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AWCP
Legislative Report
Updated: October 16, 2023

Workers' Compensation

[AB 138](#) (Committee on Budget) Human services.

Current Text: Amended: 8/27/2023 [html](#) [pdf](#)

Current Analysis: 08/31/2023 [Senate Floor Analyses \(text 8/27/2023\)](#)

Introduced: 1/9/2023

Last Amended: 8/27/2023

Status: 9/13/2023-Re-referred to Com. on B. & F.R.

Location: 9/13/2023-S. BUDGET & F.R.

Summary: Current law requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Current law requires a regional center to notify the appropriate regional resource development project when the regional center determines or is informed, as specified, that the community placement of a consumer is at risk of failing and that admittance to an acute crisis home operated by the department is a likelihood or the regional center is notified by a court of a potential admission to an acute crisis home operated by the department. Current law requires the department to notify the court, in writing, if the regional resource development project determines that a consumer cannot be safely served in an acute crisis home operated by the department, as specified. This bill would require the department, when the regional resource development project determines that a consumer cannot be safely served in an acute crisis home operated by the department, to continue to work jointly with the regional center to identify or develop alternative services and supports and implement the alternative services and supports that are identified or developed.

[AB 489](#) (Calderon D) Workers' compensation: disability payments.

Current Text: Chaptered: 7/13/2023 [html](#) [pdf](#)

Current Analysis: 06/28/2023 [Senate Floor Analyses \(text 2/7/2023\)](#)

Chapter No.: 63

Introduced: 2/7/2023

Status: 7/13/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 63, Statutes of 2023.

Location: 7/13/2023-A. CHAPTERED

Summary: Under the workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation current law governs temporary and permanent disability indemnity payments. Current law, until January 1, 2024, allows an employer to commence a program under which disability indemnity payments are deposited in a prepaid card account for employees. This bill would extend the authorization to deposit indemnity payments in a prepaid card account until January 1, 2025.

[AB 597](#) (Rodriguez D) Workers' compensation: first responders: post-traumatic stress.

Current Text: Amended: 2/23/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Last Amended: 2/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was INS. on 2/17/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: Current law provides, until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit. Existing law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would, for injuries occurring on or after January 1, 2024, make that provision applicable to emergency medical technicians and paramedics, as defined.

[AB 621](#) ([Irwin D](#)) Workers' compensation: special death benefit.

Current Text: Chaptered: 10/8/2023 [html](#) [pdf](#)

Current Analysis: 09/12/2023 [Assembly Floor Analysis \(text 9/8/2023\)](#)

Chapter No.: 448

Introduced: 2/9/2023

Last Amended: 9/8/2023

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 448, Statutes of 2023.

Location: 10/8/2023-A. CHAPTERED

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment, which, in the case of the death of an employee, includes a death benefit. Current law provides, however, that no benefits, except reasonable expenses of burial not exceeding \$1,000, shall be awarded under the workers' compensation laws on account of the death of an employee who is an active member of the Public Employees' Retirement System, unless the death benefits available under the Public Employees' Retirement Law are less than the workers' compensation death benefits. In that case, the surviving spouse and children of the employee are also entitled to the difference between the 2 death benefit amounts. Current law exempts local safety members and patrol members, as defined, from this limitation. This bill would expand that exemption to include state safety members, peace officers, and firefighters for the Department of Forestry and Fire Protection who are members of Bargaining Unit 8 and would apply the exemption for these employees retroactively to January 1, 2019, for injuries not previously claimed or resolved.

[AB 699](#) ([Weber D](#)) Workers' compensation: presumed injuries.

Current Text: Vetoed: 10/8/2023 [html](#) [pdf](#)

Current Analysis: 09/12/2023 [Assembly Floor Analysis \(text 9/6/2023\)](#)

Introduced: 2/13/2023

Last Amended: 9/6/2023

Status: 10/8/2023-Vetoed by Governor.

Location: 10/8/2023-A. VETOED

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Current law creates a rebuttable presumption that specified injuries, such as meningitis, tuberculosis, or hernia, sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of employment. This bill would expand presumptions for hernia, pneumonia, heart trouble, cancer, tuberculosis, bloodborne infectious disease, methicillin-resistant Staphylococcus aureus skin infection, and meningitis-related illnesses and injuries to a lifeguard employed on a year-round, full-time basis in the Boating Safety Unit by the City of San Diego Fire-Rescue Department. The bill would increase the period of time after termination of employment that a lifeguard employed on a year-round, full-time basis in the Boating Safety Unit by the City of San Diego Fire-Rescue Department can file a claim for skin cancer. The bill would expand the presumptions for illness or injury related to post-traumatic stress disorder or exposure to biochemical substances, as defined, to a lifeguard employed in the Boating Safety Unit by the City of San Diego Fire-Rescue Department.

[AB 1107](#) ([Mathis R](#)) Workers' compensation: presumptive injuries.

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was INS. on 3/2/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: Would, for injuries occurring on or after January 1, 2024, make that provision applicable to additional members and employees of the Department of Corrections and Rehabilitation, including members of the Office of Correctional Safety or the Office of Internal Affairs.

[AB 1145](#) ([Maienschein D](#)) Workers' compensation.

Current Text: Vetoed: 10/8/2023 [html](#) [pdf](#)

Current Analysis: 09/02/2023 [Senate Floor Analyses \(text 2/16/2023\)](#)

Introduced: 2/16/2023

Status: 10/8/2023-Vetoed by Governor.

