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WHITE PAPER

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A Review of 2025 Labor & Employment Legislation in California

California's 2025 legislative session reshaped the workplace landscape with aggressive restrictions on employment-related clawbacks and debt, strengthened pay equity enforcement and remedies, and an expansion of employer pay data reporting. Building on prior pay transparency and pay equity frameworks, the Legislature refined definitions, adopted a good-faith pay scale standard, extended limitations periods, and expanded reporting granularity.

The Legislature also expanded worker protections under the Fair Employment and Housing Act. New provisions add leave and accommodation rights for victims of violence and create a narrow safe harbor to encourage bias-mitigation training. In parallel, an AI transparency statute sets safety and whistleblower protections for frontier model developers.

The Legislature also clarified classification and reimbursement rules for construction trucking, renewed displaced-worker recall obligations, and enhanced Cal/WARN notice content and the timing for coordinating rapid-response services. Sector-specific updates include adjustments to meal and rest period rules, new access to training-credential records, and extended oversight of foreign labor recruiters.

Although several high-profile measures were vetoed, the overall trend is toward more prescriptive compliance, tighter data integrity expectations, and greater state-level enforcement authority. Employers should expect closer scrutiny across compensation, notice and posting, leave administration, and technology governance—and should begin aligning policies, agreements, and reporting systems now.

WAGE & HOUR

AB 692 — Employment Contract Clawback Provisions

AB 692, effective January 1, 2026, targets "training repayment" and similar clawback arrangements by making it unlawful to include in any employment- or work-related contract a term that requires a worker to pay a debt, authorizes collection or ends forbearance on a debt, or imposes any penalty, fee, or cost if the worker's employment with the employer ends. The law defines these contracts as restraints of trade under California's long-standing public policy against restrictive covenants and renders them void as a matter of public policy if entered on or after January 1, 2026. Coverage is broad. AB 692 applies to both employees and other individuals permitted to perform work or participate in training programs. It covers employment- and education-related costs and consumer debts, and expressly prohibits employers from recovering replacement/retraining fees, "quit" fees, visa or immigration cost reimbursement, liquidated damages, lost goodwill, and lost profits tied to separation.

The statute contains narrow, prescriptive exceptions. Permissible repayment agreements include: government loan repayment or forgiveness programs; repayment of tuition for a truly "transferable credential" if the agreement is separate from employment, the credential is not a condition of employment, the amount is disclosed and capped at the employer's actual cost, repayment is prorated (with no acceleration) over any required service period, and no repayment is required if the worker is terminated except for misconduct; state-approved apprenticeship agreements; and separate signing-bonus agreements for discretionary, unearned payments if the worker is given at least five business days to consult counsel, the retention period does not exceed two years, any early-separation repayment is prorated and interest-free, and the worker may defer receipt until the end of the retention period to avoid any repayment obligation. All other post-termination debt or penalty clauses for leaving employment are prohibited.

Enforcement is robust and employer exposure is significant. Contracts entered into on or after January 1, 2026, are not only void under this statute, but workers (or their legal representatives) may sue to recover the greater of actual damages or $5,000 per worker, plus injunctive relief and reasonable attorneys' fees and costs. Importantly, the statute's remedies are cumulative.

Recommendations for Employers: Employers should audit offer letters, retention, tuition/training reimbursement, relocation, and clawback agreements, immigration reimbursement provisions, and third-party training contracts; remove or replace any post-termination debt or penalty terms; or where relying upon the limited exceptions, ensure strict compliance with the statute's format, disclosure, proration, interest-free, and misconduct-only termination conditions.

SB 261 — Civil Penalty for Unpaid Judgments for Nonpayment of Wages

California law permits enforcement actions against employers who have not paid compensation for work or have not paid final judgments for nonpayment of wages. For employers that fail to satisfy judgments after 180 days, the bill also establishes an additional civil penalty, "not to exceed three times the outstanding judgment amount, including postjudgment interest then due." An action to enforce a final judgment against such employers can be brought by judgment creditors, the Labor Commissioner, or public prosecutors. These civil penalties will be separate from and additional to civil penalties sought under the Private Attorneys General Act ("PAGA") for Labor Code violations.

