

AMENDED IN SENATE JUNE 23, 2025

AMENDED IN ASSEMBLY MARCH 4, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 406

Introduced by Assembly Member ~~Bennett~~ Schiavo

February 4, 2025

~~An act to amend Section 25371 of the Public Resources Code, relating to energy. An act to amend Section 12945.8 of the Government Code, and to amend Section 246.5 of, to amend and repeal Sections 230.2 and 230.5 of, and to add and repeal Sections 230 and 230.1 of, the Labor Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 406, as amended, ~~Bennett~~ Schiavo. ~~Energy: transportation fuels assessment.~~ *Employment: unlawful discrimination: victims of violence.*

Existing law, the California Fair Employment and Housing Act, establishes the Civil Rights Department within the Business, Consumer Services, and Housing Agency, under the direction of the Director of Civil Rights, to enforce civil rights laws with respect to housing and employment and to protect and safeguard the right of all persons to obtain and hold employment without discrimination based on specified characteristics or status. Existing law prescribes various functions, duties, and powers of the department, including, among others, to bring prescribed civil actions for violations of specified federal civil rights and antidiscrimination laws.

Prior law, until January 1, 2025, authorized an employee who was discriminated or retaliated against for exercising certain rights to file a complaint with the Division of Labor Standards Enforcement in

accordance with specified Labor Code provisions. These employee rights include, among other things, the right to take time off work to serve on a trial or to obtain specified crime-related relief.

Existing law, as of January 1, 2025, transferred the authority to enforce these discrimination provisions from the Division of Labor Standards Enforcement to the Civil Rights Department. Existing law also repealed the above-described Labor Code provisions, and added new enforcement provisions to the California Fair Employment and Housing Act within the Government Code. Among other changes, these provisions refer to a “qualifying act of violence,” as defined, instead of crime, or crime or abuse, for purposes of obtaining relief. Existing law further prohibits an employer with 25 or more employees from discharging or in any manner discriminating or retaliating against an employee who is a victim or who has a family member who is a victim for taking time off work for any of a number of additional prescribed purposes relating to a qualifying act of violence, as defined. Existing law requires an employee, as a condition of taking time off, to provide the employer with reasonable advance notice, unless not feasible, in accordance with certain procedural requirements.

This bill would reinstate the above-described former Labor Code provisions, to apply only to alleged actions or inactions occurring on or before December 31, 2024.

This bill would also transfer enforcement authority for two additional discrimination provisions relating to attending judicial proceedings from the Division of Labor Standards Enforcement to the Civil Rights Department.

The bill would make other conforming changes.

Existing law requires the State Energy Resources Conservation and Development Commission, on or before January 1, 2024, and every 3 years thereafter, to submit an assessment related to transportation fuels to the Legislature, as specified.

~~This bill would require the commission, beginning with the first assessment submitted after January 1, 2025, to propose recommendations for implementing solutions to mitigate any impacts described in the assessment, and would authorize the commission to request information from the State Air Resources Board, the Geologic Energy Management Division, and other relevant state agencies in preparing the recommendations and the assessment. The bill would require those entities to provide information the commission deems necessary.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12945.8 of the Government Code is
2 amended to read:

3 12945.8. (a) An employer shall not do any of the following:

4 (1) Discharge or in any manner discriminate against an employee
5 for taking time off to serve as required by law on an inquest jury
6 or trial jury, ~~if the employee, prior to taking the time off, gives~~
7 ~~reasonable notice to the employer that the employee is required to~~
8 ~~serve jury.~~

9 (2) Discharge or in any manner discriminate or retaliate against
10 an employee, including, but not limited to, an employee who is a
11 victim, for taking time off to appear in court to comply with a
12 subpoena or other court order as a witness in any judicial
13 proceeding.

14 (3) Discharge or in any manner discriminate or retaliate against
15 an employee who is a victim for taking time off from work to
16 obtain or attempt to obtain any relief. Relief includes, but is not
17 limited to, a temporary restraining order, restraining order, or other
18 injunctive relief, to help ensure the health, safety, or welfare of
19 the victim or their child.

20 (4) *Commencing January 1, 2026, discharge or in any manner*
21 *discriminate or retaliate against an employee who is a victim or*
22 *a family member of a victim for taking time off from work in order*
23 *to attend judicial proceedings related to that crime, including, but*
24 *not limited to, any delinquency proceeding, a postarrest release*
25 *decision, plea, sentencing, postconviction release decision, or any*
26 *proceeding where a right of that person is an issue.*

27 (b) An employer with 25 or more employees shall not discharge
28 or in any manner discriminate or retaliate against an employee
29 who is a victim or who has a family member who is a victim for
30 taking time off from work for any of the following purposes:

31 (1) To obtain or attempt to obtain any relief for the family
32 member. Relief includes, but is not limited to, a temporary
33 restraining order, restraining order, or other injunctive relief, to
34 help ensure the health, safety, or welfare of the family member of
35 the victim.

1 (2) To seek, obtain, or assist a family member to seek or obtain,
2 medical attention for or to recover from injuries caused by a
3 qualifying act of violence.

4 (3) To seek, obtain, or assist a family member to seek or obtain
5 services from a domestic violence shelter, program, rape crisis
6 center, or victim services organization or agency as a result of a
7 qualifying act of violence.

8 (4) To seek, obtain, or assist a family member to seek or obtain
9 psychological counseling or mental health services related to an
10 experience of a qualifying act of violence.

11 (5) To participate in safety planning or take other actions to
12 increase safety from future qualifying acts of violence.

13 (6) To relocate or engage in the process of securing a new
14 residence due to the qualifying act of violence, including, but not
15 limited to, securing temporary or permanent housing or enrolling
16 children in a new school or childcare.

17 (7) To provide care to a family member who is recovering from
18 injuries caused by a qualifying act of violence.

19 (8) To seek, obtain, or assist a family member to seek or obtain
20 civil or criminal legal services in relation to the qualifying act of
21 violence.

22 (9) To prepare for, participate in, or attend any civil,
23 administrative, or criminal legal proceeding related to the
24 qualifying act of violence.

25 (10) To seek, obtain, or provide childcare or care to a
26 care-dependent adult if the childcare or care is necessary to ensure
27 the safety of the child or dependent adult as a result of the
28 qualifying act of violence.

29 (c) (1) As a condition of taking time off for a purpose set forth
30 in paragraph ~~(3)~~ (1), (3), or (4) of subdivision (a), or subdivision
31 (b), the employee shall give the employer reasonable advance
32 notice of the employee's intention to take time off, unless the
33 advance notice is not feasible.

34 (2) When an unscheduled absence occurs, the employer shall
35 not take any action against the employee if the employee, within
36 a reasonable time after the absence, provides a certification to the
37 employer upon request by the employer. Certification shall be
38 sufficient in the form of any of the following:

39 (A) A police report indicating that the employee or a family
40 member of the employee was a victim.

1 (B) A court order protecting or separating the employee or a
2 family member of the employee from the perpetrator of the
3 qualifying act of violence, or other evidence from a court or
4 prosecuting attorney that the employee or a family member of the
5 employee has appeared in court.

