2022 CELA-Sponsored and Priority Bills

1. Pay Transparency for Pay Equity Act – **SB 1162** (Senator Limón). This bill requires employers with 15 or more employees to provide a salary range on all job postings. Additionally, this bill expands our existing pay data reporting law to require employers with 100 or more employees to submit pay data broken down by race, ethnicity, and sex for both direct employees and employees hired through a third-party staffing agency. *Status: Signed into law!*

2. Bereavement Leave – **AB 1949** (Low). This bill amends the Fair Employment and Housing Act to require employers to grant an employee 5 days of unpaid bereavement leave upon the death of a family member. *Status: Signed into law!*

3. Family Caregiver Discrimination – **AB 2182** (Wicks). This bill would prohibit discrimination against employees based on their family responsibilities and would ensure that working families have access to reasonable accommodations to deal with unforeseen school and care closures. Specifically, this bill would (1) add “family responsibilities” to the list of protected categories under the Fair Employment and Housing Act (FEHA) and (2) would provide employees who have caregiving responsibilities with the right to reasonable accommodations to deal with school or care closures under FEHA. *Status: Held in Assembly Appropriations Committee.*

4. Immigration Status Protections – **SB 836** (Weiner). This bill reinstates the expired provision of law that protects a person’s immigration status from disclosure in public court proceedings. This protection, originally enacted in 2018, sunsets at the beginning of this year. This urgency legislation aims to restore these safeguards immediately so that immigration status cannot be used to intimidate workers and thereby prevent them from asserting their rights. *Status: Signed into law!*

5. Caregiving for Chosen Family – **AB 1041** (Wicks). This bill expands the definition of “family member” for purposes of paid sick leave and family and medical leave under the California Family Rights Act by allowing workers to take time off to care for a “designated person.” *Status: Signed into law!*

6. Lactation Accommodation in State Courthouses – **AB 1576** (Committee on Judiciary). This bill requires state courthouses to provide lactation accommodations for attorneys and other users of the court. *Status: Signed into law!*

7. Workplace data and technology rights – **AB 1651** (Kalra). This bill would establish guardrails governing the use of electronic monitoring and AI (artificial-intelligence-based) management at work. The bill would (1) create new rights and protections regarding data collection, (2) curtail harmful electronic monitoring, (3) reduce the use of AI and (4) hold employers accountable for harms caused by this technology. *Status: Stalled in Assembly Committee on Privacy and Consumer Protection.*
8. **Discrimination Based on Cannabis Use** – **AB 2188** (Quirk). This bill prohibits employers from discriminating against an employee (1) for off-the-job cannabis use or (2) based on outdated drug-testing methods that show the presence of non-psychoactive cannabis metabolites. **Status: Signed into law!**

9. **State Bar** – **AB 2958** (Judiciary Committee). This bill prevents the State Bar from continuing its efforts to establish a “regulatory sandbox” to allow non-attorneys to engage in the unauthorized practice of law and limits its ability to license nonattorneys as paraprofessionals. The bill also requires a report on all State Bar funding spent since 2018 to study the creation of this “regulatory sandbox” or the licensing of nonattorneys as paraprofessionals. **Status: Signed into law!**

Check out CELA’s Legislative Committee Update materials for more information on other key labor and employment bills of 2022.

**Other Key Labor and Employment Bills of 2022**

1. **Access to Justice** – **AB 2520** (Gabriel) – requires the Department of Justice to establish an Office of Access to Justice by January 1, 2024, for the promoting access to justice for low-income and other underrepresented people in the California criminal and civil justice systems. **Status: Signed into law!**

2. **Juneteenth** – **AB 1655** (Jones-Sawyer) – adds June 19, known as “Juneteenth,” to the list of state holidays. The bill would authorize state employees to elect to take time off with pay in recognition of Juneteenth, as specified. **Status: Signed into law!**

3. **Discrimination and Harassment of Customers** – **AB 2448** (Ting) – requires the Civil Rights Department to establish a pilot program on or before January 1, 2025, to recognize businesses that create environments free from discrimination and harassment and would require the Department to develop criteria to qualify for recognition, including, among other things, demonstrating compliance with the Unruh Civil Rights Act. **Status: Signed into law!**

4. **Contraceptive Equity Act of 2022** – **SB 523** (Leyva) – amends the Fair Employment and Housing Act to prohibit discrimination against “reproductive health decisionmaking,” which includes, but is not limited to, a decision to use or access a particular drug, device, product, or medical service for reproductive health. The bill also would make it unlawful for an employer to require, as a condition of employment, continued employment, or a benefit of employment, the disclosure of information relating to an applicant’s or employee’s reproductive health decisionmaking. **Status: Signed into law!**