Recommendations for Employers: Because the new provisions of SB 261 do not begin to apply until after judgments become final, employers with compensation disputes should monitor deadlines for response and appeal. Once a judgment becomes final, an employer will have 180 days to satisfy the judgments or face the additional penalty. Employers who have not paid compensation or employers with outstanding final judgments for nonpayment of work should carefully monitor the calendar to avoid incurring additional civil penalties.

SB 648 — Enforcement to Recover Withheld Gratuities

Beginning January 1, 2026, the Labor Commissioner can investigate, issue citations, and file civil actions against an employer suspected of collecting, taking, receiving, or otherwise withholding gratuities paid to or left for tipped employees. Employers face penalties of up to $100 per underpaid employee per pay period for each initial violation and up to $250 per underpaid employee per pay period for subsequent violations, as well as restitution of the unlawfully taken or withheld gratuities, and liquidated damages in the amount equal to

the unpaid gratuities. Terminated employees are further entitled to waiting time penalties under Labor Code section 203.

Recommendations for Employers: Employers should audit and update tipping and payroll practices to ensure all gratuities—including credit-card tips—are solely the employee's property, which the employee receives in full, without deductions, no later than the next regular payday, to mitigate heightened Labor Commissioner enforcement risk.

AB 751 — Rest Period Flexibility for Petroleum Safety-Sensitive Roles

AB 751 makes permanent the limited rest-period exemption for employees in safety-sensitive positions at petroleum facilities, permitting them to carry communication devices, remain on premises, and respond to emergencies without being fully relieved of duties. The statute requires that such employers provide an uninterrupted replacement rest period reasonably promptly after any emergency interruption, or payment of one hour at the employee's regular rate if a replacement cannot be provided. The exemption applies only to employees covered by Industrial Welfare Commission Wage Order No. 1 and a qualifying collective bargaining agreement that expressly provides for wages, hours, rest periods, binding arbitration, premium overtime rates, and a base rate at least 30% above the state minimum wage.

SB 693 — Meal Period Exception for Water Utility Employees

SB 693 amends Labor Code section 512 to add employees of a "water corporation" to the existing list of utility and industry groups for whom the statutory five-hour meal period rule may be modified under qualifying collective bargaining agreements.

ANTI-DISCRIMINATION AND HARASSMENT LAWS

SB 642 — Pay Equity Enforcement Act

Since 2023, California law has required employers with 15 or more employees to include pay scales for every job posting. Pay scale was defined as "the salary or hourly wage range that the employer reasonably expects to pay for the position." SB 642 has amended the definition of pay scale to mean "a good-faith estimate" of "the salary or hourly wage range that the employer reasonably expects to pay for the position upon hire." Existing law prohibited pay disparities between employees of "the opposite sex." SB 642 has broadened protections against pay disparities by amending the law to state "another sex" to prohibit pay disparity for substantially the same work between any gender. The definition of wages for the pay has also been expanded to include all forms of compensation, such as bonuses, stock, stock options, profit-sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, travel expense reimbursement, and benefits, not just an employee's hourly rate or salary.

SB 642 has additionally extended the statute of limitations for violations of the California Equal Pay Act to three years from the violation and now provides for recovery of back wages for up to six years.

Recommendations for Employers: Covered employers should review their internal and third-party-hosted job postings to ensure postings include a pay scale range that reflects a good-faith estimate of what the employer reasonably expects to pay for the position upon hire. Employers should document how the range was calculated to support that it was done in good faith. Employers should also review and ensure that policies provide for equal pay for any gender, and that pay equity studies include all forms of compensation—not just hourly rate and salary—such as salary, overtime pay, bonuses, stock, stock options, profit-sharing and bonus plans, life insurance, vacation and holiday pay, allowances, hotel accommodations, travel reimbursements, and benefits.

SB 464 — Expanded Employer Pay Data Reporting and Enforcement

SB 464 strengthens California's employer pay data reporting obligations. Covered employers with 100 or more employees already must submit annually each May detailed workforce demographics and compensation data, including employee counts by race, ethnicity, and sex within federal pay bands, median and mean hourly rates by demographic combination, total hours worked, and the employer's NAICS code. The bill requires that any demographic information gathered for reporting be collected and stored separately from personnel records. Effective January 1, 2027, SB 464 increases the job categories subject to reporting from 10 to 23, aligning them more closely with occupational classifications and sharpening pay equity analysis across a wider range of roles. Employers

with workers supplied through labor contractors must file a separate report identifying the ownership names of labor contractors. Labor contractors must provide the necessary pay data to the client employer.