6 (C) Documentation from a licensed medical professional,
7 domestic violence counselor, as defined in Section 1037.1 of the
8 Evidence Code, a sexual assault counselor, as defined in Section
9 1035.2 of the Evidence Code, victim advocate, licensed health
10 care provider, or counselor that the employee or a family member
11 of the employee was undergoing treatment or seeking or receiving
12 services directly related to the qualifying act of violence.

13 (D) Any other form of documentation that reasonably verifies
14 that the qualifying act of violence occurred, including, but not
15 limited to, a written statement signed by the employee, or an
16 individual acting on the employee's behalf, certifying that the
17 absence is for a purpose authorized under this section.

18 (3) To the extent allowed by law and consistent with
19 subparagraph (D) of paragraph (7) of subdivision (e), the employer
20 shall maintain the confidentiality of any employee requesting leave
21 under paragraph (3) *or* (4) of subdivision (a), or subdivision (b).
22 Furnishing evidence or providing a certification under this
23 subdivision shall not waive any confidentiality or privilege that
24 may exist between the employee or employee's family member
25 and a third party.

26 (d) An employer shall not discharge or in any manner
27 discriminate or retaliate against an employee because of the
28 employee's status, or the employee's family member's status, as
29 a victim if the employee provides notice to the employer of the
30 status or the employer has actual knowledge of the status.

31 (e) (1) An employer shall provide reasonable accommodations
32 for an employee who is a victim or whose family member is a
33 victim of a qualifying act of violence who requests an
34 accommodation for the safety of the employee while at work.

35 (2) For purposes of this subdivision, reasonable accommodations
36 may include the implementation of safety measures, including a
37 transfer, reassignment, modified schedule, changed work telephone,
38 permission to carry telephone at work, changed work station,
39 installed lock, assistance in documenting domestic violence, sexual
40 assault, stalking, or another qualifying act of violence that occurs

1 in the workplace, an implemented safety procedure, or another
2 adjustment to a job structure, workplace facility, or work
3 requirement in response to domestic violence, sexual assault,
4 stalking, or other qualifying act of violence, or referral to a victim
5 assistance organization.

6 (3) An employer is not required under this section to provide a
7 reasonable accommodation to an employee who has not disclosed
8 the employee's status, or the employee's family member's status,
9 as a victim.

10 (4) The employer shall engage in a timely, good faith, and
11 interactive process with the employee to determine effective
12 reasonable accommodations.

13 (5) In determining whether the accommodation is reasonable,
14 the employer shall consider an exigent circumstance or danger
15 facing the employee or their family member.

16 (6) This subdivision does not require the employer to undertake
17 an action that constitutes an undue hardship on the employer's
18 business operations, as defined by Section 12926 of the
19 Government Code. For the purposes of this subdivision, an undue
20 hardship also includes an action that would violate an employer's
21 duty to furnish and maintain a place of employment that is safe
22 and healthful for all employees as required by Section 6400 of the
23 Labor Code.

24 (7) (A) Upon the request of an employer, an employee
25 requesting a reasonable accommodation pursuant to this
26 subdivision shall provide the employer a written statement signed
27 by the employee or an individual acting on the employee's behalf,
28 certifying that the accommodation is for a purpose authorized
29 under this subdivision.

30 (B) The employer may also request certification from an
31 employee requesting an accommodation pursuant to this
32 subdivision demonstrating the employee's status, or the employee's
33 family member's status, as a victim. Certification shall be sufficient
34 in the form of any of the categories described in paragraph (2) of
35 subdivision (c).

36 (C) An employer who requests certification pursuant to
37 subparagraph (B) may request recertification of an employee's
38 status, or an employee's family member's status, as a victim, or
39 ongoing circumstances related to the qualifying act of violence,
40 every six months after the date of the previous certification.

1 (D) Any verbal or written statement, police or court record, or
2 other documentation provided to an employer identifying an
3 employee or the employee's family member as a victim shall be
4 maintained as confidential by the employer and shall not be
5 disclosed by the employer except as required by federal or state
6 law or as necessary to protect the employee's safety in the
7 workplace. The employee shall be given notice before any
8 authorized disclosure. Furnishing evidence or providing a
9 certification under this subdivision shall not waive any
10 confidentiality or privilege that may exist between the employee
11 or employee's family member and a third party.

12 (E) (i) If circumstances change and an employee needs a new
13 accommodation, the employee shall request a new accommodation
14 from the employer.

15 (ii) Upon receiving the request, the employer shall engage in a
16 timely, good faith, and interactive process with the employee to
17 determine effective reasonable accommodations.

18 (F) If an employee no longer needs an accommodation, the
19 employee shall notify the employer that the accommodation is no
20 longer needed.

21 (8) An employer shall not retaliate against an employee for
22 requesting a reasonable accommodation under this subdivision,
23 regardless of whether the request was granted.

24 (f) It shall be an unlawful employment practice for an employer
25 to interfere with, restrain, or deny the exercise of, or the attempt
26 to exercise, any right provided under this section.

27 (g) An employee may use vacation, personal leave, paid sick
28 leave, or compensatory time off that is otherwise available to the
29 employee under the applicable terms of employment, unless
30 otherwise provided by a collective bargaining agreement, for time
31 taken off for a purpose specified in subdivision (a) or (b). The
32 entitlement of any employee under this section shall not be
33 diminished by any collective bargaining agreement term or
34 condition.

35 (h) This section does not create a right for an employee to take
36 unpaid leave that exceeds the unpaid leave time allowed under, or
37 is in addition to the unpaid leave time permitted by, the 12 weeks
38 provided under the federal Family and Medical Leave Act of 1993
39 (29 U.S.C. Sec. 2601 et seq.).

1 (i) An employer may limit the total leave taken pursuant to this
2 section as follows:

3 (1) An employer may limit total leave time taken pursuant to
4 subdivision (b) to 12 weeks.

5 (2) If an employee's family member is a victim who is not
6 deceased as a result of a crime, and the employee is not a victim,
7 and the employee takes leave pursuant to paragraph (6) of
8 subdivision (b), the employer may limit the leave taken for that
9 reason to five days.

10 (3) If any employee's family member is a victim who is not
11 deceased as a result of crime, and the employee is not a victim,
12 the employer may limit the total leave taken pursuant to subdivision
13 (b) to 10 days.

14 (4) Leave taken by an employee pursuant to this section shall
15 run concurrently with leave taken pursuant to the federal Family
16 and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) and
17 the Moore-Brown-Roberti Family Rights Act, commonly referred
18 to as the California Family Rights Act (Sections 12945.2 and
19 19702.3 of the Government Code), if the employee would have
20 been eligible for that leave.

21 (j) For purposes of this section:

22 (1) "Crime" means a crime or public offense as set forth in
23 Section 13951 of the Government Code, and regardless of whether
24 any person is arrested for, prosecuted for, or convicted of,
25 committing the crime.

26 (2) "Domestic violence" means any of the types of abuse set
27 forth in Section 6211 of the Family Code, as amended.

