

AMENDED IN ASSEMBLY MAY 20, 2024

AMENDED IN ASSEMBLY APRIL 17, 2024

AMENDED IN ASSEMBLY APRIL 9, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2499

**Introduced by Assembly Member Schiavo
(Coauthor: Assembly Member Ortega)**

February 13, 2024

An act to amend Section 214 of the Code of Civil Procedure, to amend Section 48205 of the Education Code, to add Section 12945.8 to the Government Code, to amend Section 246.5 of, and to repeal Sections 230 and 230.1 of, the Labor Code, to amend Section 679.027 of the Penal Code, and to amend Section 11320.31 of the Welfare and Institutions Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2499, as amended, Schiavo. Unlawful employment practices: discrimination for time off: *off or status as a victim of violence*.

Existing law, subject to specified requirements for the employee, prohibits an employer from discharging or in any manner discriminating against an employee *because of the employee's status as a victim of crime or abuse or for taking time off to serve for specified purposes. Those purposes include serving on a jury, and, if the employee who is a victim of a crime for taking time off to appear in court as a witness in any judicial proceeding, an employee who is a victim for taking time off from work to obtain or attempt and obtaining or attempting to obtain prescribed relief, or an employee because of the employee's status as a victim of crime or abuse.* Existing law

requires an employer to provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for the safety of the victim while at work. Existing law requires reinstatement and reimbursement for discrimination or retaliation, as prescribed. Existing law makes an employer's willful refusal to restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law guilty of a misdemeanor. Existing law authorizes an employee who is discriminated or retaliated against because the employee has exercised these rights to file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations. Existing law defines terms for these purposes.

Existing law, subject to specified requirements for the employee, also prohibits an employer with 25 or more employees from discharging, or in any manner discriminating or retaliating against, an employee who is a victim, for taking time off from work to seek medical attention for injuries caused by crime or abuse, to obtain certain services as a result of the crime or abuse or related to an experience of crime or abuse, or to participate in safety planning and take other actions to increase safety from future crime or abuse. Existing law requires reinstatement and reimbursement for discrimination or retaliation, as prescribed. Existing law makes an employer's willful refusal to restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law guilty of a misdemeanor. Existing law authorizes an employee who is discriminated or retaliated against because the employee has exercised these rights to file a complaint with the division. Existing law defines terms for these purposes.

Existing law requires an employer to inform each employee of the victim rights above in writing, to be provided upon hire and to other employees upon request. Existing law requires the Labor Commissioner to develop and post a form that an employer may use to comply, as prescribed.

This bill would revise and recast the jury, court, and victim time off provisions for employees as unlawful employment practices within the California Fair Employment and Housing Act and, thus, within the enforcement authority of the Civil Rights Department. ~~The bill would remove the threshold of 25 or more employees from the provisions for victims of crime or abuse and, except as specified, apply its provisions~~

~~to a person who directly employs one or more persons to perform services for a wage or salary. The bill would refer to a “qualifying act of violence,” as defined, instead of crime, or crime or abuse. The bill would substantially revise existing definitions for its purposes, including defining “victim” as an individual against whom a qualifying act of violence is committed. The bill would prohibit an employer 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 from work to obtain or attempt to obtain any relief. The bill would prohibit an employer 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 from taking time off from work for any of a number of prescribed purposes relating to a qualifying act of violence. The bill would prohibit an employer with 25 or more employees from discharging or in any manner discriminating or retaliating against an employee who has a family member who is a victim for taking time off work to obtain relief for the family member. The bill would permit an employer to limit the total leave taken pursuant to these provisions to 12 weeks and specify that the leave taken by an employee pursuant to these provisions shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 and the California Family Rights Act if the employee would have been eligible for that leave. The bill would expand the eligibility for reasonable accommodations to include an employee who is a victim or whose family member is a victim of a qualifying act of violence. The bill would omit the reinstatement and reimbursement provisions included in existing law. The bill would require an employer to inform each employee of their rights under the bill, to be provided to new employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee’s family member is a victim. The bill would require the department to develop and post, on or before January 1, 2025, a form, as prescribed, that an employer may use to comply with that requirement. The bill would make a number of conforming changes to implement these provisions.~~

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

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

SECTION 1. Section 214 of the Code of Civil Procedure is amended to read:

214. The jury commissioner shall provide orientation for new jurors, which shall include necessary basic information concerning jury service. The jury commissioner shall notify each juror of subdivision (a) of Section 12945.8 of the Government Code.

