

AMENDED IN ASSEMBLY APRIL 17, 2024

AMENDED IN ASSEMBLY APRIL 9, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

## ASSEMBLY BILL

**No. 2499**

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

February 13, 2024

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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.

Existing law, subject to specified requirements for the employee, prohibits an employer from discharging or in any manner discriminating against an employee for taking time off to serve on a jury, an 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 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 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 ~~the employer becomes newly aware that~~ an employee *informs an employer that the employee* or ~~an~~ 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:*

- 1 SECTION 1. Section 214 of the Code of Civil Procedure is
- 2 amended to read:
- 3 214. The jury commissioner shall provide orientation for new
- 4 jurors, which shall include necessary basic information concerning
- 5 jury service. The jury commissioner shall notify each juror of
- 6 subdivision (a) of Section 12945.8 of the Government Code.
- 7 SEC. 2. Section 48205 of the Education Code is amended to
- 8 read:
- 9 48205. (a) Notwithstanding Section 48200, a pupil shall be
- 10 excused from school when the absence is:
- 11 (1) Due to the pupil’s illness, including an absence for the
- 12 benefit of the pupil’s mental or behavioral health.

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

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

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

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

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

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

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

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

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

39 (11) For the purpose of participating in a cultural ceremony or  
40 event.

1 (12) (A) For the purpose of a middle school or high school  
2 pupil engaging in a civic or political event, as provided in  
3 subparagraph (B), provided that the pupil notifies the school ahead  
4 of the absence.

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

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

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

18 (i) To access services from a victim services organization or  
19 agency.

20 (ii) To access grief support services.

21 (iii) To participate in safety planning or to take other actions to  
22 increase the safety of the pupil or an immediate family member  
23 of the pupil, or a person that is determined by the pupil's parent  
24 or guardian to be in such close association with the pupil as to be  
25 considered the pupil's immediate family, including, but not limited  
26 to, temporary or permanent relocation.

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

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

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

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

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

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

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

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

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

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

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

20 12945.8. (a) An employer shall not discharge or in any manner  
21 discriminate against an employee for taking time off to serve as  
22 required by law on an inquest jury or trial jury, if the employee,  
23 prior to taking the time off, gives reasonable notice to the employer  
24 that the employee is required to serve.

25 (b) An employer shall not discharge or in any manner  
26 discriminate or retaliate against an employee, including, but not  
27 limited to, an employee who is a victim, for taking time off to  
28 appear in court to comply with a subpoena or other court order as  
29 a witness in any judicial proceeding.

30 (c) An employer shall not discharge or in any manner  
31 discriminate or retaliate against an employee who is a victim or  
32 who has a family member who is a victim for taking time off from  
33 work to obtain or attempt to obtain any relief. Relief includes, but  
34 is not limited to, a temporary restraining order, restraining order,  
35 or other injunctive relief, to help ensure the health, safety, or  
36 welfare of the victim or a family member of the victim.

37 (d) An employer shall not discharge or in any manner  
38 discriminate or retaliate against an employee who is a victim or  
39 who has a family member who is a victim from taking time off  
40 from work for any of the following purposes:

1 (1) 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 (2) 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 (3) 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 (4) To participate in safety planning or take other actions to  
12 increase safety from future qualifying acts of violence.

13 (5) 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 (6) To provide care to an immediate family member who is  
18 recovering from injuries caused by a qualifying act of violence.

19 (7) 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 (8) To seek, obtain, or assist a family member to seek or obtain  
23 financial services, enroll to receive benefits, or meet with a  
24 financial professional to address financial issues caused by or  
25 aggravated by the qualifying act of violence.

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

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

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

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

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

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

8 (B) A court order protecting or separating the employee or a  
9 family member of the employee from the perpetrator of the  
10 qualifying act of violence, or other evidence from a court or  
11 prosecuting attorney that the employee or a family member of the  
12 employee has appeared in court.

13 (C) Documentation from a licensed medical professional,  
14 domestic violence counselor, as defined in Section 1037.1 of the  
15 Evidence Code, a sexual assault counselor, as defined in Section  
16 1035.2 of the Evidence Code, victim advocate, licensed health  
17 care provider, or counselor that the employee or a family member  
18 of the employee was undergoing treatment or seeking or receiving  
19 services directly related to the qualifying act of violence.

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

25 (3) To the extent allowed by law and consistent with  
26 subparagraph (D) of paragraph (7) of subdivision (g), the employer  
27 shall maintain the confidentiality of any employee requesting leave  
28 under subdivision (c) or (d). Furnishing evidence or providing a  
29 certification under this subdivision shall not waive any  
30 confidentiality or privilege that may exist between the employee  
31 or employee's family member and a third party.