28 (3) "Employer" means any of the following:

29 (A) Any person who directly employs one or more persons to
30 perform services for a wage or salary.

31 (B) The state, and any political or civil subdivision of the state
32 and cities.

33 (4) "Family member" means a child, parent, grandparent,
34 grandchild, sibling, spouse, or domestic partner, as those terms
35 are defined in Section 12945.2, or designated person. For purposes
36 of this paragraph, "designated person" means any individual related
37 by blood or whose association with the employee is the equivalent
38 of a family relationship. The designated person may be identified
39 by the employee at the time the employee requests the leave. An

1 employer may limit an employee to one designated person per
2 12-month period for leave pursuant to this section.

3 (5) “Qualifying act of violence” means any of the following,
4 regardless of whether anyone is arrested for, prosecuted for, or
5 convicted of committing any crime:

6 (A) Domestic violence.

7 (B) Sexual assault.

8 (C) Stalking.

9 (D) An act, conduct, or pattern of conduct that includes any of
10 the following:

11 (i) In which an individual causes bodily injury or death to
12 another individual.

13 (ii) In which an individual exhibits, draws, brandishes, or uses
14 a firearm, or other dangerous weapon, with respect to another
15 individual.

16 (iii) In which an individual uses, or makes a reasonably
17 perceived or actual threat to use, force against another individual
18 to cause physical injury or death.

19 (6) “Sexual assault” means any nonconsensual sexual act
20 proscribed by federal, tribal, or state law, including when the victim
21 lacks capacity to consent.

22 (7) “Stalking” means engaging in a course of conduct directed
23 at a specific person that would cause a reasonable person to fear
24 for that person’s safety or the safety of others or suffer substantial
25 emotional distress.

26 (8) “Victim” means ~~either~~ *one* of the following:

27 (A) An individual against whom a qualifying act of violence is
28 committed.

29 (B) For the purposes of paragraph (2) of subdivision (a) only,
30 a person against whom any crime has been committed.

31 (C) *For the purposes of paragraph (4) of subdivision (a) only,*
32 *either of the following:*

33 (i) *A person against whom any of the following crimes are*
34 *committed:*

35 (I) *A violent felony, as defined in subdivision (c) of Section 667.5*
36 *of the Penal Code.*

37 (II) *A serious felony, as defined in subdivision (c) of Section*
38 *1192.7 of the Penal Code.*

39 (III) *A felony provision of law proscribing theft or embezzlement.*

1 (ii) A person who suffers direct or threatened physical,
2 psychological, or financial harm as a result of the commission or
3 attempted commission of any of the following crimes or delinquent
4 acts:

5 (I) Vehicular manslaughter while intoxicated, as defined in
6 subdivision (b) of Section 191.5 of the Penal Code.

7 (II) Felony child abuse likely to produce great bodily harm or
8 a death, as defined in Section 273a of the Penal Code.

9 (III) Assault resulting in the death of a child under eight years
10 of age, as defined in Section 273ab of the Penal Code.

11 (IV) Felony domestic violence, as defined in Section 273.5 of
12 the Penal Code.

13 (V) Felony physical abuse of an elder or dependent adult, as
14 defined in subdivision (b) of Section 368 of the Penal Code.

15 (VI) Felony stalking, as defined in Section 646.9 of the Penal
16 Code.

17 (VII) Solicitation for murder, as defined in subdivision (b) of
18 Section 653f of the Penal Code.

19 (VIII) A serious felony, as defined in subdivision (c) of Section
20 1192.7 of the Penal Code.

21 (IX) Hit-and-run causing death or injury, as defined in Section
22 20001 of the Vehicle Code.

23 (X) Felony driving under the influence causing injury, as defined
24 in Section 23153 of the Vehicle Code.

25 (XI) Sexual assault as set forth in Section 261, 261.5, 265, 266,
26 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 287, 288,
27 288.5, 289, or 311.4 of, or former Section 288a of, the Penal Code.

28 (9) “Victim advocate” means an individual, whether paid or
29 serving as a volunteer, who provides services to victims under the
30 auspices or supervision of an agency or organization that has a
31 documented record of providing services to victims, or under the
32 auspices or supervision of a court or a law enforcement or
33 prosecution agency.

34 (10) “Victim services organization or agency” means an agency
35 or organization that has a documented record of providing services
36 to victims.

37 (k) (1) An employer shall inform each employee of their rights
38 established under this section in writing. The information shall be
39 provided to new employees upon hire, to all employees annually,
40 at any time upon request, and any time an employee informs an

1 employer that the employee or the employee's family member is
2 a victim. If an employer elects not to use the form developed by
3 the department, as specified in paragraph (2), the notice provided
4 by the employer to the employees shall be substantially similar in
5 content and clarity to that form developed by the department.

6 (2) The department shall develop a form that an employer may
7 use to comply with the notice requirements in paragraph (1). The
8 form shall be entitled "Survivors of Violence and Family Members
9 of Victims Right to Leave and Accommodations" and shall set
10 forth the rights and duties of employers and employees under this
11 section in clear and concise language. The notice shall also include
12 language that advises employees in clear and concise language
13 that if leave taken under this section is due to an employee's
14 inability to work as a result of a serious health condition, or need
15 to care for a family member with a serious health condition, they
16 may also be eligible for wage replacement under the disability
17 insurance program, the family temporary disability insurance
18 program, or other programs administered by the Employment
19 Development Department. The notice shall also include language
20 that advises employees in clear and concise language that if they
21 are a family member of a deceased victim, they may be eligible
22 for leave under this section and also for bereavement leave under
23 Section 12945.7. ~~The notice shall also inform employees in clear
24 and concise language that they may be eligible for leave pursuant
25 to Sections 230.2 and 230.5 of the Labor Code.~~ The department
26 shall post the form in English, Spanish, Chinese, Vietnamese,
27 Tagalog, Korean, Armenian, Arabic, Farsi, Punjabi, Russian,
28 Japanese, Hindi, Mon-Khmer, Thai, and any other language that
29 is spoken by a "substantial number of non-English-speaking
30 people," as that phrase is defined in Section 7296.2, on the
31 department's internet website to make it available to employers
32 who are required to comply with this section. The department shall
33 create the form and post it in accordance with this paragraph on
34 or before July 1, 2025.

35 (3) An employer shall not be required to comply with paragraph
36 (1) until the department posts the form on the department's internet
37 website in accordance with paragraph (2).

