

Summary of Notable California Employment Law Changes For 2025

<u>NEW LAW</u>	<u>DESCRIPTION</u>
<p>AB 2499: Victims of Violence Rights & Protections</p>	<ul style="list-style-type: none"> • AB 2499 expands and reframes existing laws that provide victims of crimes or abuse with accommodations and leave rights. Employers are prohibited from retaliating or discriminating against employees who serve on a jury or are called as a witness in a judicial proceeding or for taking time off to obtain relief as a victim. The new law broadens the reasons for protected time off, redefines who is entitled to protection and moves the provisions from California Labor Code sections 230 and 230.1 to the California Fair Employment and Housing Act, thus giving California’s Civil Rights Department enforcement authority. <ul style="list-style-type: none"> ○ Definition of Victim and “Qualifying Act of Violence”: The definition of the victim now covers those who have suffered a “qualifying act of violence,” which includes, but is not limited to, domestic violence, sexual assault, stalking, or an act, conduct or pattern of conduct by an individual who causes bodily injury or death, uses a firearm or dangerous weapon, or makes a threat to use force. ○ “Qualifying act of violence” applies regardless of arrest, prosecution or convictions. AB 2499 also alters existing law by removing jury, court and victim time-off provisions from the California Labor Code Section 230 and 230.1 and moving these provisions to the California Fair Employment and Housing Act. ○ Employee Rights: Employees are allowed to use vacation, personal leave or paid sick leave. ○ Employers with 25 or more employees: Protections extend to an employee whose family members are victims. Family members are defined as a child, parent, grandparent, grandchild, sibling, spouse or designated person. A designated person is an individual whose association with the employee is equivalent to a family relationship and will need to be identified by the employee when requesting leave. ○ Leave Rights: If the victim of the qualifying act of violence is the employee themselves, the total leave limit is 12 weeks. If the victim is the employee’s family member or designated person, leave

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	<p>can be limited to 10 days. However, if the victim of the employee's family member or designated person is deceased because of the qualifying act of violence, total leave cannot be limited to less than 12 weeks. This will run concurrently with any leave under the California Family Rights Act and Family Medical Leave Act (FMLA). AB 2499 does not provide an employee with the right to leave that exceeds what is provided under the FMLA.</p> <ul style="list-style-type: none"> ○ Notice: Employers are required to provide written notice of rights to all employees on an annual basis, as well as new hires and at any time upon the employee's request. Employers must also provide written notice of rights whenever they become aware that an employee or an employee's family member is a victim.
SB 1105: Agricultural Employee's Right to Use Paid Sick Leave	<ul style="list-style-type: none"> ● SB 1105 requires employers to allow agricultural employees who work outside to use paid sick days to avoid smoke, heat or flood conditions created by a local or state emergency.
AB 2123: Eliminates employer's ability to require use of accrued vacation leave before receiving PFL & revises formula for determining benefits under SDI and PFL	<ul style="list-style-type: none"> ● AB 2123 eliminates the employer's ability to require employees to use up to two weeks of accrued vacation before using California's paid family leave (PFL).
SB 399: Prohibits captive audience meetings during work hours regarding religious or political matters	<ul style="list-style-type: none"> ● SB 399 prohibits an employer from subjecting, or threatening to subject, an employee to discharge, discrimination or retaliation because the employee declined to attend an employer-sponsored meeting or affirmatively declined to participate in, receive or listen to any communications with the employer, its agents or representatives to communicate the employer's stance on religious or political matters. <ul style="list-style-type: none"> ○ Political matters are defined as matters that relate to elections for political office, political parties, legislation, regulation, and joining or supporting political parties or labor organizations. ○ Religious matters are defined as matters which relate to religious affiliation and the decision to join or support any religious organizations or associations. ● SB 399 can be enforced by private action or by the California Labor Commissioner. <ul style="list-style-type: none"> ○ In addition to awarding damages and remedies, if a violation of SB 399 is found, temporary or permanent injunctive relief, punitive damages and a civil penalty of \$600 per employee for each violation may be granted.