Location: 10/8/2023-A. VETOED

Summary: Current law relating to workers compensation, until January 1, 2025, provides that, in the case of certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress disorder that developed or manifested during a period while the member is in the service of the department or unit, and establishes a disputable

presumption in this regard. This bill would provide, only until January 1, 2030, that in the case of certain state nurses, psychiatric technicians, and various medical and social services specialists, the term “injury” also includes post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. The bill would apply to injuries occurring on or after January 1, 2024. The bill would prohibit compensation from being paid for a claim of injury unless the member has performed services for the department or unit for at least 6 months, unless the injury is caused by a sudden and extraordinary employment condition.

[AB 1156](#) ([Bonta D](#)) **Workers’ compensation: hospital employees.**

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was INS. on 3/2/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: Current law establishes a workers’ compensation system, administered by the Administrative Director of the Division of Workers’ Compensation, to compensate an employee for injuries sustained in the course of employment. Current law creates a rebuttable presumption that specified injuries sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of employment. Current law, until January 1, 2024, creates a rebuttable presumption of injury for various employees, including an employee who works at a health facility, as defined, to include an illness or death resulting from COVID-19, if specified circumstances apply. This bill would define “injury,” for a hospital employee who provides direct patient care in an acute care hospital, to include infectious diseases, cancer, musculoskeletal injuries, post-traumatic stress disorder, and respiratory diseases. The bill would include the 2019 novel coronavirus disease (COVID-19) from SARS-CoV-2 and its variants, among other conditions, in the definitions of infectious and respiratory diseases.

[AB 1213](#) ([Ortega D](#)) **Workers’ compensation: aggregate disability payments.**

Current Text: Vetoed: 10/9/2023 [html](#) [pdf](#)

Current Analysis: 09/12/2023 [Assembly Floor Analysis \(text 9/1/2023\)](#)

Introduced: 2/16/2023

Last Amended: 9/1/2023

Status: 10/8/2023-Vetoed by Governor.

Location: 10/8/2023-A. VETOED

Summary: Current law establishes a workers’ compensation system, administered by the Administrative Director of the Division of Workers’ Compensation, to compensate an employee for injuries sustained in the course of their employment. Current law requires every employer to establish a utilization review process, as described, and establishes an independent medical review process to resolve disputes over a utilization review decision, as specified. Current law requires that aggregate disability payments for a single injury occurring on or after certain dates be limited, as provided. This bill, from January 1, 2024, until January 1, 2027, would require that if a denial of treatment requested by a treating physician is subsequently overturned by independent medical review or by the Workers’ Compensation Appeals Board, any temporary disability to which the employee is entitled to receive or becomes entitled to receive from the date of the denial until the treatment is authorized would not be included in the calculation of the aggregate disability payments, as specified.

[AB 1278](#) ([Rodriguez D](#)) **Workers’ compensation: medical provider networks.**

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Current Analysis: 05/08/2023 [Assembly Appropriations \(text 3/23/2023\)](#)

Introduced: 2/16/2023

Last Amended: 3/23/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

Summary: Current law establishes a workers’ compensation system, administered by the Administrative Director of the Division of Workers’ Compensation, to compensate an employee for injuries sustained in the course of their employment. Current law requires the employer to provide medical, surgical, chiropractic, acupuncture, and hospital treatment that is reasonably required to cure or relieve the injured worker from the effects of the injury and authorizes an insurer, employer, or entity that provides physician network services to establish or modify a medical provider network (MPN) for the provision of medical treatment to injured employees. Current law requires every MPN to post on its internet website information about how to obtain a copy of any notification regarding the MPN that is required to be given to an employee by regulations adopted by the administrative director. This bill would allow an injured employee to authorize their primary treating physician to request an electronic copy of any notification that an injury is subject to an MPN or that an employee is required to transfer treatment to an MPN.

[SB 391](#) ([Blakespear D](#)) **Workers' compensation: skin cancer.**

Current Text: Vetoed: 10/8/2023 [html](#) [pdf](#)

Current Analysis: 09/12/2023 [Senate Floor Analyses \(text 9/7/2023\)](#)

Introduced: 2/9/2023

Last Amended: 9/7/2023

Status: 10/8/2023-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

Location: 10/8/2023-S. VETOED

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Current law provides, among other things, that skin cancer developing in active lifeguards, as defined, is presumed to arise out of and in the course of employment, unless the presumption is rebutted. This bill would expand the scope of those provisions to certain peace officers of the Department of Fish and Wildlife and the Department of Parks and Recreation.

[SB 623](#) ([Laird D](#)) **Workers' compensation: post-traumatic stress disorder.**

Current Text: Chaptered: 10/9/2023 [html](#) [pdf](#)

Current Analysis: 09/11/2023 [Senate Floor Analyses \(text 9/7/2023\)](#)

Chapter No.: 621

Introduced: 2/15/2023

Last Amended: 9/7/2023

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 621, Statutes of 2023.

Location: 10/9/2023-S. CHAPTERED

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Current law provides, until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit and creates a disputable presumption that the injury arises out of and comes in the course of employment. Current law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would instead repeal that provision on January 1, 2029, and would require the Commission on Health and Safety and Workers' Compensation to submit reports to the Legislature analyzing the effectiveness of the presumption and a review of claims filed by specified types of employees, not included in the presumption, such as public safety dispatchers, as defined.