Enforcement and confidentiality provisions are also reinforced. If an employer does not file a required report, the Civil Rights Department may seek a compliance order and recover associated costs. At the Civil Rights Department's request, courts must impose civil penalties of up to $100 per employee for an initial failure to file and up to $200 per employee for subsequent failures, with penalties apportionable to noncooperative labor contractors where appropriate. Pay data submissions remain confidential and exempt from disclosure under the Public Records Act. However, the Civil Rights Department may publish aggregated, nonidentifiable analyses, and the Department must retain reports for at least 10 years. The statute preserves the "snapshot" reporting methodology for headcounts during a single pay period between October 1 and December 31 of the reporting year and continues to base earnings on W-2 wages for the entire year regardless of tenure. Upon request by the Civil Rights Department, the Employment Development Department must provide the names and addresses of all businesses with more than 100 employees to support compliance monitoring.

Recommendations for Employers: Collectively, these changes signal heightened transparency expectations, broader occupation-level granularity starting in 2027, and more certain penalty exposure for noncompliance. In conjunction with experienced counsel, employers should audit their policies and practices for pay data recordkeeping and reporting. Employers who engage with labor contractors should review their contracts and proactively communicate and set up policies and practices for receiving, reviewing, and storing the necessary pay data to ensure compliance.

AB 250 — Window to Reactive Sexual Assault Claim

AB 250 revives certain time-barred civil claims arising from sexual assaults that occurred when a plaintiff was an adult. Specifically, AB 250 establishes a two-year window for a plaintiff to revive civil sexual assault claims pending on January 1, 2026, or filed between January 1, 2026, and December 31, 2027, even if the statute of limitations has otherwise expired. The law excludes claims that have been settled or litigated through final judgment.

ARTIFICIAL INTELLIGENCE

SB 53 — Transparency in Frontier Artificial Intelligence Act

SB 53 sets baseline transparency and safety rules for the largest "frontier" AI developers—those training very large foundation models and earning over $500 million annually. These companies must publish and follow a public Frontier AI Framework, issue pre-deployment transparency reports for new or substantially modified models, and report serious safety incidents to the Office of Emergency Services within 15 days (24 hours if there is an imminent risk of death or serious injury). The law also provides robust whistleblower protections for covered employees. Specifically, it prohibits employers from retaliating against a reporting employee if the employee has reasonable cause to believe the developer's activities pose a specific and substantial danger to public health or safety due to a "catastrophic risk," or that the developer violated the Transparency in Frontier AI Act. The law defines "catastrophic risk" as a foreseeable and material risk that a frontier developer's development, storage, use, or deployment of a frontier model will materially contribute to either the death or serious injury of more than 50 people, or more than $1 billion in damage or property loss arising from a single incident involving a frontier model. For additional analysis, see the Jones Day *Alert*, "California Enacts SB 53: Setting New Standards for Frontier AI Safety and Disclosures."

Recommendations for Employers: Employers who meet SB 53's definition of "large frontier developer" should familiarize themselves with the Frontier AI Framework and prepare compliant transparency reports for deployment.

LEAVE LAWS

SB 590 — Paid Family Leave: Care for Designated Persons

SB 590 broadens access to benefits under California's Paid Family Leave program beyond traditional next-of-kin categories. Effective July 1, 2028, eligible workers may receive up to eight weeks of wage replacement to care for a seriously ill "designated person"—defined as a care recipient related by blood or whose association is the equivalent of a family relationship. The bill makes conforming changes to key definitions of "family care leave" and "family member" to include designated persons. For first-time claims to care for a designated person, the claimant must identify the individual and attest,

under penalty of perjury, to the qualifying relationship. SB 590 does not alter the maximum duration of paid family leave or the overall benefits calculation framework; it operates within existing wage-replacement tiers and program limits.

Recommendations for Employers: Employers should review their handbooks, leave request forms, and update manager guidance to reflect that employees may seek paid family leave benefits to care for a "designated person" starting July 1, 2028.