SEC. 2. Section 48205 of the Education Code is amended to read:

48205. (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

(4) For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.

(5) For the purpose of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.

(7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

1 (8) For the purpose of serving as a member of a precinct board
2 for an election pursuant to Section 12302 of the Elections Code.

3 (9) For the purpose of spending time with a member of the
4 pupil's immediate family who is an active duty member of the
5 uniformed services, as defined in Section 49701, and has been
6 called to duty for, is on leave from, or has immediately returned
7 from, deployment to a combat zone or combat support position.
8 Absences granted pursuant to this paragraph shall be granted for
9 a period of time to be determined at the discretion of the
10 superintendent of the school district.

11 (10) For the purpose of attending the pupil's naturalization
12 ceremony to become a United States citizen.

13 (11) For the purpose of participating in a cultural ceremony or
14 event.

15 (12) (A) For the purpose of a middle school or high school
16 pupil engaging in a civic or political event, as provided in
17 subparagraph (B), provided that the pupil notifies the school ahead
18 of the absence.

19 (B) (i) A middle school or high school pupil who is absent
20 pursuant to subparagraph (A) is required to be excused for only
21 one schoolday-long absence per school year.

22 (ii) A middle school or high school pupil who is absent pursuant
23 to subparagraph (A) may be permitted additional excused absences
24 in the discretion of a school administrator, as described in
25 subdivision (c) of Section 48260.

26 (13) (A) For any of the purposes described in clauses (i) to (iii),
27 inclusive, if an immediate family member of the pupil, or a person
28 that is determined by the pupil's parent or guardian to be in such
29 close association with the pupil as to be considered the pupil's
30 immediate family, has died, so long as the absence is not more
31 than three days per incident.

32 (i) To access services from a victim services organization or
33 agency.

34 (ii) To access grief support services.

35 (iii) To participate in safety planning or to take other actions to
36 increase the safety of the pupil or an immediate family member
37 of the pupil, or a person that is determined by the pupil's parent
38 or guardian to be in such close association with the pupil as to be
39 considered the pupil's immediate family, including, but not limited
40 to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one schoolday per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A “civic or political event” includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) “Cultural” means relating to the practices, habits, beliefs, and traditions of a certain group of people.

(3) “Immediate family” means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(4) “Victim services organization or agency” has the same meaning as defined in subdivision (k) of Section 12945.8 of the Government Code.

SEC. 3. Section 12945.8 is added to the Government Code, to read:

12945.8. (a) An employer shall not ~~discharge~~ *do any of the following*:

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

~~(b) An employer shall not discharge~~

1 (2) *Discharge* or in any manner discriminate or retaliate against
2 an employee, including, but not limited to, an employee who is a
3 victim, for taking time off to appear in court to comply with a
4 subpoena or other court order as a witness in any judicial
5 proceeding.

6 ~~(e) An employer shall not discharge~~

7 (3) *Discharge* or in any manner discriminate or retaliate against
8 an employee who is a victim ~~or who has a family member who is~~
9 ~~a victim~~ for taking time off from work to obtain or attempt to obtain
10 any relief. Relief includes, but is not limited to, a temporary
11 restraining order, restraining order, or other injunctive relief, to
12 help ensure the health, safety, or welfare of the victim ~~or a family~~
13 ~~member of the victim~~. *their child*.

14 ~~(d)~~

15 (b) An employer *with 25 or more employees* shall not discharge
16 or in any manner discriminate or retaliate against an employee
17 who is a victim or who has a family member who is a victim ~~from~~
18 *for* taking time off from work for any of the following purposes:

19 (1) *To obtain or attempt to obtain any relief for the family*
20 *member. Relief includes, but is not limited to, a temporary*
21 *restraining order, restraining order, or other injunctive relief, to*
22 *help ensure the health, safety, or welfare of the family member of*
23 *the victim.*

24 ~~(1)~~

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

28 ~~(2)~~

29 (3) To seek, obtain, or assist a family member to seek or obtain
30 services from a domestic violence shelter, program, rape crisis
31 center, or victim services organization or agency as a result of a
32 qualifying act of violence.