[SB 631](#) ([Cortese D](#)) **Workers' compensation: gender equity comparative analysis.**

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Current Analysis: 08/14/2023 [Assembly Appropriations \(text 5/18/2023\)](#)

Introduced: 2/16/2023

Last Amended: 5/18/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-A. 2 YEAR

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee, as defined, for injuries sustained in the course of employment. Current law establishes various benefits to be paid or provided to injured employees, including temporary total disability, temporary partial disability, and permanent disability, which are based on an employee's average earnings, as specified. This bill would, upon an appropriation by the Legislature for this purpose, require the administrative director, in collaboration with the University of California at Berkeley, to prepare a comparative analysis to examine differences in workers' compensation benefits provided to employees of different genders, including differences between industries, rate of claim denial, and any difference in compensation paid, as specified.

[SB 636](#) ([Cortese D](#)) **Workers' compensation: utilization review.**

Current Text: Amended: 8/24/2023 [html](#) [pdf](#)

Current Analysis: 08/25/2023 [Assembly Floor Analysis \(text 8/24/2023\)](#)

Introduced: 2/16/2023

Last Amended: 8/24/2023

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 8/28/2023)(May be acted upon Jan 2024)

Location: 9/14/2023-A. 2 YEAR

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, that generally requires employers to secure the payment of workers' compensation for injuries incurred by their employees that arise out of, and in the course of, employment. Current law requires every employer to establish a medical treatment utilization review process, in compliance with specified requirements, either directly or through its insurer or an entity with which the employer or insurer contracts for these services. Current law prohibits any person other than a licensed physician who is competent to evaluate the specific clinical issues involved in the medical treatment services from modifying, delaying, or denying requests for authorization of medical treatment for reasons of medical necessity to cure or relieve. This bill would, commencing January 1, 2025, for private employers, require the physician to be licensed by California state law.

[SB 697](#) ([Hurtado D](#)) Value of care review.

Current Text: Amended: 6/21/2023 [html](#) [pdf](#)

Current Analysis: 05/20/2023 [Senate Floor Analyses \(text 2/16/2023\)](#)

Introduced: 2/16/2023

Last Amended: 6/21/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was INS. on 6/8/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-A. 2 YEAR

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, that generally requires employers to secure the payment of workers' compensation for injuries incurred by their employees that arise out of, and in the course of, employment. Current law authorizes an insurer, employer, or entity that provides physician network services to establish or modify a medical provider network for the provision of medical treatment to injured employees. Current law requires every medical provider network to post on its internet website a roster of all participating providers, as specified. This bill would require the administrative director to adopt regulations to establish and maintain a secure, searchable, and interactive internet portal to provide access to physicians participating in a medical provider network and claims administrators or their designees.

Health Care

[AB 236](#) ([Holden D](#)) Health care coverage: provider directories.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Current Analysis: 04/18/2023 [Assembly Appropriations \(text 3/20/2023\)](#)

Introduced: 1/13/2023

Last Amended: 3/20/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

Summary: Current law requires a health care service plan and a health insurer that contracts with providers for alternative rates of payment to publish and maintain a provider directory or directories with information on contracting providers that deliver health care services enrollees or insureds, and requires a health care service plan and health insurer to regularly update its printed and online provider directory or directories, as specified. This bill would require a plan or insurer to annually audit and delete inaccurate listings from its provider directories, and would require a provider directory to be 60% accurate on January 1, 2024, with increasing required percentage accuracy benchmarks to be met each year until the directories are 95% accurate on or before January 1, 2027. The bill would subject a plan or insurer to administrative penalties for failure to meet the prescribed benchmarks and for each inaccurate listing in its directories. If a plan or insurer has not financially compensated a provider in the prior year, the bill would require the plan or insurer to delete the provider from its directory beginning July 1, 2024, unless specified criteria applies. The bill would require a plan or insurer to provide information about in-network providers to enrollees and insureds upon request, and would limit the cost-sharing amounts an enrollee or insured is required to pay for services from those providers under specified circumstances.

[AB 815](#) ([Wood D](#)) Health care coverage: provider credentials.

Current Text: Amended: 4/20/2023 [html](#) [pdf](#)

Current Analysis: 05/19/2023 [Assembly Floor Analysis \(text 4/20/2023\)](#)

Introduced: 2/13/2023

Last Amended: 4/20/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was HEALTH on 6/7/2023)(May be acted upon Jan 2024)

Location: 7/14/2023-S. 2 YEAR

Summary: Would require the California Health and Human Services Agency to create and maintain a provider credentialing board, with specified membership, to certify private and public entities for purposes of credentialing physicians and surgeons in lieu of a health care service plan's or health insurer's credentialing process. The bill would require the board to convene by July 1, 2024, develop criteria for the certification of public and private credentialing entities by January 1, 2025, and develop an application process for certification by July 1, 2025.

[AB 913](#) ([Petrie-Norris D](#)) Pharmacy benefit managers.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 3/16/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was B.&P. on 3/16/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: The Knox-Keene Health Care Service Plan Act of 1975 requires a pharmacy benefit manager under contract with a health care service plan to, among other things, register with the Department of Managed Health Care. This bill would require the California State Board of Pharmacy to license and regulate pharmacy benefit managers that manage the prescription drug coverage provided by a health care service plan or health insurer, except as specified. The bill would set forth various duties of pharmacy benefit managers, including requirements to file a report with the board. The bill would prohibit a pharmacy benefit manager from, among other things, contracting after January 1, 2024, to prohibit or restrict a pharmacy or pharmacist from disclosing to an enrollee or insured health care information that the pharmacy or pharmacist considers appropriate. This bill would require the board to promulgate necessary regulations and to prepare a report to the Legislature on or before August 1, 2025, and on or before each August 1 thereafter, with aggregate data received from pharmacy benefit managers, establish a data retention schedule, and protect proprietary and confidential information, as specified

[AB 931](#) ([Irwin D](#)) Prior authorization: physical therapy.