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

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

1 (2) For purposes of this subdivision, reasonable accommodations  
2 may include the implementation of safety measures, including a  
3 transfer, reassignment, modified schedule, changed work telephone,  
4 permission to carry telephone at work, changed work station,  
5 installed lock, assistance in documenting domestic violence, sexual  
6 assault, stalking, or another qualifying act of violence that occurs  
7 in the workplace, an implemented safety procedure, or another  
8 adjustment to a job structure, workplace facility, or work  
9 requirement in response to domestic violence, sexual assault,  
10 stalking, or other qualifying act of violence, or referral to a victim  
11 assistance organization.

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

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

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

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

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

36 (B) The employer may also request certification from an  
37 employee requesting an accommodation pursuant to this  
38 subdivision demonstrating the employee's status, or the employee's  
39 family member's status, as a victim. Certification shall be sufficient

1 in the form of any of the categories described in paragraph (3) of  
2 subdivision (e).

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

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

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

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

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

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

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

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

8 (k) For purposes of this section:

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

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

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

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

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

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

23 (4) “Family member” means a child, parent, grandparent,  
24 grandchild, sibling, spouse, domestic partner, or designated person,  
25 as defined in Section 12945.2.

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

29 (A) Domestic violence.

30 (B) Sexual assault.

31 (C) Stalking.

32 (D) An act, conduct, or pattern of conduct, including any of the  
33 following:

34 (i) In which an individual causes bodily injury or death to  
35 another individual.

36 (ii) In which an individual exhibits, draws, brandishes, or uses  
37 a firearm, or other dangerous weapon, with respect to another  
38 individual.

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

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

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

11 (8) “Victim” means either of the following:

12 (A) An individual against whom a qualifying act of violence is  
13 committed.

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

16 (9) “Victim advocate” means an individual, whether paid or  
17 serving as a volunteer, who provides services to victims under the  
18 auspices or supervision of an agency or organization that has a  
19 documented record of providing services to victims, or under the  
20 auspices or supervision of a court or a law enforcement or  
21 prosecution agency.

22 (10) “Victim services organization or agency” means an agency  
23 or organization that has a documented record of providing services  
24 to victims.

25 (l) (1) An employer shall inform each employee of their rights  
26 established under this section in writing. The information shall be  
27 provided to new employees upon hire, to all employees annually,  
28 at any time upon request, and any time ~~the employer becomes~~  
29 ~~newly aware that~~ an employee *informs an employer that the*  
30 *employee or an the employee’s family member is a victim.*

31 (2) The department shall develop a form that an employer may  
32 use to comply with the notice requirements in paragraph (1). The  
33 form shall be entitled “Survivors of Violence and Family Members  
34 of Victims Right to Leave and Accommodations” and shall set  
35 forth the rights and duties of employers and employees under this  
36 section in clear and concise language. The notice shall also include  
37 language that advises employees in clear and concise language  
38 that if leave taken under this section is due to an employee’s  
39 inability to work as a result of a serious health condition, or need  
40 to care for a family member with a serious health condition, they

1 may also be eligible for wage replacement under the disability  
2 insurance program, the family temporary disability insurance  
3 program, or other programs administered by the Employment  
4 Development Department. The notice shall also include language  
5 that advises employees in clear and concise language that if they  
6 are a family member of a deceased victim, they may be eligible  
7 for leave under this section and also for bereavement leave under  
8 Section 12945.7. The department shall post the form in English,  
9 Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian,  
10 Arabic, Farsi, Punjabi, Russian, Japanese, Hindi, Mon-Khmer,  
11 Thai, and any other language that is spoken by a “substantial  
12 number of non-English-speaking people,” as that phrase is defined  
13 in Section 7296.2, on the department’s internet website to make  
14 it available to employers who are required to comply with this  
15 section. If an employer elects not to use the form developed by  
16 the department, the notice provided by the employer to the  
17 employees shall be substantially similar in content and clarity to  
18 the form developed by the department. The department shall create  
19 the form and post it in accordance with this paragraph on or before  
20 January 1, 2025.

21 (3) An employer shall not be required to comply with paragraph  
22 (1) until the department posts the form on the department’s internet  
23 website in accordance with paragraph (2).

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

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

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

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

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

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

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

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

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

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

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

(C) Opposition by the employee to a policy, practice, or act that 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.