33 ~~(3)~~

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

37 ~~(4)~~

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

40 ~~(5)~~

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

~~(6)~~

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

~~(7)~~

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

~~(8)~~

(9) To seek, obtain, or assist a family member to seek or obtain financial services, enroll to receive benefits, or meet with a financial professional to address financial issues caused by or aggravated by the qualifying act of violence.

~~(9)~~

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

~~(10)~~

(11) To seek, obtain, or provide childcare or care to a care-dependent adult necessary as a result of the qualifying act of violence.

~~(11)~~

(12) To make modifications, or make arrangements to have modifications made, to a home, vehicle, or technological device necessary for usability and accessibility due to an injury caused by the qualifying act of violence.

~~(e)~~

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

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

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

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

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

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

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

28 ~~(f)~~

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

34 ~~(g)~~

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

39 (2) For purposes of this subdivision, reasonable accommodations
40 may include the implementation of safety measures, including a

1 transfer, reassignment, modified schedule, changed work telephone,
2 permission to carry telephone at work, changed work station,
3 installed lock, assistance in documenting domestic violence, sexual
4 assault, stalking, or another qualifying act of violence that occurs
5 in the workplace, an implemented safety procedure, or another
6 adjustment to a job structure, workplace facility, or work
7 requirement in response to domestic violence, sexual assault,
8 stalking, or other qualifying act of violence, or referral to a victim
9 assistance organization.

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

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

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

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

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

34 (B) The employer may also request certification from an
35 employee requesting an accommodation pursuant to this
36 subdivision demonstrating the employee's status, or the employee's
37 family member's status, as a victim. Certification shall be sufficient
38 in the form of any of the categories described in paragraph (3) of
39 subdivision-(e). (c).

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

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

17 (E) (i) If circumstances change and an employee needs a new
18 accommodation, the employee shall request a new accommodation
19 from the employer.

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

23 (F) If an employee no longer needs an accommodation, the
24 employee shall notify the employer that the accommodation is no
25 longer needed.

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

29 ~~(h)~~

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

33 ~~(i)~~

34 (g) An employee may use vacation, personal leave, paid sick
35 leave, or compensatory time off that is otherwise available to the
36 employee under the applicable terms of employment, unless
37 otherwise provided by a collective bargaining agreement, for time
38 taken off for a purpose specified in subdivision (a), (b), (c), or (d).
39 The entitlement of any employee under this section shall not be

1 diminished by any collective bargaining agreement term or
2 condition.

3 ~~(j)~~

4 (h) This section does not create a right for an employee to take
5 unpaid leave that exceeds the unpaid leave time allowed under, or
6 is in addition to the unpaid leave time permitted by, the 12 weeks
7 provided under the federal Family and Medical Leave Act of 1993
8 (29 U.S.C. Sec. 2601 et seq.).

9 (i) *An employer may limit the total leave taken pursuant to this*
10 *section to 12 weeks. Leave taken by an employee pursuant to this*
11 *section shall run concurrently with leave taken pursuant to the*
12 *federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec.*
13 *2601 et seq.) and the Moore-Brown-Roberti Family Rights Act,*
14 *commonly referred to as the California Family Rights Act (Sections*
15 *12945.2 and 19702.3 of the Government Code), if the employee*
16 *would have been eligible for that leave.*

17 ~~(k)~~

18 (j) For purposes of this section:

19 (1) “Crime” means a crime or public offense as set forth in
20 Section 13951 of the Government Code, and regardless of whether
21 any person is arrested for, prosecuted for, or convicted of,
22 committing the crime.

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

25 (3) “Employer” means any of the following:

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

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

30 ~~(C) For purposes of subdivision (d) only, “employer” means~~
31 ~~any person who directly employs five or more persons to perform~~
32 ~~services for a wage or salary.~~

33 (4) “Family member” means a child, parent, grandparent,
34 grandchild, sibling, spouse, domestic partner, or designated person,
35 ~~as defined in Section 12945.2.~~ *person. For purposes of this*
36 *subparagraph, “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, including any of the
10 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 of the following:

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

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

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

37 (10) “Victim services organization or agency” means an agency
38 or organization that has a documented record of providing services
39 to victims.

