



| NEW LAWS | 2019 |
|---|---|
| Harassment, Discrimination Accommodation | Summary |
| AB 1619 (Berman) | Sexual Assault/Statute of Limitations. Enlarges the statute of limitations for filing a civil action for damages for sexual assault to 10 years after the alleged assault or 3 years after the plaintiff discovered or reasonably discovered injury as a result of the assault, whichever is later. |
| AB 1976 (Limón) | Lactation Accommodation. Provides that a lactation room must be “other than a bathroom.” Provides for temporary lactation locations that meet certain conditions, and allows agricultural employers to utilize the air-conditioned cab of a truck or tractor. Allows an employer to request a hardship exemption under certain conditions. |
| AB 2338 (Levine) | Talent Agencies. Requires talent agencies to provide educational material on sexual harassment training, retaliation, nutrition and eating disorders to adult artists, and requires minors (and their parents) to receive training in sexual harassment prevention. |
| AB 2770 (Irwin) | Privileged Communications and References. Three types of communications about sexual harassment claims are now privileged -meaning you can’t be sued for defamation unless the communication is made with “malice:” (1) Reports of sexual harassment made by an employee to the employer based on credible evidence and without malice; (2) Communications between the employer and interested persons (such as witnesses or victims) about the sexual harassment allegations- if made without malice ; and (3) Non-malicious statements made to prospective employers regarding whether a decision not to re-hire is based on an employer’s determination that the employee engaged in sexual harassment. |
| AB 3082 (Gonzalez Fletcher) | In-Home Support Service Employers: harassment prevention training for entities covered by the In-Home Supportive Services (IHSS) program (residential services to |



| | |
|-----------------------------------|--|
| | qualified aged, blind, and disabled citizens). CA Department of Social Services must develop, by September 30, 2019, both educational material and a “proposed method for uniform data collection to identify the prevalence of sexual harassment in the [IHSS] program.” |
| AB 3109 (Stone) | Contracts: Right to Testify. Makes void any provision in a contractor or settlement agreement that waives a party’s right to testify in an administrative, legislative or judicial proceeding concerning alleged criminal conduct or sexual harassment. |
| SB 224 (Jackson) | Sexual Harassment: Professional Relationships. Adds “investor, elected official, lobbyists, director and producer” to the list of examples in Civil Code Section 51.9 that imposes liability for sexual harassment in “business, service or professional” relationships. |
| SB 820 (Leyva) | Non-Disclosure Agreements. Prohibits provisions in settlement agreements that prevent disclosure of factual information related to act of sexual assault, sexual harassment, or sex discrimination or retaliation. Allows a claimant to request language that shields their identity or facts that could lead to the discovery of their identity. Does not apply to disclosure of the amount paid in settlement of a claim. |
| SB 826 (Jackson) | Board of Directors: Women. Requires each publicly held corporation who principal executive offices are located in California to have a minimum number of women on its board of directors, as specified |
| SB 1300 (Jackson) | Unlawful Employment Practices/Amends FEHA. Prohibits employers, in exchange for a raise or a bonus, or as a condition of employment or continued employment, from requiring an employee to sign a release of claim under FEHA or to sign a nondisparagement agreement. -Permits employers to provide “bystander intervention training.” (optional, not required) |