Current Text: Vetoed: 10/7/2023 [html](#) [pdf](#)

Current Analysis: 09/07/2023 [Assembly Floor Analysis \(text 9/1/2023\)](#)

Introduced: 2/14/2023

Last Amended: 9/1/2023

Status: 10/7/2023-Vetoed by Governor.

Location: 10/7/2023-A. VETOED

Summary: Would prohibit a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2025, that provides coverage for physical therapy from imposing prior authorization for the initial 12 treatment visits for a new episode of care for physical therapy. The bill would require a physical therapy provider to verify an enrollee's or an insured's coverage and disclose their share of the cost of care, as specified. The bill would require a physical therapy provider to obtain separate written consent for costs that may not be covered by the enrollee's or insured's plan contract or policy, that includes a written estimate of the cost of care for which the enrollee or insured is responsible if coverage is denied or otherwise not applicable. With respect to health care service plans, the bill would specify that its provisions do not apply to Medi-Cal managed care plan contracts. Because a willful violation of this provision by a health care service plan would be a crime, the bill would impose a state-mandated local program.

[SB 598](#) ([Skinner D](#)) Health care coverage: prior authorization.

Current Text: Amended: 8/14/2023 [html](#) [pdf](#)

Current Analysis: 08/21/2023 [Assembly Appropriations \(text 8/14/2023\)](#)

Introduced: 2/15/2023

Last Amended: 8/14/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-A. 2 YEAR

Summary: Would, on or after January 1, 2026, prohibit a health care service plan or health insurer from requiring a contracted health professional to complete or obtain a prior authorization for any covered health care services if the plan or insurer approved or would have approved not less than 90% of the prior authorization requests they submitted in the most recent completed one-year contracted period. The bill would set standards for this exemption and its denial, rescission, and appeal. The bill would authorize a plan or insurer to evaluate the continuation of an exemption not more than once every 12 months, and would authorize a plan or insurer to rescind an exemption only at the end of the 12-month period and only if specified criteria are met. The bill would require a plan or insurer to provide an electronic prior authorization process. The bill would also require a plan or insurer to have a process for annually monitoring prior authorization approval, modification, appeal, and denial rates to identify services, items, and supplies that are regularly

approved, and to discontinue prior authorization on those services, items, and supplies that are approved 95% of the time. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

[SB 786](#) ([Portantino D](#)) Prescription drug pricing.

Current Text: Chaptered: 10/7/2023 [html](#) [pdf](#)

Current Analysis: 08/25/2023 [Senate Floor Analyses \(text 6/15/2023\)](#)

Chapter No.: 414

Introduced: 2/17/2023

Last Amended: 6/15/2023

Status: 10/7/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 414, Statutes of 2023.

Location: 10/7/2023-S. CHAPTERED

Summary: Would prohibit a pharmacy benefit manager from discriminating against a covered entity or its pharmacy in connection with dispensing a drug subject to federal pricing requirements or preventing a covered entity from retaining the benefit of discounted pricing for those drugs.

[SB 873](#) ([Bradford D](#)) Prescription drugs: cost sharing.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Current Analysis: 08/21/2023 [Assembly Appropriations \(text 2/17/2023\)](#)

Introduced: 2/17/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-A. 2 YEAR

Summary: This bill, commencing no later than January 1, 2025, would require an enrollee's or insured's defined cost sharing for each prescription drug to be calculated at the point of sale based on a price that is reduced by an amount equal to 90% of all rebates received, or to be received, in connection with the dispensing or administration of the drug. The bill would require a health care service plan or health insurer to, among other things, pass through to each enrollee or insured at the point of sale a good faith estimate of the enrollee's or insured's decrease in cost sharing. The bill would require a health care service plan or health insurer to calculate an enrollee's or insured's defined cost sharing and provide that information to the dispensing pharmacy, as specified. The bill would require the department and the commissioner to submit an annual report on the impact of these provisions to the appropriate policy committees of the Legislature, as specified. The bill would make these provisions inoperative on January 1, 2027. This bill contains other related provisions and other existing laws.

Labor & Employment

[AB 518](#) ([Wicks D](#)) Paid family leave: eligibility: care for designated persons.

Current Text: Amended: 9/8/2023 [html](#) [pdf](#)

Current Analysis: 09/11/2023 [Senate Floor Analyses \(text 9/8/2023\)](#)

Introduced: 2/7/2023

Last Amended: 9/8/2023

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/13/2023)(May be acted upon Jan 2024)

Location: 9/14/2023-S. 2 YEAR

Summary: Current unemployment compensation disability law requires workers to pay contribution rates based on, among other things, wages received in employment and benefit disbursement, for payment into the Unemployment Compensation Disability Fund, a special fund in the State Treasury. That fund is continuously appropriated for the purpose of providing disability benefits and making payment of expenses in administering those provisions. Current law establishes, within the above state disability insurance program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits for up to 8 weeks to workers who take time off work for prescribed purposes, including to care for a seriously ill family member. Current law defines terms for its purposes, including "family care leave" and "family member." This bill would expand eligibility for benefits under the paid family leave program to include individuals who take time off work to care for a seriously ill designated person. The bill would define "designated person" to mean any individual related by blood or whose association with the employee is the equivalent of a family relationship.

[AB 575](#) ([Papan D](#)) Paid family leave.

Current Text: Vetoed: 10/9/2023 [html](#) [pdf](#)

Current Analysis: 09/12/2023 [Assembly Floor Analysis \(text 9/8/2023\)](#)

Introduced: 2/8/2023

Last Amended: 9/8/2023

Status: 10/8/2023-Vetoed by Governor.