40 (f)

1 (k) (1) An employer shall inform each employee of their rights
2 established under this section in writing. The information shall be
3 provided to new employees upon hire, to all employees annually,
4 at any time upon request, and any time an employee informs an
5 employer that the employee or the employee's family member is
6 a victim.

7 (2) The department shall develop a form that an employer may
8 use to comply with the notice requirements in paragraph (1). The
9 form shall be entitled "Survivors of Violence and Family Members
10 of Victims Right to Leave and Accommodations" and shall set
11 forth the rights and duties of employers and employees under this
12 section in clear and concise language. The notice shall also include
13 language that advises employees in clear and concise language
14 that if leave taken under this section is due to an employee's
15 inability to work as a result of a serious health condition, or need
16 to care for a family member with a serious health condition, they
17 may also be eligible for wage replacement under the disability
18 insurance program, the family temporary disability insurance
19 program, or other programs administered by the Employment
20 Development Department. The notice shall also include language
21 that advises employees in clear and concise language that if they
22 are a family member of a deceased victim, they may be eligible
23 for leave under this section and also for bereavement leave under
24 Section 12945.7. The department shall post the form in English,
25 Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian,
26 Arabic, Farsi, Punjabi, Russian, Japanese, Hindi, Mon-Khmer,
27 Thai, and any other language that is spoken by a "substantial
28 number of non-English-speaking people," as that phrase is defined
29 in Section 7296.2, on the department's internet website to make
30 it available to employers who are required to comply with this
31 section. If an employer elects not to use the form developed by
32 the department, the notice provided by the employer to the
33 employees shall be substantially similar in content and clarity to
34 the form developed by the department. The department shall create
35 the form and post it in accordance with this paragraph on or before
36 January 1, 2025.

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

40 SEC. 4. Section 230 of the Labor Code is repealed.

1 SEC. 5. Section 230.1 of the Labor Code is repealed.

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

3 246.5. (a) Upon the oral or written request of an employee,
4 an employer shall provide paid sick days for the following
5 purposes:

6 (1) Diagnosis, care, or treatment of an existing health condition
7 of, or preventive care for, an employee or an employee's family
8 member.

9 (2) For an employee who is a victim or whose family member
10 is a victim, as defined in subdivision (k) of Section 12945.8 of the
11 Government Code, the purposes described in subdivisions (c) and
12 (d) of Section 12945.8 of the Government Code.

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

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

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

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

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

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

35 (d) Notwithstanding subdivision (a) of Section 245.5, for
36 purposes of this section, "employee" shall include an employee
37 described in paragraph (1) of subdivision (a) of Section 245.5.

38 SEC. 7. Section 679.027 of the Penal Code is amended to read:

39 679.027. (a) Every law enforcement agency investigating a
40 criminal act and every agency prosecuting a criminal act shall, as

1 provided herein, at the time of initial contact with a crime victim,
2 during followup investigation, or as soon thereafter as deemed
3 appropriate by investigating officers or prosecuting attorneys,
4 inform each victim, or the victim's next of kin if the victim is
5 deceased, of the rights they may have under applicable law relating
6 to the victimization, including rights relating to housing,
7 employment, compensation, and immigration relief.

8 (b) (1) Every law enforcement agency investigating a criminal
9 act and every agency prosecuting a criminal act shall, as provided
10 herein, at the time of initial contact with a crime victim, during
11 followup investigation, or as soon thereafter as deemed appropriate
12 by investigating officers or prosecuting attorneys, provide or make
13 available to each victim of the criminal act without charge or cost
14 a "Victim Protections and Resources" card described in paragraph
15 (3).

16 (2) The Victim Protections and Resources card may be designed
17 as part of and included with the "Marsy Rights" card described by
18 Section 679.026.