AB 406 — Employment Protections for Victims of Violence

Effective January 1, 2026, AB 406 amends the Fair Employment Housing Act ("FEHA") to prohibit employers from discharging, discriminating, or retaliating against employees who take time off to obtain protective relief, attend judicial proceedings, or secure medical care, counseling, victim services, safety planning, relocation, childcare, or legal services related to a "qualifying act of violence." Such acts include domestic violence, sexual assault, stalking, and specified violent conduct, regardless of whether it resulted in an arrest or conviction. Employers with 25 or more employees must extend these protections when the employee's family member, including a designated person, is a victim. AB 406 mandates that employers provide reasonable safety accommodations to qualifying employees—such as transfers, modified schedules, and workstation or phone changes—through a timely, good-faith interactive process, subject to undue hardship and workplace safety constraints. Employers are allowed to request that employees give reasonable advance notice of their intent to take time off under AB 406, where feasible, and can also request that an employee provide certification of their absence within a reasonable time. AB 406 requires employers to maintain confidentiality of victim status, and to provide written notice of rights to all employees upon hire, annually, upon request, and whenever victim status is disclosed. Leave under AB 406 is generally unpaid, but employees may apply vacation and other forms of paid leave.

Recommendation for Employers: Employers should review their current leave policies to include language providing for leave related to qualifying acts of violence.

SB 303 — Bias Mitigation Training Safe Harbor

SB 303 amends the FEHA to establish a narrow safe harbor for employees and employers engaging in good-faith bias mitigation efforts. The statute provides that an employee's assessment, testing, admission, or acknowledgment of their own personal bias—when solicited or required as part of an employer-provided bias mitigation training—does not, by itself, constitute unlawful discrimination. The Legislature expressly encourages employers to conduct bias mitigation trainings and affirms that offering such training, standing alone, does not constitute unlawful discrimination. "Bias mitigation training" is defined broadly to include education and activities addressing conscious and unconscious thought processes and their impacts, along with specific mitigation strategies, such as administering or analyzing bias assessments, trainings and workshops, toolkits, and tracking mitigation or elimination efforts. SB 303 does not alter FEHA's substantive prohibitions or remedies; instead, it delineates that good-faith, training-related self-disclosures are not independently a basis for liability.

Recommendations for Employers: Employers who offer bias mitigation training should provide, and document the disclosure of, clear written policies stating that good-faith self-disclosures during training will not be used for discipline or employment decisions. Employers should also limit and secure any bias-assessment data they collect and train facilitators on SB 303's safe-harbor parameters.

LAYOFFS, RECALLS, AND WARN

SB 617 — Cal/WARN Notice Enhancements

SB 617 updates the California Worker Adjustment and Retraining Act to strengthen the content of employer notices for mass layoffs, relocations, and terminations. In their WARN notification to employees, employers must now state whether and through whom they will coordinate rapid response services, provide functioning contact information for the local workforce development board, include details about the CalFresh program, and include a standardized description of available services. If the employer opts to coordinate services with the workforce board or another entity, services must be arranged within 30 days of the notice. The statute preserves existing 60-day advance notice timing and exceptions.

Recommendations for Employers: Employers should update their WARN notice templates to include the employer's

coordination decision and required rapid response language with functioning workforce board contacts, CalFresh information, and an employer contact, and train human resources personnel on the 30-day service coordination deadline, to ensure compliance with SB 617.

AB 858 — Displaced Worker Recall and Retention Extension

AB 858 extends California's COVID-19 displaced worker recall law, Labor Code section 2810.8, through January 1, 2027, for hotels/private clubs with more than 50 rooms, event centers, airport hospitality and service providers, and commercial building services. When a position opens, employers must notify qualified, laid-off employees within five business days via mail, email, and text; make offers by length-of-service priority; allow at least five business days to accept; and keep recall records for three years. If declining recall for lack of qualifications, the employer must give laid-off employees a written explanation within 30 days that includes the length of service of the person hired. The obligation to recall displaced workers follows the business through ownership, organizational, and asset transfers as well as relocations. The Division of Labor Standards Enforcement has exclusive enforcement authority and may order hiring or reinstatement, front and/or back pay, the value of benefits, interest, injunctions, and civil penalties of $100 per affected employee, plus $500 per employee per day in liquidated damages until cured. The law presumes economic, non-disciplinary layoffs occurring on or after March 4, 2020, were COVID-related unless the employer proves otherwise; prohibits retaliation against employees who assert, assist with, or participate in enforcement of their recall rights; preserves more protective local ordinances; and allows waiver of the law's requirements only through a clear and unambiguous collective bargaining agreement. Violations occurring on or before December 31, 2026, remain enforceable after the sunset date.