Location: 10/8/2023-A. VETOED

Summary: Current law authorizes the Employment Development Department to administer the disability insurance compensation program, which includes family temporary disability insurance benefits or paid family leave. Current law requires the department to develop a certification form for an employee taking leave to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. Commencing February 1, 2025, this bill would instead require the department to develop a certification form for an employee taking leave to bond with a minor child within one year of the child's birth, placement of the child in connection with foster care or adoption, or an individual's assumption of responsibilities for the child in loco parentis.

[AB 594](#) ([Maienschein](#) D) Labor Code: alternative enforcement.

Current Text: Chaptered: 10/10/2023 [html](#) [pdf](#)

Current Analysis: 09/12/2023 [Assembly Floor Analysis \(text 9/8/2023\)](#)

Chapter No.: 659

Introduced: 2/9/2023

Last Amended: 9/8/2023

Status: 10/10/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 659, Statutes of 2023.

Location: 10/10/2023-A. CHAPTERED

Summary: Current law authorizes the Division of Labor Standards Enforcement, the head of which is the Labor Commissioner, to enforce the Labor Code and all labor laws of the state the enforcement of which is not specifically vested in any other officer, board, or commission. Current law relating to payment of wages for general occupations provides that nothing in those provisions limits the authority of the district attorney of any county or prosecuting attorney of any city to prosecute actions, either civil or criminal, for violations or to enforce those provisions independently and without specific direction of the Division of Labor Standards Enforcement. This bill, until January 1, 2029, would authorize a public prosecutor, as defined, to prosecute an action, either civil or criminal, for a violation of specified provisions of the Labor Code or to enforce those provisions independently. The bill would require moneys recovered by public prosecutors under the Labor Code to be applied first to payments due to affected workers. The bill would also require all civil penalties recovered pursuant to those provisions to be paid to the General Fund of the state, unless otherwise specified. The bill, except as specified, would limit the action of a public prosecutor under the bill to redressing violations occurring within the public prosecutor's geographic jurisdiction. The bill would authorize a public prosecutor, in addition to any other remedies available, to seek injunctive relief to prevent continued violations.

[AB 747](#) ([McCarty](#) D) Business: unlawful employee contracts and requirements.

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Current Analysis: 05/24/2023 [Assembly Floor Analysis \(text 5/18/2023\)](#)

Introduced: 2/13/2023

Last Amended: 5/18/2023

Status: 6/2/2023-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/1/2023)(May be acted upon Jan 2024)

Location: 6/2/2023-A. 2 YEAR

Summary: Current law authorizes any person who sells the goodwill of a business, any owner of a business entity selling or otherwise disposing of all of their ownership interest in the business entity, or any owner of a business entity that sells specified assets or ownership interests to agree with the buyer to refrain from carrying on a similar business within a specified geographic area in which the business so sold, or that of the business entity, division, or subsidiary has been carried on, if the buyer, or any person deriving title to the goodwill or ownership interest from the buyer, carries on a like business therein. Current law defines "ownership interest" as a partnership interest, membership interest, or a capital stockholder, as described. This bill would modify the definition of "ownership interest" to require the partnership interest, membership interest, or capital stock to be more than a 10% interest of the total partnership interest, more than a 10% interest of the total membership interest, or more than 10% of the total shares of ownership of the entity, respectively.

[AB 1031](#) ([Rubio, Blanca](#) D) Employee rest periods: employees providing direct support to individuals with intellectual and developmental disabilities.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Last Amended: 3/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. & E. on 3/23/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: Current law, including statutory law and wage orders issued by the Industrial Welfare Commission, with certain exceptions, requires an employer to provide employees with rest breaks during working hours, as specified. Existing law requires that employees be relieved of all duties during rest periods. Current law requires the employer to pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that a meal or rest or recovery period is not provided. This bill would exempt from the requirement that an employee be relieved of all duties an employee providing direct support to an individual with an intellectual or developmental disability in an integrated community setting, under prescribed circumstances. The bill would require, if a nonexempt employee is affirmatively required to interrupt their rest period to respond to the needs of a consumer, that another rest period be authorized and permitted reasonably promptly after the circumstances that led to the interruption have passed.

[AB 1100](#) (Low D) Employment: workweek.

Current Text: Amended: 4/3/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Last Amended: 4/3/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. & E. on 3/23/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Summary: Would establish the 32-hour Workweek Pilot Program under the administration of the Department of Industrial Relations to provide grants to employers with 5 or more employees for the purposes of administering pilot programs that provide each employee the option to work a 32-hour workweek. The bill would authorize an employer to apply for a grant from the department by submitting a specified application that includes, among other things, a 12-month plan for the implementation of a 32-hour workweek. The bill would require the department to award grants quarterly, beginning July 1, 2024, and to prioritize employers with hourly employees.

[AB 1356](#) (Haney D) Relocations, terminations, and mass layoffs.

Current Text: Vetoed: 10/9/2023 [html](#) [pdf](#)

Current Analysis: 09/12/2023 [Assembly Floor Analysis \(text 9/1/2023\)](#)

Introduced: 2/17/2023

Last Amended: 9/1/2023

Status: 10/8/2023-Vetoed by Governor.