19 (3) By June 1, 2025, the Attorney General shall design and make
20 available in PDF or other imaging format to every agency listed
21 in paragraph (1) a "Victim Protections and Resources" card, which
22 shall contain information in lay terms about victim rights and
23 resources, including, but not limited to, the following:

24 (A) Information about the rights provided by Section 12945.8
25 of the Government Code.

26 (B) Information about the rights provided by Section 1946.7 of
27 the Civil Code.

28 (C) Information about the rights provided by Section 1161.3 of
29 the Code of Civil Procedure, including information in lay terms
30 about which crimes and tenants are eligible and under what
31 circumstances.

32 (D) Information about federal immigration relief available to
33 certain victims of crime.

34 (E) Information about the program established by Chapter 5
35 (commencing with Section 13950) of Part 4 of Division 3 of Title
36 2 of the Government Code, including information about the types
37 of expenses the program may reimburse, eligibility, and how to
38 apply.

1 (F) Information about the program established by Chapter 3.1
2 (commencing with Section 6205) of Division 7 of Title 1 of the
3 Government Code.

4 (G) Information about eligibility for filing a restraining or
5 protective order.

6 (H) Contact information for the Victims' Legal Resource Center
7 established by Chapter 11 (commencing with Section 13897) of
8 Title 6 of Part 4.

9 (I) A list of trauma recovery centers funded by the state pursuant
10 to Section 13963.1 of the Government Code, with their contact
11 information, which shall be updated annually.

12 (J) The availability of community-based restorative justice
13 programs and processes available to them, including programs
14 serving their community, county, county jails, juvenile detention
15 facilities, and the Department of Corrections and Rehabilitation.

16 (c) This section shall become operative on July 1, 2024, only
17 if General Fund moneys over the multiyear forecasts beginning in
18 the 2024–25 fiscal year are available to support ongoing
19 augmentations and actions, and if an appropriation is made to
20 backfill the Restitution Fund to support the actions in this section.

21 SEC. 8. Section 11320.31 of the Welfare and Institutions Code,
22 as amended by Section 3 of Chapter 615 of the Statutes of 2023,
23 is amended to read:

24 11320.31. (a) Sanctions shall not be applied for a failure or
25 refusal to comply with program requirements for reasons related
26 to employment, an offer of employment, an activity, or other
27 training for employment, including, but not limited to, the
28 following reasons:

29 (1) The employment, offer of employment, activity, or other
30 training for employment discriminates on any basis listed in
31 subdivision (a) of Section 12940 of the Government Code, as those
32 bases are defined in Sections 12926 and 12926.1 of the
33 Government Code, except as otherwise provided in Section 12940
34 of the Government Code.

35 (2) The employment or offer of employment exceeds the daily
36 or weekly hours of work customary to the occupation, the recipient
37 provides documentation to the county human services agency that
38 the anticipated hours would be so unpredictable for that specific
39 recipient that they would not allow the recipient to anticipate
40 compliance with program requirements related to the job, or the

1 recipient provides documentation to the county human services
2 agency that the scheduled hours exhibit a pattern of unpredictability
3 for that specific recipient that does not allow the recipient to
4 anticipate compliance with program requirements related to the
5 job.

6 (3) The employment, offer of employment, activity, or other
7 training for employment requires travel to and from the place of
8 employment, activity, or other training and a recipient's home that
9 exceeds a total of two hours in round trip time, exclusive of the
10 time necessary to transport family members to a school or place
11 providing care, or, if walking is the only available means of
12 transportation, the round trip is more than two miles, exclusive of
13 the mileage necessary to accompany family members to a school
14 or a place providing care. A recipient who fails or refuses to comply
15 with the program requirements based on this paragraph shall be
16 required to participate in community service activities pursuant to
17 Section 11322.9.

18 (4) The employment, offer of employment, activity, or other
19 training for employment involves conditions that are in violation
20 of applicable health and safety standards.

21 (5) The employment, offer of employment, or work activity
22 does not provide for workers' compensation insurance.

23 (6) Accepting the employment or work activity would cause an
24 interruption in an approved education or job training program in
25 progress that would otherwise lead to employment and sufficient
26 income to be self-supporting, excluding work experience or
27 community service employment as described in subdivisions (d)
28 and (j) of Section 11322.6 and Section 11322.9 or other community
29 work experience assignments, except that a recipient may be
30 required to engage in welfare-to-work activities to the extent
31 necessary to meet the hours of participation required by Section
32 11322.8.