| | |
|---|--|
| | <p>-Expands an employer’s FEHA liability for acts of nonemployees to <i>all</i> forms of unlawful harassment (not just sexual)</p> <p>- Limits a prevailing employer’s ability to recoup attorneys’ fees and costs</p> <p>-Makes legislative findings and declarations, including that:</p> <ul style="list-style-type: none">• A single incident can constitute harassment,• Harassment cases are rarely appropriate for summary judgment• A plaintiff doesn’t have to show tangible productivity has declined as a result of harassment (instead, just show that harassment “so altered working conditions as to make it more difficult to do the job.”)• Stray remarks can be relevant circumstantial evidence of discrimination, -• The standard for what constitutes a valid claim for sexual harassment does not vary by the type of workplace. <p>-Affirms or disapproves of several cases. (leg declarations are not binding)</p> |
| <p>SB 1343 (Mitchell)</p> | <p>Training. Requires employers with 5 or more employees to provide 2 hours of sexual harassment prevention training to all supervisory employees, and at least 1 hour of sexual harassment prevention training to all nonsupervisory employees by January 1, 2020. Requires DFEH to develop online training courses that employers can utilize to satisfy these requirements.</p> |
| <p>SB 1500 (Comm. Vet. Affairs)</p> | <p>Veterans. Discrimination Protections. Extends protections to federal and state reserve branches and updates language.</p> |



| Hiring | Summary |
|------------------------------------|---|
| AB 2138 (Chiu) | Licensing Boards: Criminal Conviction. Limits a regulatory board's discretion to deny a new license application to cases where the applicant was formally convicted of a substantially related crime or subjected to formal discipline by a licensing board, with offenses older than seven years no longer eligible for license denial, with several enumerated exemptions. |
| AB 2282 (Eggman) | Salary History. Clarifies the salary history ban which went into effect on January 1, 2018 and prevents employers from asking about or relying on salary history when making hiring decisions. |
| AB 2388 (Chu) | Employment: Minors. Clarifies that employers do not have to obtain permission from the Labor Commissioner to employ minors in digital exhibitions, provided the minor is not compensated, the exhibition is limited to one hour and an admission fee is not charged for attendance. |
| SB 1412 (Bradford) | Criminal History. Narrows certain exceptions to existing "ban the box" prohibitions to limit their consideration only to " <i>particular</i> " convictions. Clarifies that an employer can conduct criminal background checks when such checks are required for the position by a federal or state law and, when so required, can also consider expunged or sealed records. |
| SB 1428 (McGuire) | Minor. Work Permits. Prohibits the denial of a work permit on the basis of a pupil's grades, grade point average, or school attendance if the pupil is applying for the work permit in order to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the school that the pupil attends. |



| Leave | Summary |
|--|--|
| AB 2587 (Levine) | Paid Family Leave. Makes technical amendments to remove references deleted by prior legislation (7-day waiting period removed last year). |
| SB 1123 (Jackson) | Paid Family Leave. Allows individuals who miss work due to a spouse, domestic partner, parent or child being on active duty to receive paid family leave wage replacement benefits for certain types of covered activities, such as making financial/legal/childcare arrangements due to the military service. Not effective until January 1, 2021. |
| AB 2605 (Gipson) | Rest Breaks: Petroleum Facilities. Establishes an exemption from the “relieved of all duty” rest period requirements of the recent Augustus case for employees in safety sensitive positions in petroleum facilities covered by a valid collective bargaining agreement. |
| AB 2610 (Aguiar-Curry) | Meal Breaks. Commercial Drivers. Authorizes a commercial driver employed by a motor carrier transporting nutrients and byproducts from a licensed commercial feed manufacturer to a customer located in a remote rural location to commence a meal period after 6 hours of work, if the regular rate of pay of the driver is no less than one and one-half times the state minimum wage and the driver receives overtime compensation in accordance with specific provisions of existing law. |
| AB 2844 (Cooley) | Insurance: Agents and Brokers: Commissions. Provides that a commission payable to an insurance broker-agent will be conclusively presumed to be based on the written contract between the insurer and broker-agent if the insurer has complied with two specified provisions in the law. |
| SB 1252 (Bradford) | Payroll Records. Provides that when an employee asserts his or her right to inspect and copy payroll |



| | |
|--------------------------------|--|
| | records, the employer is required to make the copies - currently employees only have the right to go in and inspect the records and copy them themselves. |
| SB 1402 (Lara) | Port Drayage Trucking: Liability. Requires joint and several liability for customers who contract with port drayage motor carriers who have unsatisfied judgments regarding unpaid wages, damages, expenses, penalties and workers' compensation liability. |