38 *SEC. 2. Section 230 is added to the Labor Code, to read:*

39 230. (a) *An employer shall not discharge or in any manner*
40 *discriminate against an employee for taking time off to serve as*

1 *required by law on an inquest jury or trial jury, if the employee,*
2 *prior to taking the time off, gives reasonable notice to the employer*
3 *that the employee is required to serve.*

4 *(b) An employer shall not discharge or in any manner*
5 *discriminate or retaliate against an employee, including, but not*
6 *limited to, an employee who is a victim of a crime, for taking time*
7 *off to appear in court to comply with a subpoena or other court*
8 *order as a witness in any judicial proceeding.*

9 *(c) An employer shall not discharge or in any manner*
10 *discriminate or retaliate against an employee who is a victim for*
11 *taking time off from work to obtain or attempt to obtain any relief.*
12 *Relief includes, but is not limited to, a temporary restraining order,*
13 *restraining order, or other injunctive relief, to help ensure the*
14 *health, safety, or welfare of the victim or their child.*

15 *(d) (1) As a condition of taking time off for a purpose set forth*
16 *in subdivision (c), the employee shall give the employer reasonable*
17 *advance notice of the employee's intention to take time off, unless*
18 *the advance notice is not feasible.*

19 *(2) When an unscheduled absence occurs, the employer shall*
20 *not take any action against the employee if the employee, within*
21 *a reasonable time after the absence, provides a certification to the*
22 *employer. Certification shall be sufficient in the form of any of the*
23 *following:*

24 *(A) A police report indicating that the employee was a victim.*

25 *(B) A court order protecting or separating the employee from*
26 *the perpetrator of the crime or abuse, or other evidence from the*
27 *court or prosecuting attorney that the employee has appeared in*
28 *court.*

29 *(C) Documentation from a licensed medical professional,*
30 *domestic violence counselor, as defined in Section 1037.1 of the*
31 *Evidence Code, a sexual assault counselor, as defined in Section*
32 *1035.2 of the Evidence Code, victim advocate, licensed health care*
33 *provider, or counselor that the employee was undergoing treatment*
34 *or receiving services for physical or mental injuries or abuse*
35 *resulting in victimization from the crime or abuse.*

36 *(D) Any other form of documentation that reasonably verifies*
37 *that the crime or abuse occurred, including but not limited to, a*
38 *written statement signed by the employee, or an individual acting*
39 *on the employee's behalf, certifying that the absence is for a*
40 *purpose authorized under this section or under Section 230.1.*

1 (3) *To the extent allowed by law and consistent with*
2 *subparagraph (D) of paragraph (7) of subdivision (f), the employer*
3 *shall maintain the confidentiality of any employee requesting leave*
4 *under subdivision (c).*

5 (e) *An employer shall not discharge or in any manner*
6 *discriminate or retaliate against an employee because of the*
7 *employee's status as a victim of crime or abuse, if the employee*
8 *provides notice to the employer of the status or the employer has*
9 *actual knowledge of the status.*

10 (f) (1) *An employer shall provide reasonable accommodations*
11 *for a victim of domestic violence, sexual assault, or stalking, who*
12 *requests an accommodation for the safety of the victim while at*
13 *work.*

14 (2) *For purposes of this subdivision, reasonable*
15 *accommodations may include the implementation of safety*
16 *measures, including a transfer, reassignment, modified schedule,*
17 *changed work telephone, changed work station, installed lock,*
18 *assistance in documenting domestic violence, sexual assault,*
19 *stalking, or other crime that occurs in the workplace, an*
20 *implemented safety procedure, or another adjustment to a job*
21 *structure, workplace facility, or work requirement in response to*
22 *domestic violence, sexual assault, stalking, or other crime, or*
23 *referral to a victim assistance organization.*

24 (3) *An employer is not required to provide a reasonable*
25 *accommodation to an employee who has not disclosed the*
26 *employee's status as a victim of domestic violence, sexual assault,*
27 *or stalking.*

28 (4) *The employer shall engage in a timely, good faith, and*
29 *interactive process with the employee to determine effective*
30 *reasonable accommodations.*

31 (5) *In determining whether the accommodation is reasonable,*
32 *the employer shall consider an exigent circumstance or danger*
33 *facing the employee.*

34 (6) *This subdivision does not require the employer to undertake*
35 *an action that constitutes an undue hardship on the employer's*
36 *business operations, as defined by Section 12926 of the*
37 *Government Code. For the purposes of this subdivision, an undue*
38 *hardship also includes an action that would violate an employer's*
39 *duty to furnish and maintain a place of employment that is safe*

1 *and healthful for all employees as required by Section 6400 of the*
2 *Labor Code.*

3 (7) (A) *Upon the request of an employer, an employee*
4 *requesting a reasonable accommodation pursuant to this*
5 *subdivision shall provide the employer a written statement signed*
6 *by the employee or an individual acting on the employee's behalf,*
7 *certifying that the accommodation is for a purpose authorized*
8 *under this subdivision.*

9 (B) *The employer may also request certification from an*
10 *employee requesting an accommodation pursuant to this*
11 *subdivision demonstrating the employee's status as a victim of*
12 *domestic violence, sexual assault, or stalking. Certification shall*
13 *be sufficient in the form of any of the categories described in*
14 *paragraph (3) of subdivision (d).*

15 (C) *An employer who requests certification pursuant to*
16 *subparagraph (B) may request recertification of an employee's*
17 *status as a victim of domestic violence, sexual assault, or stalking,*
18 *or ongoing circumstances related to the crime or abuse, every six*
19 *months after the date of the previous certification.*

20 (D) *Any verbal or written statement, police or court record, or*
21 *other documentation provided to an employer identifying an*
22 *employee as a victim shall be maintained as confidential by the*
23 *employer and shall not be disclosed by the employer except as*
24 *required by federal or state law or as necessary to protect the*
25 *employee's safety in the workplace. The employee shall be given*
26 *notice before any authorized disclosure.*

27 (E) (i) *If circumstances change and an employee needs a new*
28 *accommodation, the employee shall request a new accommodation*
29 *from the employer.*

30 (ii) *Upon receiving the request, the employer shall engage in a*
31 *timely, good faith, and interactive process with the employee to*
32 *determine effective reasonable accommodations.*

33 (F) *If an employee no longer needs an accommodation, the*
34 *employee shall notify the employer that the accommodation is no*
35 *longer needed.*

36 (8) *An employer shall not retaliate against a victim for*
37 *requesting a reasonable accommodation, regardless of whether*
38 *the request was granted.*

39 (g) (1) *An employee who is discharged, threatened with*
40 *discharge, demoted, suspended, or in any other manner*

1 *discriminated or retaliated against in the terms and conditions of*
2 *employment by their employer because the employee has taken*
3 *time off for a purpose set forth in subdivision (a) or (b) shall be*
4 *entitled to reinstatement and reimbursement for lost wages and*
5 *work benefits caused by the acts of the employer.*

6 (2) *An employee who is discharged, threatened with discharge,*
7 *demoted, suspended, or in any other manner discriminated or*
8 *retaliated against in the terms and conditions of employment by*
9 *their employer for reasons prohibited in subdivision (c) or (e), or*
10 *because the employee has requested or received a reasonable*
11 *accommodation as set forth in subdivision (f), shall be entitled to*
12 *reinstatement and reimbursement for lost wages and work benefits*
13 *caused by the acts of the employer, as well as appropriate equitable*
14 *relief.*

15 (3) *An employer who willfully refuses to rehire, promote, or*
16 *otherwise restore an employee or former employee who has been*
17 *determined to be eligible for rehiring or promotion by a grievance*
18 *procedure or hearing authorized by law is guilty of a misdemeanor.*