33 (7) Accepting the employment, offer of employment, or work
34 activity would cause the recipient to violate the terms of the
35 recipient's union membership.

36 (8) The recipient states that the employment or offer of
37 employment fails to comply with the Healthy Workplaces, Healthy
38 Families Act of 2014 (Article 1.5 (commencing with Section 245)
39 of Chapter 1 of Part 1 of Division 2 of the Labor Code).

1 (9) The recipient states that the recipient experienced sexual
2 harassment or other abusive conduct at the workplace. For purposes
3 of this section, “abusive conduct” has the same meaning as defined
4 in paragraph (2) of subdivision (h) of Section 12950.1 of the
5 Government Code.

6 (10) The recipient states that the recipient’s rights under the
7 Wage Theft Prevention Act of 2011 were violated.

8 (11) The recipient states that the recipient’s rights under the
9 Domestic Worker Bill of Rights (Part 4.5 (commencing with
10 Section 1450) of Division 2 of the Labor Code) were violated.

11 (12) The recipient states that the recipient’s rights under the
12 CROWN Act (Section 212.1 of the Education Code and
13 subdivisions (w) and (x) of Section 12926 of the Government
14 Code) were violated.

15 (13) The recipient states that the recipient’s rights under the
16 California Family Rights Act (Section 12945.2 of the Government
17 Code) were violated.

18 (14) The recipient states that the recipient’s rights under the
19 Garment Worker Protection Act were violated (Sections 1174.1,
20 2670, 2671, 2673, 2673.1, 2673.2, and 2675.5 of the Labor Code)
21 were violated.

22 (15) The recipient states that the recipient’s rights under the
23 Fair Chance Act (Section 12952 of the Government Code) or
24 Section 432.7 of the Labor Code were violated.

25 (16) The recipient states that the recipient’s rights under the
26 Gender Nondiscrimination Act, as contained in Sections 12926,
27 12940, 12949, and 12955 of the Government Code, were violated.

28 (17) The recipient states that the recipient’s rights under Section
29 432.6 of the Labor Code were violated.

30 (18) The recipient states that the recipient’s rights under Section
31 12945.8 of the Government Code were violated.

32 (19) The recipient states that the recipient’s rights under the
33 Family-School Partnership Act (Section 230.8 of the Labor Code)
34 were violated.

35 (20) The recipient states that the recipient’s rights to lactation
36 accommodations were violated under Section 1031, 1032, 1033,
37 or 1034 of the Labor Code.

38 (21) The recipient states that the recipient’s rights under any
39 federal, state, or local labor or employment law were violated.

1 (22) The recipient requires pregnancy- or parenting-related
2 accommodations covered under Title IX of the federal Education
3 Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), or Section
4 66252, 66271.9, or 66281.7 of the Education Code, including, but
5 not limited to, excused absences to attend child medical
6 appointments, and has not received adequate accommodations.

7 (b) For purposes of subdivision (a), verification of the recipient's
8 statement is not required. The recipient need not reference any
9 specific law in stating that their rights were violated.

10 (c) Relief from a program sanction provided pursuant to this
11 section shall last no longer than three months from the first date
12 of the failure or refusal to comply with program requirements.

13 (d) If an applicant or recipient reports refusing any offer of
14 employment, reducing hours, voluntarily quitting any employment,
15 or being discharged from any employment, the county human
16 services agency shall provide the applicant or recipient with
17 information regarding workplace rights generally, including
18 information about how to file complaints with the Division of
19 Labor Standards Enforcement and the Civil Rights Department.
20 The State Department of Social Services shall convene a
21 stakeholder workgroup to develop instructions for county human
22 services agencies on how to best inform applicants and recipients
23 of their workplace rights and available remedies, and how to
24 document an applicant's or recipient's statement of circumstances
25 as required by this section. The stakeholder workgroup may be
26 convened concurrently with an existing department stakeholder
27 meeting. The stakeholder workgroup shall include, but is not
28 limited to, representatives of organizations representing all of the
29 following: County Welfare Directors Association of California,
30 CalWORKs recipients, workers' rights advocates, CalWORKs
31 advocates, social workers, and any relevant state, county, or city
32 government agencies. A county human services agency shall follow
33 the instructions developed by the stakeholder workgroup.