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

679.027. (a) Every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act shall, as provided herein, at the time of initial contact with a crime victim, during followup investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, inform each victim, or the victim’s next of kin if the victim is deceased, of the rights they may have under applicable law relating to the victimization, including rights relating to housing, employment, compensation, and immigration relief.

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

1 (2) The Victim Protections and Resources card may be designed  
2 as part of and included with the “Marsy Rights” card described by  
3 Section 679.026.

4 (3) By June 1, 2025, the Attorney General shall design and make  
5 available in PDF or other imaging format to every agency listed  
6 in paragraph (1) a “Victim Protections and Resources” card, which  
7 shall contain information in lay terms about victim rights and  
8 resources, including, but not limited to, the following:

9 (A) Information about the rights provided by Section 12945.8  
10 of the Government Code.

11 (B) Information about the rights provided by Section 1946.7 of  
12 the Civil Code.

13 (C) Information about the rights provided by Section 1161.3 of  
14 the Code of Civil Procedure, including information in lay terms  
15 about which crimes and tenants are eligible and under what  
16 circumstances.

17 (D) Information about federal immigration relief available to  
18 certain victims of crime.

19 (E) Information about the program established by Chapter 5  
20 (commencing with Section 13950) of Part 4 of Division 3 of Title  
21 2 of the Government Code, including information about the types  
22 of expenses the program may reimburse, eligibility, and how to  
23 apply.

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

27 (G) Information about eligibility for filing a restraining or  
28 protective order.

29 (H) Contact information for the Victims’ Legal Resource Center  
30 established by Chapter 11 (commencing with Section 13897) of  
31 Title 6 of Part 4.

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

35 (J) The availability of community-based restorative justice  
36 programs and processes available to them, including programs  
37 serving their community, county, county jails, juvenile detention  
38 facilities, and the Department of Corrections and Rehabilitation.

39 (c) This section shall become operative on July 1, 2024, only  
40 if General Fund moneys over the multiyear forecasts beginning in

1 the 2024–25 fiscal year are available to support ongoing  
2 augmentations and actions, and if an appropriation is made to  
3 backfill the Restitution Fund to support the actions in this section.

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

7 11320.31. (a) Sanctions shall not be applied for a failure or  
8 refusal to comply with program requirements for reasons related  
9 to employment, an offer of employment, an activity, or other  
10 training for employment, including, but not limited to, the  
11 following reasons:

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

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

29 (3) The employment, offer of employment, activity, or other  
30 training for employment requires travel to and from the place of  
31 employment, activity, or other training and a recipient's home that  
32 exceeds a total of two hours in round trip time, exclusive of the  
33 time necessary to transport family members to a school or place  
34 providing care, or, if walking is the only available means of  
35 transportation, the round trip is more than two miles, exclusive of  
36 the mileage necessary to accompany family members to a school  
37 or a place providing care. A recipient who fails or refuses to comply  
38 with the program requirements based on this paragraph shall be  
39 required to participate in community service activities pursuant to  
40 Section 11322.9.

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

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

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

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

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

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

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

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

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

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

1 (14) The recipient states that the recipient's rights under the  
2 Garment Worker Protection Act were violated (Sections 1174.1,  
3 2670, 2671, 2673, 2673.1, 2673.2, and 2675.5 of the Labor Code)  
4 were violated.

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

8 (16) The recipient states that the recipient's rights under the  
9 Gender Nondiscrimination Act, as contained in Sections 12926,  
10 12940, 12949, and 12955 of the Government Code, were violated.

11 (17) The recipient states that the recipient's rights under Section  
12 432.6 of the Labor Code were violated.

13 (18) The recipient states that the recipient's rights under Section  
14 12945.8 of the Government Code were violated.

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

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

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

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

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

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

35 (d) If an applicant or recipient reports refusing any offer of  
36 employment, reducing hours, voluntarily quitting any employment,  
37 or being discharged from any employment, the county human  
38 services agency shall provide the applicant or recipient with  
39 information regarding workplace rights generally, including  
40 information about how to file complaints with the Division of

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

16 (e) County human services agencies shall not be required or  
17 expected to provide any legal advice to recipients. Any information  
18 or materials provided to a recipient regarding workplace rights,  
19 including those developed and provided pursuant to subdivision  
20 (d), is not intended to be legal advice.

21 (f) This section shall become inoperative on October 1, 2024,  
22 or when the State Department of Social Services notifies the  
23 Legislature that the Statewide Automated Welfare System (SAWS)  
24 can perform the necessary automation to implement Section  
25 11320.31, as added by the act that added this subdivision,  
26 whichever is later, and, as of January 1 of the following year, is  
27 repealed.