Recommendations for Employers: Impacted employers should update their recall protocols through January 1, 2027, to ensure they are maintaining a current roster of laid-off, qualified employees, sending notices of openings within five business days, making offers by length-of-service date, and providing written explanations for bypassed applicants. Employers should train human resources personnel and managers responsible for hiring decisions on these new procedures to avoid liability.

INDEPENDENT CONTRACTORS

SB 809 — Construction Trucking Classification and Amnesty

SB 809 clarifies that an employee merely owning the vehicle they use for work does not, by itself, make the employee an independent contractor under California's "ABC" test. In practical terms, vehicle ownership—whether a personal car or a commercial truck—cannot substitute for meeting the ABC criteria (freedom from control, work outside the hiring entity's usual course of business, and engagement in an independently established trade). The law states that employee-drivers who own their trucks must be reimbursed for use, upkeep, and depreciation via a negotiated flat or per-mile rate that can't be below actual costs or the IRS mileage rate, as applicable. To address past misclassification, the bill creates a Construction Trucking Employer Amnesty Program (through January 1, 2029) allowing eligible contractors that reclassify drivers as employees, make workers whole, secure workers' comp, and comply with monitoring, to receive relief from specified civil and statutory penalties. Penalty relief does not cover fraud, certain final Employment Development Department penalties, or criminal matters; drivers who decline settlement still must be reclassified but cannot seek PAGA penalties for the covered period.

Recommendations for Employers: Employers in the construction trucking industry should conduct a classification and reimbursement audit of employees serving in construction driver roles, develop compliant vehicle-expense reimbursement practices, and evaluate potential application to the Construction Trucking Employer Amnesty Program before January 1, 2029, to mitigate any past penalties.

LABOR UPDATES

AB 288 — Employment: Labor Organization and Unfair Practices

AB 288 is a potentially groundbreaking shift in enforcement of labor law at the state level. In an apparent response to the National Labor Relations Board's ("NLRB") perceived turning away from protecting workers and labor rights, the California state government enacted AB 288. AB 288 expands the jurisdiction of the California Public Employee Relations Board ("PERB"), "authorizing a worker to petition the PERB to protect and enforce prescribed rights under specified circumstances,

including if the worker is employed in a position subject to the NLRA, but the NLRB has expressly or impliedly ceded jurisdiction," according to the Legislative Counsel's Digest. As of January 1, 2026, workers may petition the PERB, for example, when the NLRB lacks a quorum, has been found unconstitutional, is blocked by an injunction, or has delayed for significant times.

Under AB 288, the PERB is empowered to act in ways previously reserved to the NLRB, including: hearing unfair labor practice charges; conducting union elections; and issuing civil penalties and injunctions. And the PERB may further issue orders to submit to binding arbitration, beyond what the NLRB could previously do.

AB 288 has already begun to face legal challenges as preempted by the NLRA, including from a suit by the NLRB. California is not alone in its effort to empower a state agency to act as a labor enforcer. Massachusetts is considering similar legislation to AB 288. New York has already passed a bill expanding state jurisdiction over private-sector employees while the Board lacks a quorum, which is also being challenged by the NLRB on preemption grounds.

Recommendations for Employers: In addition to monitoring the constitutionality of AB 288, California employers should prepare in the meantime to comply with both federal and state requirements. Employers should consult with experienced employment counsel to understand the differences between federal and California state requirements and adjust their policies and practices to ensure compliance.

IMMIGRATION AND FOREIGN LABOR RECRUITMENT

AB 1362 — Foreign Labor Contractor Registration: Agricultural Workers

Styled as "The Human Trafficking Prevention and Protection Act for Temporary Immigrant Workers," AB 1362 expands protections under California law for temporary migrant workers. Previous protections and registration requirements applied only to foreign labor recruiters of workers under the H-2B workers visa program. One example of a protection is the requirement of comprehensive disclosure of working terms and conditions to foreign workers through written contracts during the recruitment process.

