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December 22, 2017

Via Electronic Mail

NOTICE FROM THE MYERS LAW GROUP REGARDING IMPORTANT CALIFORNIA WORKPLACE LAWS FOR 2018

Dear Valued Client:

This letter is to notify you of the many significant employment bills that were signed into law by Governor Jerry Brown at the close of the 2016-2017 legislative session. These bills will take effect starting January 1, 2018, unless noted otherwise. Please review below a summary of statewide laws that may impact your company.

- **SALARY HISTORY** (AB 168): Applies to all public and private employers and prohibits any inquiries into or reliance on an applicant's previous salary history. This new law also requires employers to provide a pay scale of the position upon request from the applicant. It is recommended that any job application, hiring forms, and notices you use are updated to remove any inquiry relating to questions about salary history information.
- **EQUAL PAY** (AB 46): An extension of the Fair Pay Act that prohibits wage discrimination from private employers based on gender, race, and ethnicity. Amends the definition of "employer" under the equal pay law to include both public and private employers.
- **CRIMINAL BACKGROUND CHECKS** (AB 1008): Also known as the "ban-the-box" law, this extends statewide and prohibits employers (with 5 or more employees) from seeking disclosure of an applicant's conviction history. It does permit a criminal history inquiry only after conditional offer of employment, and requires individualized assessment and written notice if applicant is disqualified.
- **PARENTAL LEAVE FOR SMALL BUSINESSES** (SB 63): Expands parental leave law, such that employers with 20-49 employees within a 75-mile radius of the workplace must grant eligible employees with 12 weeks of unpaid, job-protected parental baby bonding leave. Employers are also prohibited from refusing to maintain and pay for coverage under a group health plan for employees that take parental leave.

- **CELLPHONES & DRIVING** (AB 1222): Removes a specialized mobile radio and two-way messaging device from the list of devices that are included under the state's distracted driving regulations. Under the state's law, it is a crime to drive a motor vehicle while holding and operating a handheld wireless telephone or electronic wireless communications device.
- **ANTIDISCRIMINATION: GENDER IDENTITY, GENDER EXPRESSION, SEXUAL ORIENTATION** (SB 396): Requires employers with 5 or more employees to post a notice regarding transgender rights. Also requires employers with 50 or more employees to provide training and education addressing harassment based on gender identity, gender expression, and sexual orientation.
- **DLSE ENFORCEMENT ACTIONS** (SB 306): Authorizes the Division of Labor Standards Enforcement (DLSE) to initiate additional investigations of employers suspected of discrimination or retaliation, even without an employee complaint.
- **IMMIGRATION** (AB 450): Unless otherwise required by federal law, prohibits public and private employers, and anyone acting on their behalf, from consenting to Immigration and Customs Enforcement (ICE) access to nonpublic areas of the workplace and employee records. This also prohibits employers (or anyone acting on their behalf) to provide voluntary consent to ICE to access, review, or obtain employee records without a subpoena or judicial warrant.
- **ANTIDISCRIMINATION PROTECTION FOR VETERANS** (AB 1710): Current state law prohibits discrimination against military personnel because of their membership or service regarding employment, position, or status. This expansion prohibits discrimination against service members in any terms, conditions, or privileges of employment.
- **WORKPLACE SAFETY: CLEANING PRODUCT DATA** (SB 258): Provides that employers required to maintain safety data sheets must also make information available about certain consumer cleaning products.
- **CONSTRUCTION CONTRACTORS** (AB 1701): Certain contractors must assume and are liable for unpaid wages, benefits, or contributions owed by subcontractors.
- **ANTI-HARASSMENT TRAINING** (SB 295): Requires that farm labor contractors comply with existing requirements to conduct sexual harassment training for certain employees by providing the training in the language understood by the employee.
- **HUMAN TRAFFICKING** (AB 260 & SB 225): AB 260 requires additional businesses to post notice concerning human trafficking and available hotlines, including hotels,

motels, and bed and breakfast inns. SB 225 requires notice to include a text number to access support and services.

- **EMPLOYEE ASSISTANCE AFTER ACTS OF DOMESTIC TERRORISM** (AB 44): Employers are required to provide injured employees with immediate support from a nurse case manager. Applies only if the Governor declares a state of emergency relating to domestic terrorism.

Many of these laws may affect your workplace and therefore should be included in your employee handbooks, posters, or other notices distributed in your place of business. Job applications, hiring forms, and other workplace procedures may also need to be amended to reflect these changes.

Should you need help incorporating these laws within your company and/or have any questions pertaining to specific laws for your county, please contact us and we can address your concerns and ensure your company compliance with the new California employment laws.

Most sincerely,



Nicholas D. Myers