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<p>SB 1100: Amends FEHA to address, mention or provide consideration of driver's license status</p>	<ul style="list-style-type: none"> • SB 1100 amends California's Fair Employment and Housing Act (FEHA) to prohibit statements that a driver's license is required for employment and applies to employer job advertisements, postings, applications or other similar employment materials. <ul style="list-style-type: none"> ○ Exception to this prohibition is available if both: <ol style="list-style-type: none"> 1. The employer reasonably expects driving to be one of the duties of the position; and 2. The employer reasonably believes that using an alternative form of transportation would not be comparable in travel time or cost to the employer. <ul style="list-style-type: none"> ▪ Alternative forms of transportation include, but are not limited to, ride sharing services, taxis, carpooling, biking or walking.
<p>SB 1137: Clarifies combination of protected characteristic is protected under anti-discrimination laws (FEHA, Unruh and Ed Code)</p>	<ul style="list-style-type: none"> • SB 1137 clarifies that the Unruh Civil Rights Act, the Education Code and the California Fair Employment and Housing Act prohibit discrimination on the basis of the combination of two or more protected traits, known as "intersectionality." • Prohibition extends to discrimination based on the perception that a person has a combination of protected traits.
<p>AB1870: Updated poster for workers' compensation</p>	<ul style="list-style-type: none"> • AB 1870 requires employers to include information about an employee's right to consult an attorney in their workers' compensation employee rights notice. Additionally, the notice must state that, in most instances, attorney's fees will be paid from the employee's award.
<p>AB 2299: Requires Labor Commissioner to develop model notice for employers to post regarding employee rights and responsibilities under state whistleblower statutes</p>	<ul style="list-style-type: none"> • AB 2299 requires the California Labor Commissioner's Office to create a model list of employee rights and responsibilities under current whistleblower laws. The model notice is now available on the Labor Commissioner's Office website. Employers will be required to prominently display this notice beginning January 1, 2025.

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<p>SB 428: Allows union to pursue TRO for workplace violence</p>	<ul style="list-style-type: none"> • Current law authorizes an employer to seek a temporary restraining order (TRO) on behalf of an employee who has suffered unlawful violence or a credible threat of violence that was or could be carried out at the workplace. • As of January 2025, workplace TROs may be sought when an employee suffers “harassment,” defined to mean a “knowing and willful course of conduct directed at a specific person that seriously alarms, annoys or harasses the person, and that serves no legitimate purpose.” The conduct must be something that causes a “reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress.” • To obtain a TRO, there must be clear and convincing evidence that the employee has suffered harassment, great or irreparable harm would result to the employee, and the conduct at issue lacked a legitimate purpose. • SB 428 does not prohibit speech or other activities that are constitutionally protected by the National Labor Relations Act or by law.
<p>AB 2975/AB 1976: Directs Cal/OSHA Board to revise healthcare regulations requiring hospitals to implement weapons detection screening and to include opioid antagonists in required first aid materials by certain dates in 2027</p>	<ul style="list-style-type: none"> • AB 2975 requires the Occupational Safety and Health Standards Board (OSHA) to amend the workplace violence prevention’s healthcare standards by March 1, 2027, to require certain hospitals to have a weapons detection screening policy. The policy would require the use of devices that automatically screen a person’s body at specific entrances for weapons and to adopt related policies, staffing and signage. The devices used at hospital entrances must not include handheld metal detector wands. • AB 1976 requires Cal/OSHA to develop standards and enforcement practices for workplace first aid kits to include naloxone hydrochloride, commonly known as Narcan, or any similar medication approved by the Food & Drug Administration. Cal/OSHA must submit its proposal to the Occupational Safety and Health Standards Board by December 1, 2027. The Board must decide on the adoption of these proposals on or before December 1, 2028.
<p>AB 3234: “Social compliance audits”</p>	<ul style="list-style-type: none"> • AB 3234 requires that any employer that has voluntarily subjected itself to a “social compliance audit” to determine if child labor is involved in the employer’s business in whole or in part. • A social compliance audit is “a voluntary, nongovernmental inspection or assessment of an employer’s operations or practices to evaluate whether the operations or practices are in compliance with state and federal labor laws, including, but not limited to, wage-and-hour and health and safety regulations, including those regarding child labor.”

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	<ul style="list-style-type: none">○ Child labor is defined as “any work performed by a child in violation of state or federal law.”• Employers must post a link on the business’s website to a report which details the social compliance audit’s findings.