5. **Criminal Records Discrimination** – **SB 731** (Durazo) – prohibits the record of a conviction for possession of specified controlled substances that is more than 5 years old and for which relief was granted from being presented to the Commission on Teacher Credentialing (the “Commission”) or from being used by the Commission to deny a credential. Expands automatic arrest record relief, automatic conviction relief and discretionary expungement relief, as specified. **Status: Signed into law!**

7. Paid Family Leave and State Disability Benefits – SB 951 (Durazo) – extends to January 1, 2025, the existing wage replacement rates for the State Disability (SDI) and Paid Family Leave (PFL) programs, which provide a 60-70% wage replacement and are set to sunset on January 1, 2023. For claims commencing on or after January 1, 2025, revises the formulas for determining benefits under both programs to provide an increased wage replacement rate ranging from 70-90% based on the individual’s wages earned, as specified. Status: Signed into law!

8. Heat advisory committee study – AB 1643 (R. Rivas) – requires the Labor and Workforce Development Agency, on or before July 1, 2023, to establish an advisory committee to study and evaluate the effects of heat on California’s workers, businesses, and economy. The bill requires the advisory committee, in considering those effects, to recommend a study that addresses prescribed topics relating to data collection, certain economic losses, injuries and illnesses, and methods of minimizing the impacts of heat on workers. The bill would require the advisory committee to report its findings to the Legislature no later than January 1, 2026. Status: Signed into law!

9. Heat illness: wildfire smoke – AB 2443 (Garcia and L. Rivas) – requires the Division of Occupational Safety and Health (Cal/OSHA) to submit a proposal revising the heat illness standard, as specified, and the wildfire smoke standard for farm workers, to reduce the threshold Air Quality Index (AQI) for PM2.5 particulate matter at which respiratory protective equipment becomes mandatory for farmworkers to, at a maximum, a level of 301 or more. Status: Signed into law!

10. H-2A workers: required disclosures – AB 857 (Kalra) – requires H-2A visa employers to provide notice of specified state and federal employment rights in Spanish and, if requested, in English, to all H-2A farm workers on their first day of work or when they are transferred to another employer. Status: vetoed.

11. Farm worker collective bargaining rights – AB 2183 (Stone) – allows farm workers to choose whether they want to vote at a physical location, vote by mailing, or vote by dropping off a representation ballot card at the Agricultural Labor Relations Board (ALRB) office. Status: Signed into law!

12. Public healthcare workers: meal and rest breaks – SB 1334 (Bradford) – extends existing meal- and rest-period rights and remedies that already are available to private sector employees to specified public-sector employees who provide direct patient care or who support direct patient care in general acute care hospitals, clinics or public health settings. Status: Signed into law!

13. Natural disasters: employee rights – SB 1044 (Durazo) – prohibits an employer, in the event of an emergency condition, as defined, from taking or threatening an adverse action against any employee for refusing to report to, or for leaving, a workplace within the affected area because the employee has a reasonable belief that the workplace is unsafe. With some exceptions, this bill also prohibits an employer from preventing an employee, from accessing the employee’s mobile device or other communication device to seek emergency assistance, assess the safety of the situation, or communicate with a person to verify the employee’s safety. Status: Signed into law!
14. **Fast food workers** – **AB 257** (Holden) – enacts the Fast Food Accountability and Standards (FAST) Recovery Act to, among other things, establish the Fast Food Council (Council), until January 1, 2029, within the Department of Industrial Relations (DIR) for the purpose of establishing sector-wide minimum standards on wages, working hours, and other working conditions related to the health, safety, and welfare of, and supplying the necessary cost of proper living to, fast food restaurant workers. **Status: Signed into law!**

15. **Mass layoffs: call center employees** – **AB 1601** (Weber) – prohibits a call center employer from ordering the relocation of its call center, as defined, unless, 60 or more days before the order takes effect, the employer gives written notice of the order to affected employees. **Status: Signed into law!**

16. **Worker cooperatives** – **AB 2849** (Bonta) – **Enacts the Promote Ownership by Workers for Economic Recovery (POWER) Act**, establishing a panel within state government to conduct a study regarding the creation of an Association of Cooperative Labor Contractors to facilitate the growth of democratically-run high-road cooperative labor contractors. **Status: Signed into law!**

17. **Incarcerated persons: wages** – **SB 1371** (Bradford) – requires the California Department of Corrections and Rehabilitation (CDCR) to adopt a five-year plan to increase the compensation for incarcerated persons. **Status: vetoed.**

2022 Bill Tracking: [Click here](#) to see all of the labor and employment bills that CELA is tracking.