Location: 10/8/2023-A. VETOED

Summary: The California Worker Adjustment and Retraining Act governs relocations, terminations, and mass layoffs. Current law prohibits an employer from ordering a mass layoff, relocation, or termination at a covered establishment unless, 60 days before the order takes effect, the employer gives prescribed written notice of the order to specified entities, including the local workforce investment board and the chief elected official of each city and county government within which the termination, relocation, or mass layoff occurs. Current law exempts certain types of employment from the act, including seasonal employment where the employees were hired with the understanding that their employment was seasonal and temporary (seasonal employment exemption). Current law makes an employer who fails to give notice as required liable to each employee entitled to notice who lost their employment for prescribed compensation, calculated for the period of the employer's violation, up to a maximum of 60 days, or 1/2 the number of days that the employee was employed by the employer, whichever period is smaller. Current law authorizes the Labor Commissioner to enforce specified provisions of existing law, as prescribed. Existing law defines terms for its purposes, including definitions for the terms "employer" and "employee." Current law defines "mass layoff" for purposes of the act to mean a layoff during any 30-day period of 50 or more employees at a covered establishment, and defines "covered establishment" as an industrial or commercial facility that employs, or has employed within the preceding 12 months, 75 or more persons. This bill would require the prescribed notice 75 days before the order takes effect, and would make a conforming change to the calculation of employer liability. The bill would modify the requirement for notice to the local workforce investment board and the chief elected official of each city and county government within which the termination, relocation, or mass layoff occurs to apply only to a termination, relocation, or mass layoff that impacts 50 or more employees at a single location.

[AB 1516](#) (Kalra D) Labor and Workforce Development Agency: working group: minimum wage.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Current Analysis: 05/19/2023 [Assembly Floor Analysis \(text 3/23/2023\)](#)

Introduced: 2/17/2023

Last Amended: 3/23/2023

Status: 6/2/2023-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 5/31/2023)(May be acted upon Jan 2024)

Location: 6/2/2023-A. 2 YEAR

Summary: Would require the Labor and Workforce Development Agency to convene a working group to study and evaluate topics related to the minimum wage in California. The bill would require the working group to submit to the Legislature, on or before July 1, 2024, a report that outlines recommendations for raising the minimum wage for all workers in California.

[SB 330](#) ([Niello R](#)) **Labor Code Private Attorneys General Act of 2004.**

Current Text: Amended: 3/15/2023 [html](#) [pdf](#)

Current Analysis: 04/18/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 3/15/2023\)](#)

Introduced: 2/7/2023

Last Amended: 3/15/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L., P.E. & R. on 3/29/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

Summary: The Labor Code Private Attorneys General Act of 2004 permits an aggrieved employee, on behalf of themselves and other current or former employees, to bring a civil action pursuant to specified procedures for a violation of a provision of the Labor Code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency. Current law imposes specified filing requirements on the aggrieved employee or representative in order to bring the action, including providing notice to the agency and the employer with the specific provisions of the Labor Code alleged to have been violated, and the facts and theories that support the alleged violations. Current law provides an employer, for certain of those violations, a right to cure the violation within 33 days, as specified. For alleged violations of specified provisions of the Labor Code relating to safety in employment, current law requires the Division of Occupational Safety and Health to investigate the allegations in the notice. This bill would require the notice, for alleged violations of the Labor Code other than those specified provisions relating to safety in employment, to instead include a statement setting forth the relevant facts, legal authorities, and authorities supporting each alleged violation. For those alleged violations that provide an employer a right to cure, the bill would require the notice to inform the employer of their right to cure the violation.

[SB 352](#) ([Padilla D](#)) **California Workforce Development Board: minimum wage and housing.**

Current Text: Amended: 3/29/2023 [html](#) [pdf](#)

Current Analysis: 05/05/2023 [Senate Appropriations \(text 3/29/2023\)](#)

Introduced: 2/8/2023

Last Amended: 3/29/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-S. 2 YEAR

Summary: Would require the California Workforce Development Board, in conjunction with the Secretary of Labor and Workforce Development and the Director of Housing and Community Development, to examine housing costs by county, regionally, and in the state and create a formula to ascertain how much a household with at least one full-time minimum wage worker must earn to reasonably afford a decent standard of living, including appropriate housing and basic expenses, including nonhousing necessities, in that county, regionally, and in the state. The bill, commencing in 2024, would also require the California Workforce Development Board to recommend to the Legislature by December 15 of each year the minimum wage for a household with at least one full-time minimum wage earner to afford a decent standard of living, including appropriate housing and basic expenses, including nonhousing necessities, in each county, regionally, and in the state and recommend a method to annually adjust figures to account for housing cost inflation and inflation broadly.

[SB 375](#) ([Alvarado-Gil D](#)) **Employment: employer contributions: employee withholdings: COVID-19 regulatory compliance credit.**

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Current Analysis: 05/05/2023 [Senate Appropriations \(text 2/9/2023\)](#)

Introduced: 2/9/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-S. 2 YEAR

Summary: Under current law, every employer who pays wages to a resident employee for services performed either within or without this state, or to a nonresident employee for services performed in this state, is required to deduct and withhold from those wages, except as provided, for each payroll, a tax computed in an amount substantially equivalent to the amount reasonably estimated to be due under the Personal Income Tax Law. Under current law, every employer required to withhold those taxes is required to, for each calendar quarter, file a withholding report, a quarterly return, and a report of wages in a form prescribed by the Employment Development Department, and pay over the taxes required to be

withheld. This bill would authorize an employer to claim, for the 2023 and 2024 calendar years, a COVID-19 regulatory compliance credit in a specified amount. The bill would require the credit to be claimed on the employer's last quarterly return, as described, for the relevant calendar year. The bill would require any amount claimed by an employer to be credited against employee personal income tax withholding amounts required to be remitted to the department for the last quarter of the relevant calendar year.