19 (h) (1) *An employee who is discharged, threatened with*
20 *discharge, demoted, suspended, or in any other manner*
21 *discriminated or retaliated against in the terms and conditions of*
22 *employment by their employer because the employee has exercised*
23 *their rights as set forth in subdivision (a), (b), (c), (e), or (f) may*
24 *file a complaint with the Division of Labor Standards Enforcement*
25 *of the Department of Industrial Relations pursuant to Section 98.7.*

26 (2) *Notwithstanding any time limitation in Section 98.7, an*
27 *employee may file a complaint with the division based upon a*
28 *violation of subdivision (c), (e), or (f) within one year from the*
29 *date of occurrence of the violation.*

30 (i) *An employee may use vacation, personal leave, or*
31 *compensatory time off that is otherwise available to the employee*
32 *under the applicable terms of employment, unless otherwise*
33 *provided by a collective bargaining agreement, for time taken off*
34 *for a purpose specified in subdivision (a), (b), or (c). The*
35 *entitlement of any employee under this section shall not be*
36 *diminished by any collective bargaining agreement term or*
37 *condition.*

38 (j) *For purposes of this section:*

39 (1) *“Crime” means a crime or public offense as set forth in*
40 *Section 13951 of the Government Code, and regardless of whether*

1 any person is arrested for, prosecuted for, or convicted of,
2 committing the crime.

3 (2) “Domestic violence” means any of the types of abuse set
4 forth in Section 6211 of the Family Code, as amended.

5 (3) “Immediate family member” means a person who is any of
6 the following:

7 (A) Regardless of age, a biological, adopted, or foster child,
8 stepchild, or legal ward, a child of a domestic partner, a child to
9 whom the employee stands in loco parentis, or a person to whom
10 the employee stood in loco parentis when the person was a minor.

11 (B) A biological, adoptive, or foster parent, stepparent, or legal
12 guardian of an employee or an employee’s spouse or domestic
13 partner, or a person who stood in loco parentis when the employee
14 or the employee’s spouse or domestic partner was a minor child.

15 (C) A person to whom the employee is legally married under
16 the laws of any state, or a domestic partner of an employee as
17 registered under the laws of any state or political subdivision.

18 (D) A biological, foster, or adoptive sibling, a stepsibling, or a
19 half-sibling.

20 (E) Any other individual whose close association with the
21 employee is the equivalent of a family relationship described in
22 subparagraph (A), (B), (C), or (D).

23 (4) “Sexual assault” means any of the crimes set forth in Section
24 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269,
25 273.4, 285, 286, 287, 288, 288.5, 289, or 311.4 of, or former
26 Section 288a of, the Penal Code, as amended.

27 (5) “Stalking” means a crime set forth in Section 646.9 of the
28 Penal Code or Section 1708.7 of the Civil Code.

29 (6) “Victim” includes any of the following:

30 (A) A victim of stalking, domestic violence, or sexual assault.

31 (B) A victim of a crime that caused physical injury or that caused
32 mental injury and a threat of physical injury.

33 (C) A person whose immediate family member is deceased as
34 the direct result of a crime.

35 (D) For the purposes of subdivision (b) only, any person against
36 whom any crime has been committed.

37 (7) “Victim advocate” means an individual, whether paid or
38 serving as a volunteer, who provides services to victims under the
39 auspices or supervision of an agency or organization that has a
40 documented record of providing services to victims, or under the

1 *auspices or supervision of a court or a law enforcement or*
2 *prosecution agency.*

3 *(k) This section shall apply only to alleged actions or inactions*
4 *occurring on or before December 31, 2024.*

5 *(l) This section shall remain in effect only until January 1, 2035,*
6 *and as of that date is repealed.*

7 *SEC. 3. Section 230.1 is added to the Labor Code, to read:*

8 *230.1. (a) In addition to the requirements and prohibitions*
9 *imposed on employees pursuant to Section 230, an employer with*
10 *25 or more employees shall not discharge, or in any manner*
11 *discriminate or retaliate against, an employee who is a victim, for*
12 *taking time off from work for any of the following purposes:*

13 *(1) To seek medical attention for injuries caused by crime or*
14 *abuse.*

15 *(2) To obtain services from a domestic violence shelter,*
16 *program, rape crisis center, or victim services organization or*
17 *agency as a result of the crime or abuse.*

18 *(3) To obtain psychological counseling or mental health services*
19 *related to an experience of crime or abuse.*

20 *(4) To participate in safety planning and take other actions to*
21 *increase safety from future crime or abuse, including temporary*
22 *or permanent relocation.*

23 *(b) (1) As a condition of taking time off for a purpose set forth*
24 *in subdivision (a), the employee shall give the employer reasonable*
25 *advance notice of the employee's intention to take time off, unless*
26 *the advance notice is not feasible.*

27 *(2) When an unscheduled absence occurs, the employer shall*
28 *not take any action against the employee if the employee, within*
29 *a reasonable time after the absence, provides a certification to the*
30 *employer. Certification shall be sufficient in the form of any of the*
31 *categories described in paragraph (2) of subdivision (d) of Section*
32 *230.*

33 *(3) To the extent allowed by law and consistent with*
34 *subparagraph (D) of paragraph (7) of subdivision (f) of Section*
35 *230, employers shall maintain the confidentiality of any employee*
36 *requesting leave under subdivision (a).*

37 *(c) An employee who is discharged, threatened with discharge,*
38 *demoted, suspended, or in any other manner discriminated or*
39 *retaliated against in the terms and conditions of employment by*
40 *their employer because the employee has taken time off for a*

1 *purpose set forth in subdivision (a) is entitled to reinstatement and*
2 *reimbursement for lost wages and work benefits caused by the acts*
3 *of the employer, as well as appropriate equitable relief. An*
4 *employer who willfully refuses to rehire, promote, or otherwise*
5 *restore an employee or former employee who has been determined*
6 *to be eligible for rehiring or promotion by a grievance procedure*
7 *or hearing authorized by law is guilty of a misdemeanor.*

8 *(d) (1) An employee who is discharged, threatened with*
9 *discharge, demoted, suspended, or in any other manner*
10 *discriminated or retaliated against in the terms and conditions of*
11 *employment by their employer because the employee has exercised*
12 *their rights as set forth in subdivision (a) may file a complaint with*
13 *the Division of Labor Standards Enforcement of the Department*
14 *of Industrial Relations pursuant to Section 98.7.*

15 *(2) Notwithstanding any time limitation in Section 98.7, an*
16 *employee may file a complaint with the division based upon a*
17 *violation of subdivision (a) within one year from the date of*
18 *occurrence of the violation.*

19 *(e) An employee may use vacation, personal leave, or*
20 *compensatory time off that is otherwise available to the employee*
21 *under the applicable terms of employment, unless otherwise*
22 *provided by a collective bargaining agreement, for time taken off*
23 *for a purpose specified in subdivision (a). The entitlement of any*
24 *employee under this section shall not be diminished by any term*
25 *or condition of a collective bargaining agreement.*

26 *(f) This section does not create a right for an employee to take*
27 *unpaid leave that exceeds the unpaid leave time allowed under,*
28 *or is in addition to the unpaid leave time permitted by, the federal*
29 *Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et*
30 *seq.).*

31 *(g) For purposes of this section:*

32 *(1) "Crime" means a crime or public offense as set forth in*
33 *Section 13951 of the Government Code, and regardless of whether*
34 *any person is arrested for, prosecuted for, or convicted of,*
35 *committing the crime.*

36 *(2) "Domestic violence" means any of the types of abuse set*
37 *forth in Section 6211 of the Family Code, as amended.*

38 *(3) "Immediate family member" means a person who is any of*
39 *the following:*

1 (A) Regardless of age, a biological, adopted, or foster child,
2 stepchild, or legal ward, a child of a domestic partner, a child to
3 whom the employee stands in loco parentis, or a person to whom
4 the employee stood in loco parentis when the person was a minor.