Beginning July 1, 2027, all foreign labor recruiters must register with the Labor Commissioner, including (but not limited to) recruiters of workers under the H-2A and H-2B visa programs, rather than just the H-2B visa program. The bill empowers the Labor Commissioner to enforce registration requirements by issuing citations and bringing civil actions against those who violate the provisions.

Recommendations for Employers: Because tens of thousands of previously exempted agricultural workers will now be covered, foreign labor recruiters and employers who interact with them should review their employee policies and records on employee visas to ensure compliance with registration requirements.

NOTICE AND POSTING UPDATES

SB 294 — Workplace Know Your Rights Act

SB 294 requires employers to give employees a stand-alone written notice of key workplace and constitutional rights by February 1, 2026, and annually thereafter, to provide the notice at hire, to send it annually to any union representative, and to deliver it in the language the employer normally uses with the employee. A template of the notice will be available on the Labor Commissioner's website beginning January 1, 2026. Employers must keep, for three years, records of compliance with the notice requirement, including the date each written notice was provided or sent to every employee and the annual notice sent to any authorized representative, such as a union representative. Employers must allow employees to designate an emergency contact by March 30, 2026, and notify that contact if the employee is arrested or detained at the worksite (or during work hours offsite if the employer has actual knowledge). Under the law, employers may not discriminate or retaliate against employees who exercise their rights under the Act, file a complaint with the Labor Commissioner, cooperate in an investigation or prosecution, or otherwise invoke or assist in the Act's enforcement. The law authorizes enforcement by the Labor Commissioner or public prosecutors, with penalties up to $500 per employee per violation and up to $500 per day (capped at $10,000 per employee) for emergency-contact violations.

Recommendations for Employers: Employers should coordinate posting and distribution to all current employees of "Know Your Rights" notice by February 1, 2026, review recordkeeping procedures to ensure records are being maintained for at least

three years, and implement an emergency-contact designation and arrest/detention notification protocol by March 30, 2026.

SB 513 — Personnel Records

Employees in California already may inspect and receive copies of their personnel records relating to their performance. SB 513 requires employers to also maintain records on an employee's education and training with the records on an employee's performance and to provide those education and training records on request. Records must contain the employee's name, the name of the training, the duration and date of the training, the core competencies of the training (including skills in equipment or software), and any resulting certification or qualification.

Recommendations for Employers: Employers should review their recordkeeping policies and practices to ensure the necessary training and education records are properly collected, maintained, and available for employees to request.

VETOED BILLS AND LEGISLATIVE TRENDS

Several high-profile measures did not become law this session but remain instructive, as they often reappear in revised form in the next session, or through agency rulemaking, and they can signal where policy is headed. Employers should monitor these proposals closely for renewed activity in 2026 and assess potential operational impacts now.

SB 7 — Automated Decision Systems in Employment

SB 7 would have created a comprehensive framework governing employer use of automated decision systems ("ADS") in the workplace, requiring plain-language, stand-alone pre-use notices to affected workers at least 30 days before deployment (and to applicants if used in hiring), maintenance of an updated ADS inventory, and post-use notices whenever an employer primarily relied on ADS output to discipline, terminate, or deactivate a worker. The bill mandated human review of ADS-driven adverse actions and gave workers the right to obtain 12 months of their own ADS data used in such decisions. Enforcement would have run through the Labor Commissioner, authorized injunctive relief, damages, and imposed a $500 civil penalty per violation. SB 7 was vetoed on the grounds it was overbroad, duplicative, and could negatively impact California businesses.

AB 1326 — Right to Wear Health Masks

AB 1326 would have codified an individual's right to wear a mask in a public place for the purpose of protecting individual or public health (e.g., communicable disease, air quality), defining covered mask types (including N95/KN95, surgical, cloth) and public places (businesses open to the public, public accommodations, government buildings, outdoor public spaces, public transit, health care settings, schools, and workplaces). Governor Newsom vetoed the bill, citing existing law as sufficient to allow individuals to wear masks for health reasons in most public contexts.

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