| Human Trafficking | Summary |
|---------------------------------|---|
| AB 2034 (Kalra) | Training. Requires operators of mass transit intercity passenger rail systems, light rail systems, and bus stations by 2021 to provide employees who may interact with human trafficking victims with 20 minutes of training on recognizing the signs of human trafficking and similar matters |
| SB 970 (Atkins) | Training. Requires a hotel or motel employer, by 2020, to provide 20 minutes of training to employees that are likely to come into contact with victims of human trafficking. Thereafter, training shall be provided once every two years. |

| OSHA | Summary |
|------------------------------------|---|
| AB 2334 (Thurmond) | Employer Electronic Reporting. Provides that if federal OSHA eliminates the proposed Improve Tracking of Workplace Injuries and Illnesses rule, Cal/OSHA shall convene an advisory committee to evaluate how to implement the changes at the state level. This bill also provides that an "occurrence" for purpose of recordkeeping requirements continues until it is corrected, Cal/OSHA discovers the violation, or the duty to comply ceases to exist. |



| | |
|--|--|
| AB 2799 (Jones-Sawyer) | Cannabis. Requires an applicant for a cannabis license to provide a statement that it employs, or will employ within one year, one supervisor and one employee who have completed a 30-hour Cal/OSHA general industry course. |
| SB 1113 (Monning) | Mental Health: Voluntary Standards. Authorizes the Mental Health Services Oversight and Accountability Commission to establish a framework and voluntary standards for mental health in the workplace, and to provide guidance to California employers. |

| Construction/Public Works | Summary |
|-------------------------------------|---|
| AB 235 (O'Donnell) | Apprenticeship and Pre-apprenticeship. Establishes a two-part process for the approval of apprenticeship programs, maintaining the current process for building trades and firefighter programs and establishing a separate process for newly emerging areas. Establishes pre-apprenticeship eligibility requirements |
| AB 1565 (Thurmond) | General Contractor Liability. This bill is a clean-up measure to AB 1701 from last year and responds to the Governor's signing message asking for technical clarifications. Urgency. |
| AB 1654 (Rubio) | Labor Code Private Attorneys General Act (PAGA). Establishes a collective bargaining agreement exemption for PAGA claims filed by employees in the construction industry. |
| AB 2031 (O'Donnell) | School Project Bidding Requirements. Removes the January 1, 2019 sunset date on the requirement of general contractors and specified subcontractors to complete and submit prequalification information prior to bidding on school construction projects. |
| AB 2358 (Carrillo) | Apprenticeships: Discrimination. Prohibits discrimination in building and construction trades apprenticeship programs based on enumerated |



| | |
|--------------------------------|---|
| | categories with regards to acceptance into or participation in the program. |
| AB 3018 (Low) | Skilled and Trained Workforce Requirements. Increases reporting requirements and penalties for noncompliance with existing provisions related to skilled and trained workforce requirements on state public works projects |
| AB 3231 (Gray) | Certified Payroll Records. Authorizes a joint labor/management committee to bring an action against an employer who fails to provide payroll records as required by state law. |

| Labor Bills | |
|---------------------------------|--|
| AB 2455 (Kalra) | Labor Organizing. Home Care Aide Registry. Requires the disclosure of certain information about home care workers to labor organizations. For any new registrations or renewals of home care aide registrations on or after July 1, 2019, the Department must provide an electronic copy of a home care aide's name, telephone number, and cell phone numbers to a labor union, upon request. |
| AB 2751 (Stone) | Agriculture Labor Relations Board. Require the ALRB to process to final board order, within one year, all monetary awards to employees, or any board order finding liability for an award, unless the ALRB makes a specified certification to the parties. Requires immediate implementation of final board order and contract resulting from mandatory mediation. |