5 (B) A biological, adoptive, or foster parent, stepparent, or legal
6 guardian of an employee or an employee's spouse or domestic
7 partner, or a person who stood in loco parentis when the employee
8 or the employee's spouse or domestic partner was a minor child.

9 (C) A person to whom the employee is legally married under
10 the laws of any state, or a domestic partner of an employee as
11 registered under the laws of any state or political subdivision.

12 (D) A biological, foster, or adoptive sibling, a stepsibling, or a
13 half-sibling.

14 (E) Any other individual whose close association with the
15 employee is the equivalent of a family relationship described in
16 subparagraph (A), (B), (C), or (D).

17 (4) "Sexual assault" means any of the crimes set forth in Section
18 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269,
19 273.4, 285, 286, 287, 288, 288.5, 289, or 311.4 of, or former
20 Section 288a of, the Penal Code, as amended.

21 (5) "Stalking" means a crime set forth in Section 646.9 of the
22 Penal Code or Section 1708.7 of the Civil Code.

23 (6) "Victim" includes any of the following:

24 (A) A victim of stalking, domestic violence, or sexual assault.

25 (B) A victim of a crime that caused physical injury or that caused
26 mental injury and a threat of physical injury.

27 (C) A person whose immediate family member is deceased as
28 the direct result of a crime.

29 (7) "Victim services organization or agency" means an agency
30 or organization that has a documented record of providing services
31 to victims.

32 (h) (1) Employers shall inform each employee of their rights
33 established under this section and subdivisions (c), (e), and (f) of
34 Section 230 in writing. The information shall be provided to new
35 employees upon hire and to other employees upon request.

36 (2) The Labor Commissioner shall develop a form that an
37 employer may use to comply with the notice requirements in
38 paragraph (1). The form shall set forth the rights and duties of
39 employers and employees under this section in clear and concise
40 language. The Labor Commissioner shall post the form on the

1 commissioner's internet website to make it available to employers
2 who are required to comply with this section. If an employer elects
3 not to use the form developed by the Labor Commissioner, the
4 notice provided by the employer to the employees shall be
5 substantially similar in content and clarity to the form developed
6 by the Labor Commissioner. The Labor Commissioner shall revise
7 the form and post it in accordance with this paragraph on or before
8 January 1, 2022.

9 (3) Employers shall not be required to comply with paragraph
10 (1) until the Labor Commissioner posts the form on the
11 commissioner's internet website in accordance with paragraph
12 (2).

13 (i) This section shall apply only to alleged actions or inactions
14 occurring on or before December 31, 2024.

15 (j) This section shall remain in effect only until January 1, 2035,
16 and as of that date is repealed.

17 SEC. 4. Section 230.2 of the Labor Code is amended to read:

18 230.2. (a) As used in this section:

19 (1) "Immediate family member" means spouse, child, stepchild,
20 brother, stepbrother, sister, stepsister, mother, stepmother, father,
21 or stepfather.

22 (2) "Registered domestic partner" means a domestic partner, as
23 defined in Section 297 of the Family Code, and registered pursuant
24 to Part 2 (commencing with Section 298) of Division 2.5 of the
25 Family Code.

26 (3) "Victim" means a person against whom one of the following
27 crimes has been committed:

28 (A) A violent felony, as defined in subdivision (c) of Section
29 667.5 of the Penal Code.

30 (B) A serious felony, as defined in subdivision (c) of Section
31 1192.7 of the Penal Code.

32 (C) A felony provision of law proscribing theft or embezzlement.

33 (b) An employer, and any agent of an employer, shall allow an
34 employee who is a victim of a crime, an immediate family member
35 of a victim, a registered domestic partner of a victim, or the child
36 of a registered domestic partner of a victim to be absent from work
37 in order to attend judicial proceedings related to that crime.

38 (c) Before an employee may be absent from work pursuant to
39 subdivision (b), the employee shall give the employer a copy of
40 the notice of each scheduled proceeding that is provided to the

1 victim by the agency responsible for providing notice, unless
2 advance notice is not feasible. When advance notice is not feasible
3 or an unscheduled absence occurs, the employer shall not take any
4 action against the employee if the employee, within a reasonable
5 time after the absence, provides the employer with documentation
6 evidencing the judicial proceeding from any of the following
7 entities:

8 (1) The court or government agency setting the hearing.

9 (2) The district attorney or prosecuting attorney's office.

10 (3) The victim/witness office that is advocating on behalf of the
11 victim.

12 (d) An employee who is absent from work pursuant to
13 subdivision (b) may elect to use the employee's accrued paid
14 vacation time, personal leave time, sick leave time, compensatory
15 time off that is otherwise available to the employee, or unpaid
16 leave time, unless otherwise provided by a collective bargaining
17 agreement, for an absence pursuant to subdivision (b). The
18 entitlement of any employee under this section shall not be
19 diminished by any collective bargaining agreement term or
20 condition.

21 (e) An employer shall keep confidential any records regarding
22 the employee's absence from work pursuant to subdivision (b).

23 (f) An employer may not discharge from employment or in any
24 manner discriminate against an employee, in compensation or
25 other terms, conditions, or privileges of employment, including,
26 but not limited to the loss of seniority or precedence, because the
27 employee is absent from work pursuant to this section.

28 (g) (1) Any employee who is discharged, threatened with
29 discharge, demoted, suspended, or in any other manner
30 discriminated or retaliated against in the terms and conditions of
31 employment by his or her employer because the employee has
32 exercised his or her rights as set forth in subdivision (b) may file
33 a complaint with the Division of Labor Standards Enforcement of
34 the Department of Industrial Relations pursuant to Section 98.7.

35 (2) Notwithstanding any time limitation in Section 98.7, an
36 employee filing a complaint with the division based upon a
37 violation of subdivision (b) shall have one year from the date of
38 occurrence of the violation to file his or her complaint.

(h) District attorney and victim/witness offices are encouraged to make information regarding this section available for distribution at their offices.

