

California Employment Law Bills 2023: A Comprehensive Overview

As the September 14, 2023, deadline approaches for the passage of bills in the ongoing California Legislative session, the California Senate and Assembly are actively scrutinizing important employment law proposals. Several of these bills are on track to be enacted, and we summarize some of the most notable ones below.

Upon successful passage in both legislative chambers, these bills will progress to the desk of Governor Newsom. Subsequently, the governor will have until October 14, 2023, to either sign them into law, approve them without his signature, or veto them.

Key Highlights

The current California legislative session addresses a wide array of employment-related topics. These include paid family leave, sick leave, and reproductive loss leave, redefining the family caregiver concept, noncompete clauses, enhancements to the state's WARN Act, the prohibition of caste discrimination, workplace restraining orders, presumptions of retaliation in employment terminations, and changes to the minimum wage for healthcare workers.

The deadline for the legislature to pass these bills is September 14, 2023, and Governor Newsom has until October 14, 2023, to take action.

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AB 518 - Expansion of Paid Family Leave Benefits

Assembly Bill (AB) 518 is designed to provide California employees with wage replacement benefits when taking time off for specific family care-related events. This extension of the "paid family leave" encompasses caring for a "designated person" with an equivalent family relationship.

Status: Passed in the Assembly, awaiting Senate decision.

AB 524 - Family Caregiver Protection

AB 524 proposes amendments to the California Fair Employment and Housing Act to prevent discrimination against family caregivers. The bill defines "family caregiver" as someone contributing to the care of family members, which includes spouses, children, parents, siblings, grandparents, grandchildren, domestic partners, or individuals previously designated as "designated persons."

Status: Passed in the Assembly, awaiting Senate decision.

AB 1076 - Noncompete Clauses

AB 1076 seeks to outlaw noncompete clauses in California employment contracts. Additionally, if an employee has previously signed such an agreement, this bill mandates that employers inform the employee that the agreement is void.

Status: Passed in the Assembly, awaiting Senate decision.

AB 1356 - California Worker Adjustment and Retraining Notification Act (Cal WARN)

AB 1356 proposes extending the notice period for covered employers regarding mass layoffs, closures, or relocations from sixty to seventy-five days. The bill also broadens the law to include businesses with seventy-five employees across any "group of locations" in the state and incorporates certain staffing company employees. Furthermore, it prohibits the release of WARN liability in severance agreements.

Status: Passed in the Assembly, awaiting Senate decision.

SB 403 - Caste Discrimination

Senate Bill (SB) 403 intends to amend the California Fair Employment and Housing Act to prohibit caste-based discrimination among employees. This provision applies to communities originating from South Asia and other related caste systems.

Status: Passed in both the Senate and Assembly, pending review by the governor.

SB 428 - Workplace Restraining Orders

Current law allows employers to seek temporary restraining orders to protect employees from threats of violence. SB 428 expands this by permitting employers to seek restraining orders against employee harassment.

Status: Passed in both the Senate and Assembly, awaiting reconciliation in the Senate.

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SB 497 - Presumption of Retaliation

SB 497 introduces a presumption of retaliation if an employee is disciplined or terminated within ninety days of engaging in protected activities, as specified in the Labor Code.

Status: Passed in the Senate, awaiting Assembly decision.

SB 525 - Healthcare Workers Minimum Wage

SB 525 mandates a minimum wage of \$21 for healthcare industry workers, effective June 2024, and increases it to \$25 in June 2025. Exempt employees must be paid at least 150 percent of the healthcare minimum wage. The law broadly covers most healthcare operations but exempts small independent practices. It applies to healthcare facility employees and those performing healthcare-related work at such facilities for other companies.

Status: Passed in the Senate, awaiting Assembly decision.

SB 553 - Workplace Violence Prevention

SB 553 aims to establish a workplace violence prevention standard for most California employers. The bill includes requirements such as implementing a written workplace violence prevention plan, recording workplace violence incidents, and providing employee training.

Status: Passed in the Senate, awaiting Assembly decision; likely requiring reconciliation in the Senate.

SB 616 - Paid Sick Leave Expansion

SB 616 proposes increasing the minimum amount of paid sick leave from three to seven days.

Status: Passed in the Senate, awaiting Assembly decision.

SB 699 - Noncompete Agreements

SB 699 reinforces California's law against noncompete agreements and grants employees the right to seek injunctive relief and civil penalties if coerced into signing such contracts. This bill has already been signed into law by the governor on September 1, 2023.

Status: Passed in both the Senate and Assembly, signed into law by the governor.

SB 700 - Marijuana Protections

SB 700 restricts employers from inquiring about marijuana use by employees and limits the consideration of prior marijuana-related convictions.

Status: Passed in the Senate, awaiting Assembly decision.

SB 731 - Work From Home Rights

SB 731 obliges employers to provide at least thirty days written notice before requiring an employee previously allowed to work from home to return to the company's premises. The information must also inform the employee of their right to request remote work as a reasonable accommodation for a disability.

Status: Passed in the Senate, awaiting Assembly decision.

SB 848 - Reproductive Loss Leave

SB 848 grants employees a five-day leave of absence for reproductive losses, including miscarriages, failed surrogacies, stillbirths, unsuccessful "assisted reproduction" procedures, or failed adoptions.

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In conclusion, the legislative landscape in California is undergoing significant changes in 2023, with a host of employment-related bills poised to reshape the state's labor laws. From expanding family leave benefits to prohibiting noncompete agreements, addressing caste discrimination, and enhancing workplace protections, these bills reflect a commitment to improving the lives of California's workforce.

As these bills progress through the legislative process, it is essential for employers, employees, and advocates to stay informed and engaged with these developments. The outcomes will undoubtedly impact the state's employment practices and create a more inclusive and equitable workplace environment.

California's ever-evolving employment laws testify to the state's dedication to progress and fairness in the workplace. As these measures progress, they reflect the ongoing efforts to create a more just and supportive work environment for all Californians. Stay tuned for further updates and the ultimate impact of these bills on the state's employment landscape.

Don't be a silent ninja! Let us know your thoughts in the comment section below.