[SB 399](#) ([Wahab D](#)) **Employer communications: intimidation.**

Current Text: Amended: 5/2/2023 [html](#) [pdf](#)

Current Analysis: 08/14/2023 [Assembly Appropriations \(text 5/2/2023\)](#)

Introduced: 2/9/2023

Last Amended: 5/2/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 7/11/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-A. 2 YEAR

Summary: Would, except as specified, prohibit an employer from subjecting, or threatening to subject, an employee to discharge, discrimination, retaliation, or any other adverse action because the employee declines to attend an employer-sponsored meeting or affirmatively declines to participate in, receive, or listen to any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious or political matters.

[SB 497](#) ([Smallwood-Cuevas D](#)) **Protected employee conduct.**

Current Text: Chaptered: 10/9/2023 [html](#) [pdf](#)

Current Analysis: 08/25/2023 [Assembly Floor Analysis \(text 4/27/2023\)](#)

Chapter No.: 612

Introduced: 2/14/2023

Last Amended: 4/27/2023

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 612, Statutes of 2023.

Location: 10/9/2023-S. CHAPTERED

Summary: Current law prohibits a person from discharging an employee or in any manner discriminating, retaliating, or taking any adverse action against any employee or applicant for employment because the employee or applicant engaged in protected conduct, as specified. Under current law, an employee who is discharged, threatened with discharge, demoted, suspended, retaliated against, subjected to adverse action, or in any other manner discriminated against in the terms and conditions of their employment because among other things, the employee engaged in protected conduct, as specified, the employee shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by those acts of the employer. This bill would create a rebuttable presumption in favor the employee's claim if an employer engages in any action prohibited by this provision within 90 days of the protected activity specified in this provision.

[SB 525](#) ([Durazo D](#)) **Minimum wages: health care workers.**

Current Text: Chaptered: 10/13/2023 [html](#) [pdf](#)

Current Analysis: 09/14/2023 [Senate Floor Analyses \(text 9/11/2023\)](#)

Chapter No.: 890

Introduced: 2/14/2023

Last Amended: 9/11/2023

Status: 10/13/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 890, Statutes of 2023.

Location: 10/13/2023-S. CHAPTERED

Summary: Current law generally requires the minimum wage for all industries to not be less than specified amounts to be increased until it is \$15 per hour commencing January 1, 2022, for employers employing 26 or more employees, and commencing January 1, 2023, for employers employing 25 or fewer employees. Current law makes a violation of minimum wage requirements a misdemeanor. This bill would establish 5 separate minimum wage schedules for covered health care employees, as defined, depending on the nature of the employer.

[SB 553](#) ([Cortese D](#)) **Occupational safety: workplace violence: restraining orders and workplace violence prevention plan.**

Current Text: Chaptered: 9/30/2023 [html](#) [pdf](#)

Current Analysis: 09/11/2023 [Senate Floor Analyses \(text 9/7/2023\)](#)

Chapter No.: 289

Introduced: 2/15/2023

Last Amended: 9/7/2023

Status: 9/30/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 289, Statutes of 2023.

Location: 9/30/2023-S. CHAPTERED

Summary: Would, commencing January 1, 2025, authorize a collective bargaining representative of an employee, as described, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described. The bill would require an employer or collective bargaining representative of an employee, before filing such a petition, to provide the employee who has suffered unlawful violence or a credible threat of violence from any individual an opportunity to decline to be named in the temporary restraining order. Under the bill, an employee's request to not be named in the temporary restraining order would not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. The bill would make various conforming changes.

[SB 575](#) ([Wahab D](#)) **Employment relations.**

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Status: 2/22/2023-Referred to Com. on RLS.

Location: 2/15/2023-S. RLS.

Summary: Current law specifies the obligations of the employer and the employee in the employment relationship, and provides that these specifications do not affect statutes governing workers' compensation. This bill would make nonsubstantive changes to this provision.

[SB 592](#) ([Newman D](#)) **Labor standards information and enforcement.**

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Current Analysis: 04/18/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 2/15/2023\)](#)

Introduced: 2/15/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L., P.E. & R. on 2/22/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

Summary: Current law creates with the Department of Industrial Relations, and establishes within the department the Division of Labor Standards Enforcement (DLSE), which is headed by the Labor Commissioner. The DLSE is generally charged with enforcing employment statutes and regulations, either in administrative actions or through litigation. Current law imposes various administrative sanctions, civil fines and penalties, and criminal penalties for violations of employment statutes or regulations. This bill would prohibit the imposition of punishment or liability for costs upon a person who has relied upon a published opinion letter or an enforcement policy, as defined, of DLSE that is displayed on the internet website of the division, except for restitution of unpaid wages, for violations of statutes or regulations in judicial or administrative proceedings if the person pleads and proves specified facts. The bill would require a person asserting this defense to have acted in good faith, to have relied upon, and conformed to, the applicable opinion letter or enforcement policy, and to have provided true and correct information to the division, among other things.