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

31 11320.31. (a) Sanctions shall not be applied for a failure or  
32 refusal to comply with program requirements for reasons related  
33 to employment, an offer of employment, an activity, or other  
34 training for employment, including, but not limited to, the  
35 following reasons:

36 (1) The employment, offer of employment, activity, or other  
37 training for employment discriminates on any basis listed in  
38 subdivision (a) of Section 12940 of the Government Code, as those  
39 bases are defined in Sections 12926 and 12926.1 of the

1 Government Code, except as otherwise provided in Section 12940  
2 of the Government Code.

3 (2) The employment or offer of employment exceeds the daily  
4 or weekly hours of work customary to the occupation, the recipient  
5 provides documentation to the county human services agency that  
6 the anticipated hours would be so unpredictable for that specific  
7 recipient that they would not allow the recipient to anticipate  
8 compliance with program requirements related to the job, or the  
9 recipient provides documentation to the county human services  
10 agency that the scheduled hours exhibit a pattern of unpredictability  
11 for that specific recipient that does not allow the recipient to  
12 anticipate compliance with program requirements related to the  
13 job.

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

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

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

31 (6) Accepting the employment or work activity would cause an  
32 interruption in an approved education or job training program in  
33 progress that would otherwise lead to employment and sufficient  
34 income to be self-supporting, excluding work experience or  
35 community service employment as described in subdivisions (d)  
36 and (j) of Section 11322.6 and Section 11322.9 or other community  
37 work experience assignments, except that a recipient may be  
38 required to engage in welfare-to-work activities to the extent  
39 necessary to meet the hours of participation required by Section  
40 11322.8.

1 (7) Accepting the employment, offer of employment, or work  
2 activity would cause the recipient to violate the terms of the  
3 recipient's union membership.

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

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

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

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

18 (12) The recipient states that the recipient's rights under the  
19 CROWN Act (Section 212.1 of the Education Code and  
20 subdivisions (w) and (x) of Section 12926 of the Government  
21 Code) were violated.

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

25 (14) The recipient states that the recipient's rights under the  
26 Garment Worker Protection Act were violated (Sections 1174.1,  
27 2670, 2671, 2673, 2673.1, 2673.2, and 2675.5 of the Labor Code)  
28 were violated.

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

32 (16) The recipient states that the recipient's rights under the  
33 Gender Nondiscrimination Act as contained in Sections 12926,  
34 12940, 12949, and 12955 of the Government Code, were violated.

35 (17) The recipient states that the recipient's rights under Section  
36 432.6 of the Labor Code were violated.

37 (18) The recipient states that the recipient's rights under Section  
38 12945.8 of the Government Code were violated.

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

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

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

9 (22) The recipient requires pregnancy- or parenting-related  
10 accommodations covered under Title IX of the federal Education  
11 Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), or Section  
12 66252, 66271.9, or 66281.7 of the Education Code, including, but  
13 not limited to, excused absences to attend child medical  
14 appointments, and has not received adequate accommodations.

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

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

21 (d) (1) If an applicant or recipient reports refusing any offer of  
22 employment, reducing hours, voluntarily quitting any employment,  
23 or being discharged from any employment, the county human  
24 services agency shall provide the applicant or recipient with  
25 information regarding workplace rights generally, including  
26 information about how to file complaints with the Division of  
27 Labor Standards Enforcement and the Civil Rights Department.  
28 The State Department of Social Services shall convene a  
29 stakeholder workgroup to develop instructions for county human  
30 services agencies on how to best inform applicants and recipients  
31 of their workplace rights and available remedies, and how to  
32 document an applicant's or recipient's statement of circumstances  
33 as required by this section. The stakeholder workgroup may be  
34 convened concurrently with an existing department stakeholder  
35 meeting. The stakeholder workgroup shall include, but is not  
36 limited to, representatives of organizations representing all of the  
37 following: County Welfare Directors Association of California,  
38 CalWORKs recipients, workers' rights advocates, CalWORKs  
39 advocates, social workers, and any relevant state, county, or city

1 government agencies. A county human services agency shall follow  
2 the instructions developed by the stakeholder workgroup.

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

9 (e) County human services agencies shall not be required or  
10 expected to provide any legal advice to recipients. Any information  
11 or materials provided to a recipient regarding workplace rights,  
12 including those developed and provided pursuant to subdivision  
13 (d), is not intended to be legal advice.

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