(i) *This section shall apply only to alleged actions or inactions occurring on or before December 31, 2025.*

(j) *This section shall remain in effect only until January 1, 2035, and as of that date is repealed.*

SEC. 5. *Section 230.5 of the Labor Code is amended to read:*

230.5. (a) (1) An employer shall not discharge or in any manner discriminate or retaliate against an employee who is a victim of an offense listed in paragraph (2) for taking time off from work, upon the victim's request, to appear in court to be heard at any proceeding, including any delinquency proceeding, involving a postarrest release decision, plea, sentencing, postconviction release decision, or any proceeding in which a right of the victim is at issue.

(2) The offenses include all of the following:

(A) Vehicular manslaughter while intoxicated, as defined in subdivision (b) of Section 191.5 of the Penal Code.

(B) Felony child abuse likely to produce great bodily harm or a death, as defined in Section 273a of the Penal Code.

(C) Assault resulting in the death of a child under eight years of age, as defined in Section 273ab of the Penal Code.

(D) Felony domestic violence, as defined in Section 273.5 of the Penal Code.

(E) Felony physical abuse of an elder or dependent adult, as defined in subdivision (b) of Section 368 of the Penal Code.

(F) Felony stalking, as defined in Section 646.9 of the Penal Code.

(G) Solicitation for murder, as defined in subdivision (b) of Section 653f of the Penal Code.

(H) A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code.

(I) Hit-and-run causing death or injury, as defined in Section 20001 of the Vehicle Code.

(J) Felony driving under the influence causing injury, as defined in Section 23153 of the Vehicle Code.

(K) Sexual assault as set forth in Section 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 287,

1 288, 288.5, 289, or 311.4 of, or former Section 288a of, the Penal
2 Code.

3 (b) (1) As a condition of taking time off for a purpose set forth
4 in subdivision (a), the employee shall give the employer reasonable
5 advance notice of the employee's intention to take time off, unless
6 the advance notice is not feasible.

7 (2) When an unscheduled absence occurs, the employer shall
8 not take any action against the employee if the employee, within
9 a reasonable time after the absence, provides a certification to the
10 employer. Certification shall be sufficient in the form of any of
11 the following:

12 (A) A police report indicating that the employee was a victim
13 of an offense specified in subdivision (a).

14 (B) A court order protecting or separating the employee from
15 the perpetrator of an offense specified in subdivision (a), or other
16 evidence from the court or prosecuting attorney that the employee
17 has appeared in court.

18 (C) Documentation from a medical professional, domestic
19 violence advocate or advocate for victims of sexual assault, health
20 care provider, or counselor that the employee was undergoing
21 treatment for physical or mental injuries or abuse resulting in
22 victimization from an offense specified in subdivision (a).

23 (3) To the extent allowed by law, the employer shall maintain
24 the confidentiality of any employee requesting leave under
25 subdivision (a).

26 (c) An employee who is discharged, threatened with discharge,
27 demoted, suspended, or in any other manner discriminated or
28 retaliated against in the terms and conditions of employment by
29 his or her employer because the employee has taken time off for
30 a purpose set forth in subdivision (a) shall be entitled to
31 reinstatement and reimbursement for lost wages and work benefits
32 caused by the acts of the employer. Any employer who willfully
33 refuses to rehire, promote, or otherwise restore an employee or
34 former employee who has been determined to be eligible for
35 rehiring or promotion by a grievance procedure or hearing
36 authorized by law is guilty of a misdemeanor.

37 (d) (1) An employee who is discharged, threatened with
38 discharge, demoted, suspended, or in any other manner
39 discriminated or retaliated against in the terms and conditions of
40 employment by his or her employer because the employee has

1 exercised his or her rights as set forth in subdivision (a) may file
2 a complaint with the Division of Labor Standards Enforcement of
3 the Department of Industrial Relations pursuant to Section 98.7.

4 (2) Notwithstanding any time limitation in Section 98.7, an
5 employee may file a complaint with the division based upon a
6 violation of subdivision (a) within one year from the date of
7 occurrence of the violation.

8 (e) An employee may use vacation, personal leave, or
9 compensatory time off that is otherwise available to the employee
10 under the applicable terms of employment, unless otherwise
11 provided by a collective bargaining agreement, for time taken off
12 for a purpose specified in this section. The entitlement of any
13 employee under this section shall not be diminished by any
14 collective bargaining agreement term or condition.

15 (f) For purposes of this section, “victim” means any person who
16 suffers direct or threatened physical, psychological, or financial
17 harm as a result of the commission or attempted commission of a
18 crime or delinquent act. The term “victim” also includes the
19 person’s spouse, parent, child, sibling, or guardian.

20 (g) *This section shall apply only to alleged actions or inactions*
21 *occurring on or before December 31, 2025.*

22 (h) *This section shall remain in effect only until January 1, 2035,*
23 *and as of that date is repealed.*

24 SEC. 6. *Section 246.5 of the Labor Code is amended to read:*

25 246.5. (a) Upon the oral or written request of an employee,
26 an employer shall provide paid sick days for the following
27 purposes:

28 (1) Diagnosis, care, or treatment of an existing health condition
29 of, or preventive care for, an employee or an employee’s family
30 member.

31 ~~(2) For an employee who is a victim or whose family member~~
32 ~~is a victim, as defined in subdivision (j) of Section 12945.8 of the~~
33 ~~Government Code, the purposes described in paragraph (3) of~~
34 ~~subdivision (a), or subdivision (b), of Section 12945.8 of the~~
35 ~~Government Code.~~

36 (2) (A) *For leave taken or requested on or before December*
37 *31, 2024, for a purpose described in subdivision (c) of Section 230*
38 *or subdivision (a) of Section 230.1.*

39 (B) *For leave taken or requested on or after January 1, 2025,*
40 *for a purpose described in paragraph (1), (2), or (3) of subdivision*

1 *(a) of, or subdivision (b) of, Section 12945.8 of the Government*
2 *Code.*

3 *(C) For leave taken or requested on or after January 1, 2026,*
4 *for a purpose described in paragraph (4) of subdivision (a) of*
5 *Section 12945.8 of the Government Code.*

6 (3) (A) For an employee who is an agricultural employee, as
7 defined in Section 9110, who works outside and who is entitled
8 to paid sick days under this article, to avoid smoke, heat, or
9 flooding conditions created by a local or state emergency,
10 including, but not limited to, when the employee's worksite is
11 closed due to the smoke, heat, or flooding conditions.

12 (B) For purposes of this paragraph, there are smoke, heat, or
13 flood conditions created by a local or state emergency if the
14 Governor proclaims a state of emergency pursuant to Section 8625
15 of the Government Code, or a local emergency is proclaimed
16 pursuant to Section 8630 of the Government Code, due to smoke,
17 heat, or flooding conditions that prevent agricultural employees
18 from working.

19 (b) An employer shall not require as a condition of using paid
20 sick days that the employee search for or find a replacement worker
21 to cover the days during which the employee uses paid sick days.

22 (c) (1) An employer shall not deny an employee the right to
23 use accrued sick days, discharge, threaten to discharge, demote,
24 suspend, or in any manner discriminate against an employee for
25 using accrued sick days, attempting to exercise the right to use
26 accrued sick days, filing a complaint with the department or
27 alleging a violation of this article, cooperating in an investigation
28 or prosecution of an alleged violation of this article, or opposing
29 any policy or practice or act that is prohibited by this article.

