

# Noteworthy Legislation for 2018!

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There are a number of new laws taking effect on Jan 1, 2018 that will have a significant impact on the workplace. Here is a quick list of some of the more notable changes.

## Equal Pay

- ❖ AB 46 - This bill makes clear that the Equal Pay Act applies to public employees.
  
- ❖ AB 168 - This bill prohibits an employer from seeking salary history information or relying on a job applicant's salary history as a factor in determining whether to offer the applicant employment or what salary to offer the applicant. This bill also requires the employer, upon reasonable request, to provide the pay scale for a position to an applicant applying for employment.

**Immigration - AB 450** - Except as otherwise required by federal law, this bill prohibits an employer or other person acting on the employer's behalf from providing voluntary consent to an immigration enforcement agent to enter nonpublic areas of a place of labor unless the agent provides a judicial warrant, except as specified. Except as required by federal law, the bill prohibits an employer or other person acting on the employer's behalf from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or court order, subject to a specified exception.

**Expanding Family Leave - SB 63** - This bill would expand parental leave rights to workers now ineligible under the California Family Rights Act because of their employer's size. Specifically, this bill provides up to 12 weeks of job-protected parental leave for workers at companies with 20 to 49 employees.

**Banning the Box - AB 1008** - This bill would prohibit an employer, with certain exceptions, from inquiring about or considering a job applicant's conviction history prior to a conditional offer of employment, and would set requirements regarding the consideration of conviction histories in employment decisions. **For more details on AB 1008 check out Episode #3 and listen to our interview with criminal defense attorney Allen Crivaro.**

**Strengthening Retaliation Protections – SB 306** - Authorizes an employee who is bringing a civil action for a retaliation claim under Labor Code Section 1102.5 to seek injunctive relief from the court. In addition to any harm resulting directly from the violation of Section 1102.5, the court shall consider the chilling effect on other employees asserting their rights under that section in determining whether temporary injunctive relief is just and proper. This bill grants the Labor Commissioner authority to seek an immediate and temporary injunction when workers face retaliation for reporting violations of the law. This bill also gives the Labor Commissioner

authority to issue citations and penalties directly to enforce retaliation claims, rather than exclusively through the courts. **California Labor Code Section 1102.5 prohibits an employer from preventing employees from disclosing information to governmental authorities concerning violations of state/fed laws and prevents retaliation for reporting or participating in any subsequent investigations.**

**Preventing Workplace Harassment - SB 396** - Requires employers with 50 or more employees to train supervisors on prevention of harassment based on gender identity, gender expression, and sexual orientation as part of other anti-harassment training.