

A.B. 450 - Immigrant Worker Protection Act

- An employer must:
 - Require a judicial warrant before consenting to an immigration enforcement agent entering nonpublic areas of a place of labor.
 - Require a subpoena or court order before an immigration enforcement agent can access, review or obtain employee records.
 - Provide current employees with notice of an immigration agency's inspection of I-9 Employment Eligibility Verification forms or other employment records within 72 hours of receiving the federal notice of inspection.
 - Provide affected employees (employees who may lack work authorization or whose documents have deficiencies) a copy of the Notice of Inspection of I-9 forms, upon reasonable request.
 - Provide affected employees a copy of the immigration agency notice that provides for the inspection results and written notice of the obligations of the employer and the affected employee arising from the action, within 72 hours of receipt of the results notice.

- An employer is prohibited from re-verifying the employment eligibility of a current employee at a time or in a manner not required by federal law.

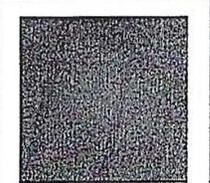
- If an employer is found to have violated any of these, the employer can be fined by the Labor Commissioner or Attorney General in an amount between \$2,000 and \$5,000 for a first violation and between \$5,000 and \$10,000 for each subsequent violation.

Labor Code 432 – Restriction on Obtaining Salary History

- Effective January 1, 2018, employers and their agents are not permitted to directly or indirectly seek or inquire into a job applicant's salary history, compensation or benefits.
- Employers cannot use such information in determining whether to extend a job offer or in deciding what salary to offer the applicant.
- Employers must disclose pay scales for a position upon request from an applicant.
- Applicants can “voluntarily and without prompting” disclose wage history information.

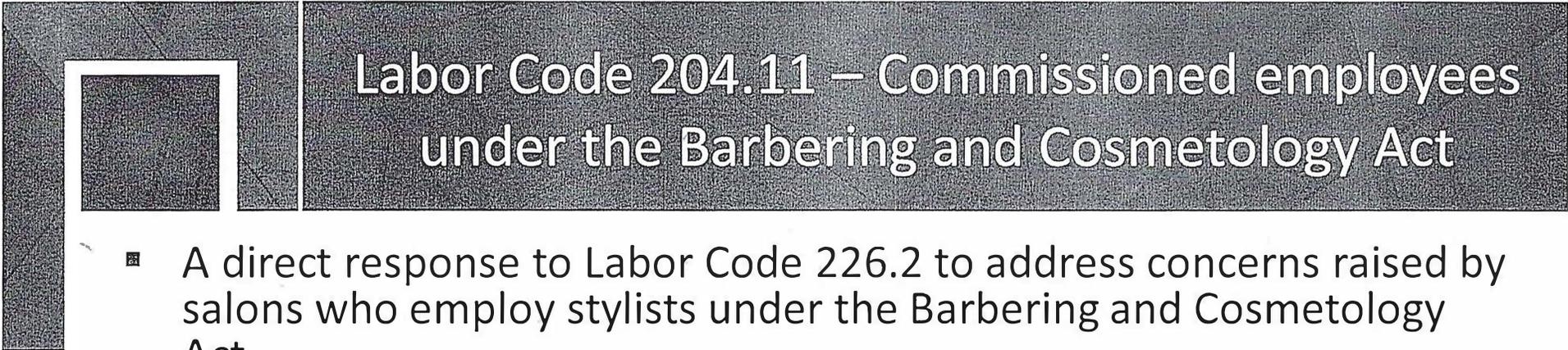
Government Code 12952 – Ban-the-Box

- Applies to make it an unlawful employment practice for employers with five or more employees to:
 - include on any application for employment any question that seeks the disclosure of an applicant’s conviction history;
 - inquire into or consider an applicant’s conviction history before the applicant receives a conditional offer of employment; and
 - consider, distribute, or disseminate information related to arrests that did not result in convictions, diversion program participation, and/or convictions that were sealed, dismissed, expunged or eradicated.
- Limited exemptions.
- After a conditional offer of employment has been issued, if an employer intends to deny hire *solely or in part* because of conviction history, the employer must conduct an individualized assessment to determine whether that history has a *direct and adverse relationship* with the specific duties of the job.



A.B. 1701 - Construction Contractor Liability

- Holds general contractors directly liable to pay wages, fringe benefits, or other benefit payments or contributions owed by their subcontractors.
 - Applies to all contracts entered into after January 1, 2018 for work between direct contractors and subcontractors
 - General contractors to verify wages actually owed. If a subcontractor fails to provide the requested information, a general contractor may withhold the disputed wages.
 - No private right of action.
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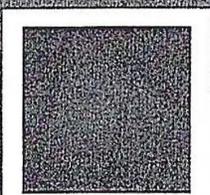


Labor Code 204.11 – Commissioned employees under the Barbering and Cosmetology Act

- A direct response to Labor Code 226.2 to address concerns raised by salons who employ stylists under the Barbering and Cosmetology Act.
 - Labor Code 226.2 requires minimum wage for all hours worked and separate compensation for rest and recovery breaks and other non-productive time for piece rate workers.
 - Labor Code 204.11 provides an alternative commission structure for eligible employees, earning twice the minimum wage for each hour worked. Under those circumstances, employers are not required to provide a separate rate for rest and recovery periods.
 - Commission agreements must still meet the requirements of Labor Code 2751.
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Government Code 12945.6 – Baby Bonding

- The California Family Rights Act (“CFRA”) expands “baby bonding” protections to smaller employers.
- Previously CFRA allowed employees who have at least 1,250 hours of service with the employer during the previous 12-month period and who work at a worksite in which the employer employs 50 or more employees within 75 miles will be permitted to take up to 12 weeks of unpaid parental leave to bond with a new child.
- New requirement expands this right to employees at businesses with 20 to 49 employees.
- Employer obligations include:
 - Maintain group health plan coverage for such employee during the parental leave;
 - Provide the same or comparable position to employee upon termination of the leave;
 - Allow employee to use accrued vacation, paid sick time or other accrued PTO during the leave;
 - Prohibits retaliation, discrimination or interference with rights under the Act.



Health and Safety Code 1287.5 – Added Protections for Health Care Workers

- Prohibits a health facility from discriminating or retaliating against a patient, employee, member of the medical staff, or any other health care worker of the health facility because that person has initiated, participated, or cooperated in an investigation or administrative proceeding related to the quality of care, services, or conditions at the facility, as specified.
 - The maximum civil fine for a violation of this section is \$25,000.
 - The maximum fine for a misdemeanor violation of this section is \$75,000.
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