30 (2) There shall be a rebuttable presumption of unlawful
31 retaliation if an employer denies an employee the right to use
32 accrued sick days, discharges, threatens to discharge, demotes,
33 suspends, or in any manner discriminates against an employee
34 within 30 days of any of the following:

35 (A) The filing of a complaint by the employee with the Labor
36 Commissioner or alleging a violation of this article.

37 (B) The cooperation of an employee with an investigation or
38 prosecution of an alleged violation of this article.

39 (C) Opposition by the employee to a policy, practice, or act that
40 is prohibited by this article.

(d) Notwithstanding subdivision (a) of Section 245.5, for purposes of this section, “employee” shall include an employee described in paragraph (1) of subdivision (a) of Section 245.5.

SECTION 1. ~~Section 25371 of the Public Resources Code is amended to read:~~

~~25371. (a) (1) Notwithstanding Section 10231.5 of the Government Code, on or before January 1, 2024, and every three years thereafter, the commission shall submit an assessment to the Legislature, in accordance with Section 9795 of the Government Code, and to the Governor that does all of the following:~~

~~(A) Identifies methods to ensure a reliable supply of affordable and safe transportation fuels in California. The assessment shall include estimates for the level of transportation fuels at the state level, and, to the extent feasible, at regional and local levels, and individual refineries if relevant, that should be held in reserve by refiners to prevent gasoline price spikes. The assessment shall consider all factors causing price fluctuations in retail gasoline prices when recommending adequate reserve levels. The commission shall consider all relevant evidence from any reasonably available source, including, but not limited to, information about imports, by amount, source, if known, and data received by the commission pursuant to existing laws, economic and business experts, and information from any local, state, and federal agencies. The commission shall transmit to the Legislature, in accordance with Section 9795 of the Government Code, any proposals it deems appropriate for mandatory reserve levels and the terms of a program to implement reserve levels.~~

~~(B) Evaluates the price of transportation fuels, including branded and unbranded retail prices, alternate formulations of gasoline with lower carbon impact, and other products suitable for production from refineries in California. This evaluation shall consider the market demand for these products at 3-, 7-, 10-, and 20-year intervals from the date of the assessment and shall rely on the most recent transportation forecasting and assessment activities conducted pursuant to Section 25304. This evaluation shall include both of the following:~~

~~(i) An examination of whether branded fuel additives have any impact, and, if so, how much, on fuel efficiency and vehicle emissions.~~

1 (ii) ~~An assessment of the presence and availability of retail~~
2 ~~outlets, including monitoring changes in availability of retail outlets~~
3 ~~that contribute to increasing retail prices in local and regional areas.~~

4 (C) ~~Considers different levels of supply conditions and assesses~~
5 ~~the impact of potential refinery closures in California.~~

6 (D) ~~Includes an analysis of the impacts on production of refinery~~
7 ~~planned maintenance, unplanned maintenance, and turnaround.~~
8 ~~The assessment shall evaluate ways to manage necessary~~
9 ~~maintenance among the various facilities that would protect the~~
10 ~~health and safety of employees and the public, and minimize the~~
11 ~~impact of maintenance-related production losses. Notwithstanding~~
12 ~~any other law, the Department of Industrial Relations and Division~~
13 ~~of Occupational Safety and Health shall disclose to the commission,~~
14 ~~upon request, any information the department and division have~~
15 ~~received under Section 7872 of the Labor Code to ensure all aspects~~
16 ~~of refinery safety are incorporated into the assessment. All~~
17 ~~information designated confidential shall be treated as confidential~~
18 ~~by the commission.~~

19 (E) ~~Evaluates the utility and feasibility of alternative methods~~
20 ~~to maintain adequate supplies of transportation fuels, including~~
21 ~~delivery alternatives for fuel and components of refined fuel, such~~
22 ~~as delivery by rail, a publicly maintained strategic fuel reserve,~~
23 ~~and other solutions beyond the activities of refineries and petroleum~~
24 ~~market participants.~~

25 (F) ~~Proposes solutions to mitigate any impacts described in the~~
26 ~~assessment. The solutions shall include an assessment of the~~
27 ~~employment impacts and the cost and cost-effectiveness of any~~
28 ~~proposal, including cost impacts to all impacted sectors, both public~~
29 ~~and private. The assessment shall include recommendations and~~
30 ~~alternatives.~~

31 (G) ~~Beginning with the first assessment submitted after January~~
32 ~~13, 2025, evaluates California's future petroleum product and~~
33 ~~crude oil import needs and identifies steps that can be taken to~~
34 ~~ensure that marine infrastructure and port facilities will be adequate~~
35 ~~to accommodate the efficient movement of petroleum products to~~
36 ~~meet those needs. In preparing the evaluation pursuant to this~~
37 ~~subparagraph, the commission shall consult with the ports in~~
38 ~~California at which petroleum and refined transportation fuels are~~
39 ~~imported, tanker terminal operators at California ports, the State~~
40 ~~Lands Commission, the California Coastal Commission, and the~~

1 San Francisco Bay Conservation and Development Commission
2 and evaluate ways to maximize the use of existing infrastructure
3 and minimize cumulative pollution burdens.

4 (H) Beginning with the first assessment submitted after January
5 13, 2025, evaluates the effects of state regulations on supplies of
6 transportation fuels that the commission identifies may be causing
7 supply constraints, or for which the commission believes alternative
8 compliance pathways should be considered by state agencies to
9 mitigate potential impacts on supply.

10 (2) The first assessment shall include the evaluation of oil and
11 gas extraction and refining that the State Air Resources Board
12 outlined in the most recent update to the scoping plan prepared
13 pursuant to Section 38561 of the Health and Safety Code.

14 (b) Beginning with the first assessment submitted after January
15 1, 2025, the commission shall propose recommendations for
16 implementing solutions to mitigate any impacts described in the
17 assessment. In preparing the recommendations and assessment
18 required by subdivision (a), the commission may request
19 information from the State Air Resources Board, the Geologic
20 Energy Management Division, or other relevant state agencies;
21 and those entities shall provide any information the commission
22 deems necessary.

23 (c) The assessment shall be separate from the report submitted
24 pursuant to Section 25302 and shall be developed in a public
25 process. The assessment shall be available to the public within the
26 proceeding docket and shall be approved by a vote of the
27 commission at its business meeting.

28 (d) The commission may enter into contracts to perform the
29 assessment required by subdivision (a) and the contracts shall not
30 require the review, consent, or approval of the Department of
31 General Services or any other state department or agency and do
32 not need to comply with requirements under the State Contracting
33 Manual or the Public Contract Code.

34 (e) The Division of Petroleum Market Oversight shall provide
35 input to and otherwise support other divisions of the commission
36 in preparation of the assessment required by subdivision (a).

37 (f) The Independent Consumer Fuels Advisory Committee
38 established pursuant to Section 25373 shall provide input to the

1 ~~commission in preparation of the assessment required by~~
2 ~~subdivision (a):~~

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