34 (e) County human services agencies shall not be required or
35 expected to provide any legal advice to recipients. Any information
36 or materials provided to a recipient regarding workplace rights,
37 including those developed and provided pursuant to subdivision
38 (d), is not intended to be legal advice.

39 (f) This section shall become inoperative on October 1, 2024,
40 or when the State Department of Social Services notifies the

1 Legislature that the Statewide Automated Welfare System (SAWS)
2 can perform the necessary automation to implement Section
3 11320.31, as added by the act that added this subdivision,
4 whichever is later, and, as of January 1 of the following year, is
5 repealed.

6 SEC. 9. Section 11320.31 of the Welfare and Institutions Code,
7 as amended by Section 4 of Chapter 615 of the Statutes of 2023,
8 is amended to read:

9 11320.31. (a) Sanctions shall not be applied for a failure or
10 refusal to comply with program requirements for reasons related
11 to employment, an offer of employment, an activity, or other
12 training for employment, including, but not limited to, the
13 following reasons:

14 (1) The employment, offer of employment, activity, or other
15 training for employment discriminates on any basis listed in
16 subdivision (a) of Section 12940 of the Government Code, as those
17 bases are defined in Sections 12926 and 12926.1 of the
18 Government Code, except as otherwise provided in Section 12940
19 of the Government Code.

20 (2) The employment or offer of employment exceeds the daily
21 or weekly hours of work customary to the occupation, the recipient
22 provides documentation to the county human services agency that
23 the anticipated hours would be so unpredictable for that specific
24 recipient that they would not allow the recipient to anticipate
25 compliance with program requirements related to the job, or the
26 recipient provides documentation to the county human services
27 agency that the scheduled hours exhibit a pattern of unpredictability
28 for that specific recipient that does not allow the recipient to
29 anticipate compliance with program requirements related to the
30 job.

31 (3) The employment, offer of employment, activity, or other
32 training for employment requires travel to and from the place of
33 employment, activity, or other training and a recipient's home that
34 exceeds a total of two hours in round trip time, exclusive of the
35 time necessary to transport family members to a school or place
36 providing care, or, if walking is the only available means of
37 transportation, the round trip is more than two miles, exclusive of
38 the mileage necessary to accompany family members to a school
39 or a place providing care. A recipient who fails or refuses to comply
40 with the program requirements based on this paragraph shall be

1 required to participate in community service activities pursuant to
2 Section 11322.9.

3 (4) The employment, offer of employment, activity, or other
4 training for employment involves conditions that are in violation
5 of applicable health and safety standards.

6 (5) The employment, offer of employment, or work activity
7 does not provide for workers' compensation insurance.

8 (6) Accepting the employment or work activity would cause an
9 interruption in an approved education or job training program in
10 progress that would otherwise lead to employment and sufficient
11 income to be self-supporting, excluding work experience or
12 community service employment as described in subdivisions (d)
13 and (j) of Section 11322.6 and Section 11322.9 or other community
14 work experience assignments, except that a recipient may be
15 required to engage in welfare-to-work activities to the extent
16 necessary to meet the hours of participation required by Section
17 11322.8.

18 (7) Accepting the employment, offer of employment, or work
19 activity would cause the recipient to violate the terms of the
20 recipient's union membership.

21 (8) The recipient states that the employment or offer of
22 employment fails to comply with the Healthy Workplaces, Healthy
23 Families Act of 2014 (Article 1.5 (commencing with Section 245)
24 of Chapter 1 of Part 1 of Division 2 of the Labor Code).

25 (9) The recipient states that the recipient experienced sexual
26 harassment or other abusive conduct at the workplace. For purposes
27 of this section, "abusive conduct" has the same meaning as defined
28 in paragraph (2) of subdivision (h) of Section 12950.1 of the
29 Government Code.

30 (10) The recipient states that the recipient's rights under the
31 Wage Theft Prevention Act of 2011 were violated.