[SB 627](#) ([Smallwood-Cuevas D](#)) **Displaced workers: notice: opportunity to transfer.**

Current Text: Vetoed: 10/9/2023 [html](#) [pdf](#)

Current Analysis: 09/14/2023 [Senate Floor Analyses \(text 9/7/2023\)](#)

Introduced: 2/16/2023

Last Amended: 9/7/2023

Status: 10/8/2023-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

Location: 10/8/2023-S. VETOED

Summary: Current law, until December 31, 2024, requires an employer, as defined, to offer certain employees laid off due to the COVID-19 pandemic specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. Current law requires an employer that declines to recall a laid-off employee on the grounds of lack of qualifications and instead hires someone other than a laid-off employee to provide the laid-off employee a written notice within 30 days including specified reasons for the decision, and other information on those hired. Current law prohibits an employer from taking adverse action against any laid-off employee for seeking to enforce their rights under existing law. Current law gives the Division of Labor Standards Enforcement jurisdiction over enforcement of these provisions and prescribes enforcement, remedies, and civil penalties for violations. Existing law prohibits the imposition of criminal penalties for a violation of these provisions. Current law authorizes the division to promulgate and enforce rules and regulations, and issue determinations and interpretations concerning existing law. This bill would require a chain employer to provide each covered worker and their exclusive representative, if any, a displacement notice at least 60 days before the expected date of closure of a covered establishment. The bill would define terms for its purposes, including defining a "covered establishment" as a chain establishment that is subject to closure resulting in layoffs of workers, a "chain" as a business in this state that consists of 100 or more establishments nationally that share a common brand and are owned and operated by the same parent company, and a "chain employer" as any

person, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, owns or operates a chain and employs or exercises control over the wages, hours, or working conditions of workers.

[SB 703](#) ([Niello R](#)) Employment: work hours: flexible work schedules.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Current Analysis: 04/25/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 2/16/2023\)](#)

Introduced: 2/16/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L., P.E. & R. on 3/1/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

Summary: Would enact the California Workplace Flexibility Act of 2023. The bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek and would allow the employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday. The bill would prescribe a method for calculating the payment of overtime for hours worked in excess of the permitted amounts and would establish requirements for termination of these agreements. The bill would except from its provisions employees covered by collective bargaining and public employees, as specified. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

[SB 723](#) ([Durazo D](#)) Employment: rehiring and retention: displaced workers.

Current Text: Chaptered: 10/10/2023 [html](#) [pdf](#)

Current Analysis: 09/14/2023 [Senate Floor Analyses \(text 9/7/2023\)](#)

Chapter No.: 719

Introduced: 2/16/2023

Last Amended: 9/7/2023

Status: 10/10/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 719, Statutes of 2023.

Location: 10/10/2023-S. CHAPTERED

Summary: Current law, until December 31, 2024, requires an employer, as defined, to offer its laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. Current law, until December 31, 2024, also prohibits an employer from refusing to employ, terminating, reducing compensation, or taking other adverse action against a laid-off employee for seeking to enforce their rights under these provisions. These provisions are enforced by the Division of Labor Standards Enforcement, as prescribed. Current law defines the term "laid-off employee" to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding January 1, 2020, and whose most recent separation from active service was due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the COVID-19 pandemic. This bill would redefine "laid-off employee" to mean any employee who was employed by the employer for 6 months or more and whose most recent separation from active employment by the employer occurred on or after March 4, 2020, and was due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, reduction in force, or other economic nondisciplinary reason due to the COVID-19 pandemic.

[SB 731](#) ([Ashby D](#)) Employment discrimination: unlawful practices: work from home: disability.

Current Text: Vetoed: 10/9/2023 [html](#) [pdf](#)

Current Analysis: 09/06/2023 [Senate Floor Analyses \(text 9/1/2023\)](#)

Introduced: 2/17/2023

Last Amended: 9/1/2023

Status: 10/8/2023-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

Location: 10/8/2023-S. VETOED

Summary: The California Fair Employment and Housing Act (FEHA) makes it an unlawful practice for an employer or other entity to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee. FEHA further makes it an unlawful practice for an employer or other entity to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known physical or mental disability or known medical condition. This bill would make it an unlawful employment practice for an employer to fail to provide to an employee who is working from home at least 30 calendar days' advance notice before requiring the employee to return to work in person. The bill would prohibit an employee from being required to return to work in person until the employer provides notice in accordance with the bill. The bill would require that notice be written and sent by mail or email and include, at a minimum, prescribed text with information about the rights of an employee to reasonable accommodation for a disability.

[SB 876](#) ([Smallwood-Cuevas D](#)) **Employment discrimination.**

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/1/2023-Referred to Com. on RLS.

Location: 2/17/2023-S. RLS.

Summary: Current law, the California Fair Employment and Housing Act, identifies certain acts as unlawful employment practices, including for an employer, because of the race, religious creed, color, or specified other characteristics of the person, to refuse to hire or employ the person, discharge the person from employment, or discriminate against the person in compensation or in terms, conditions, or privileges of employment, except as otherwise specified. This bill would state the intent of the Legislature to enact legislation that would protect workers from discrimination in the workplace.

[SB 881](#) ([Alvarado-Gil D](#)) **Paid sick days: accrual and use.**

Current Text: Amended: 4/11/2023 [html](#) [pdf](#)

Current Analysis: 04/18/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 4/11/2023\)](#)

Introduced: 2/17/2023

Last Amended: 4/11/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L., P.E. & R. on 3/29/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

Summary: Current law, with certain exceptions, entitles an employee to paid sick days for certain purposes if the employee works in California for the same employer for 30 or more days within a year from the commencement of employment. Under current law, an employer has no obligation under these provisions to allow an employee's total accrual of paid sick leave to exceed 48 hours or 6 days, provided that an employee's rights to accrue and use paid sick leave are not otherwise limited, as specified. Under current law, sick leave carries over to the following year of employment, but an employer is permitted to limit the use of the carryover amount, in each year of employment, calendar year, or 12-month period, to 24 hours or 3 days. This bill would modify the employer's alternate sick leave accrual method to require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing not less than 40 hours or 5 days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment. The bill would also provide that an employer is under no obligation to allow an employee's total accrual of paid sick leave to exceed 80 hours or 10 days, as specified. The bill would raise the employer's authorized limitation on the employee's use of carryover sick leave to 40 hours or 5 days.