by the Governor into Law and effective 1/1/18.

SB 63: New Parent Leave Act:

This bill allows an employee, who works for an employer with more than 20 employees within a 75 mile radius of the employee's worksite to take up to 12 weeks' of unpaid, job-protected leave to bond with a newborn within one year of birth. An eligible employee must have worked at least 1250 hours for a least one year. The leave provisions apply to fathers and mothers and would require continuation of health insurance benefits. Unlike CFRA and FMLA, may not require minimum two week leaves. This law does not apply to employees eligible for FMLA/CFRA.

AB 168: Prohibits all employers from asking applicant about prior salary, including benefits. If the applicant voluntarily discloses salary history, the Employer may use that information. Would require employer to provide a wage scale upon demand. Prior salary history by itself may not justify paying different wages based on gender.

AB 1008: Prohibits employers, five or more employees, from enquiring into applicant's criminal history until conditional offer of employment is made. Requires employer to meet strict standards before denying employment, including whether a conviction has a "...direct and adverse relationship with the duties of the job". Would require employer to notify applicant of employment denial, and allow applicant 10 days to respond, before withdrawing offer.

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Legislative Update
April, 2018
pg. 2

More bills effective 1/1/18

AB 450: Will place restrictions on employers cooperating with Federal Immigration agencies except where legally required. Requires employers to notify Labor Commissioner as well as affected employees.

SB 306: Allow Labor Commissioner to seek injunctions prior to investigation of a retaliation complaint.

SB 396: Harassment training for employers with more than 50 employees, must include information on gender identity, gender expression, and sexual orientation. Information sheet is being prepared by DFEH to give employees.

New 2018 Legislation, not yet law

SB 1284: Requires that employers with more than 100 employees submit a report to the Division of Industrial Relations that contains wage data for all employees with the same job title.

SB 1300: Allows anyone even those that have not been the victim of harassment or discrimination to file a claim against their employer alleging that the employer failed to prevent harassment or discrimination against the employers' work force.

AB 1976: Requires employer to make "reasonable efforts" to provide a room or other locations, not a toilet stall, for an employee who needs to express breast milk for an infant child.

AB 2069: Would prohibit an employer from discriminating against an applicant or employee based on a positive drug test for marijuana. Current law allows an employer to treat medical marijuana the same as any other illegal drug.

AB 1938: Would add "familial" status to the list of protected classes under the Fair Employment and Housing Act.

BRUCE MATLOCK
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Legislative Update
April, 2018
pg. 3

AB 3081: Adds a number of employer requirements under the Fair Employment and Housing Act dealing with harassment. They include training of new employees at time of hire and every two years thereafter. Protection for victims of harassment and/or discrimination. Maintaining records relating to harassment and/or discrimination for 10 years.

AB 2482: Would allow an employee to request an Alternative Work Week on an individual basis. Employees would be able to work up to 10 hours a day or 40 hours a week without overtime.

AB 2509: Allows an employee who works an 8 hour day to request a 30 minute on-duty meal period, and leave work 30 minutes earlier than 8 hours in the work day.

AB 1870: Increases the statute of limitations for filing Discrimination, Retaliation and Harassment claims from one year to 3 years.