32 (11) The recipient states that the recipient's rights under the
33 Domestic Worker Bill of Rights (Part 4.5 (commencing with
34 Section 1450) of Division 2 of the Labor Code) were violated.

35 (12) The recipient states that the recipient's rights under the
36 CROWN Act (Section 212.1 of the Education Code and
37 subdivisions (w) and (x) of Section 12926 of the Government
38 Code) were violated.

1 (13) The recipient states that the recipient's rights under the
2 California Family Rights Act (Section 12945.2 of the Government
3 Code) were violated.

4 (14) The recipient states that the recipient's rights under the
5 Garment Worker Protection Act were violated (Sections 1174.1,
6 2670, 2671, 2673, 2673.1, 2673.2, and 2675.5 of the Labor Code)
7 were violated.

8 (15) The recipient states that the recipient's rights under the
9 Fair Chance Act (Section 12952 of the Government Code) or
10 Section 432.7 of the Labor Code were violated.

11 (16) The recipient states that the recipient's rights under the
12 Gender Nondiscrimination Act as contained in Sections 12926,
13 12940, 12949, and 12955 of the Government Code, were violated.

14 (17) The recipient states that the recipient's rights under Section
15 432.6 of the Labor Code were violated.

16 (18) The recipient states that the recipient's rights under Section
17 12945.8 of the Government Code were violated.

18 (19) The recipient states that the recipient's rights under the
19 Family-School Partnership Act (Section 230.8 of the Labor Code)
20 were violated.

21 (20) The recipient states that the recipient's rights to lactation
22 accommodations were violated under Section 1031, 1032, 1033,
23 or 1034 of the Labor Code.

24 (21) The recipient states that the recipient's rights under any
25 federal, state, or local labor or employment law were violated.

26 (22) The recipient requires pregnancy- or parenting-related
27 accommodations covered under Title IX of the federal Education
28 Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), or Section
29 66252, 66271.9, or 66281.7 of the Education Code, including, but
30 not limited to, excused absences to attend child medical
31 appointments, and has not received adequate accommodations.

32 (b) For purposes of subdivision (a), verification of the recipient's
33 statement is not required. The recipient need not reference any
34 specific law in stating that their rights were violated.

35 (c) Relief from a program sanction provided pursuant to this
36 section shall last no longer than three months from the first date
37 of the failure or refusal to comply with program requirements.

38 (d) (1) If an applicant or recipient reports refusing any offer of
39 employment, reducing hours, voluntarily quitting any employment,
40 or being discharged from any employment, the county human

1 services agency shall provide the applicant or recipient with
2 information regarding workplace rights generally, including
3 information about how to file complaints with the Division of
4 Labor Standards Enforcement and the Civil Rights Department.
5 The State Department of Social Services shall convene a
6 stakeholder workgroup to develop instructions for county human
7 services agencies on how to best inform applicants and recipients
8 of their workplace rights and available remedies, and how to
9 document an applicant's or recipient's statement of circumstances
10 as required by this section. The stakeholder workgroup may be
11 convened concurrently with an existing department stakeholder
12 meeting. The stakeholder workgroup shall include, but is not
13 limited to, representatives of organizations representing all of the
14 following: County Welfare Directors Association of California,
15 CalWORKs recipients, workers' rights advocates, CalWORKs
16 advocates, social workers, and any relevant state, county, or city
17 government agencies. A county human services agency shall follow
18 the instructions developed by the stakeholder workgroup.

19 (2) The State Department of Social Services, along with the
20 stakeholder workgroup, shall also develop instructions for county
21 human services agencies on how best to issue an updated guidance
22 to applicants and recipients of applicable rights under the California
23 Family Rights Act (Section 12945.2 of the Government Code) and
24 other new rights under federal, state, or local laws.

25 (e) County human services agencies shall not be required or
26 expected to provide any legal advice to recipients. Any information
27 or materials provided to a recipient regarding workplace rights,
28 including those developed and provided pursuant to subdivision
29 (d), is not intended to be legal advice.

30 (f) This section shall become operative on October 1, 2024, or
31 when the State Department of Social Services notifies the
32 Legislature that the Statewide Automated Welfare System (SAWS)
33 can perform the necessary automation to implement this section,
34 whichever is later.