

2025 Employment Law Updates

AB 1815

Race Discrimination – Hairstyles

The FEHA previously defined “race” to include “traits historically associated with race” such as “hair texture and protective hairstyles”

AB 1815 deletes “historically” as confusing and unnecessary. Removes “k” from locks; now locs.

Declaratory of existing law – no change.



AB 3234

New Child Labor Transparency Requirement

- If employer chooses to conduct audit, bill requires audit to be posted on website
- Child labor audits not legally required



AB 2123

Can't Force Employees To Use Accrued Paid Time Off Before Paid Family Leave

- Use of PTO before PFL is Employee's Choice



AB 2499

Leave for Qualifying Acts of Violence

- Clarifies Leave Rights for Victims of Specified Violent Crimes
- Repeals and Replaces 2 Labor Code Sections
- Adds a Section to FEHA
- Adds a category to sick leave laws



AB 2499 cont.

Qualifying Acts of Violence Defined

- Domestic violence
- Sexual assault
- Stalking
- Any act, conduct or pattern of conduct that includes:
 - bodily death or injury to another
 - brandishing, exhibiting, or drawing a firearm or other dangerous weapon
 - a perceived or actual threat to use force against another to cause physical injury or death

**Employers with
25+ employees**
Leave for Treatment, etc.

- Employers
with 25+
Employees

For:

- Physical and Mental Health Treatment
- Shelter, Services, Relocation, Legal Proceedings
- 12 Weeks Leave for Victimized Employee
- 10 days Leave to Help Family Member

SB 1137

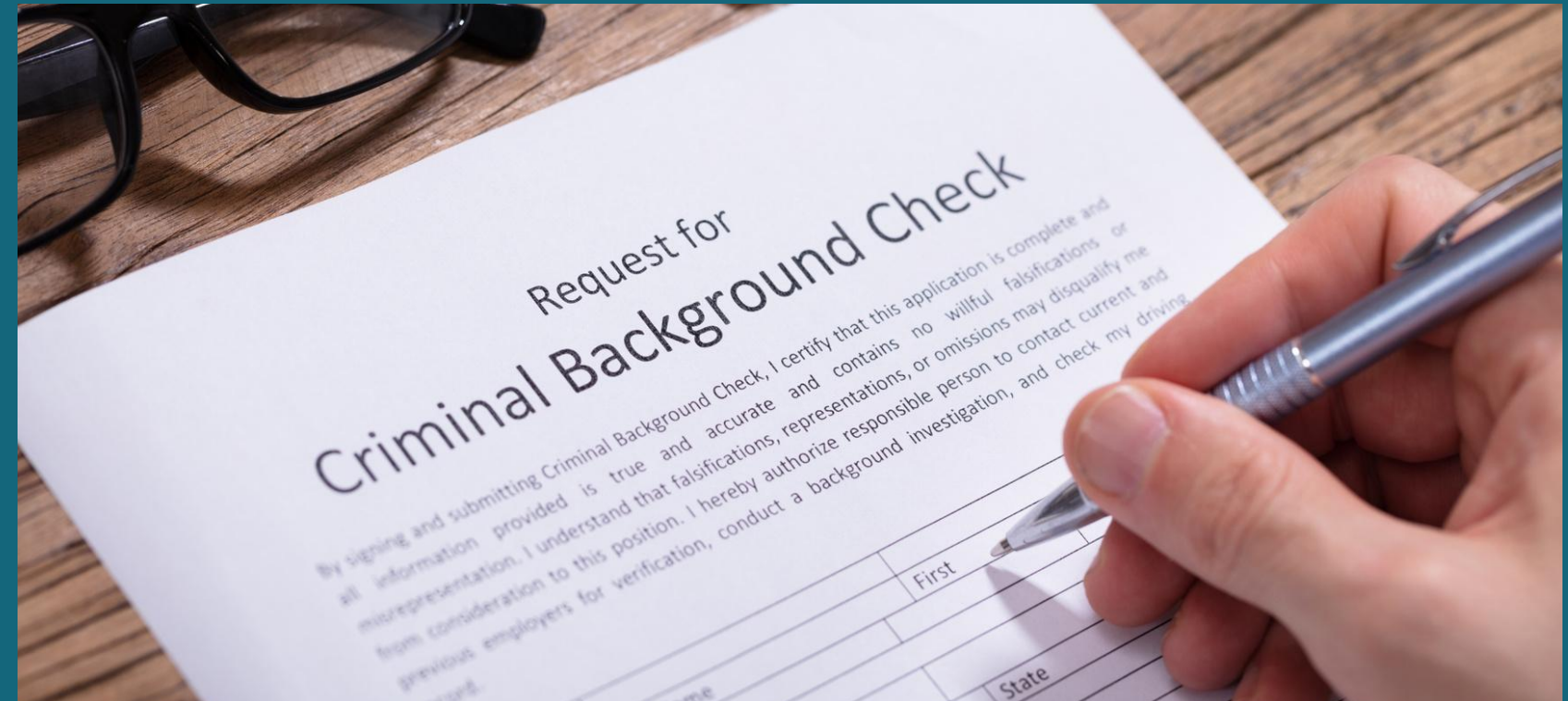
Intersectional Discrimination

- Adds category to anti-discrimination statutes
- No discrimination based on combinations of 2 or more protected traits



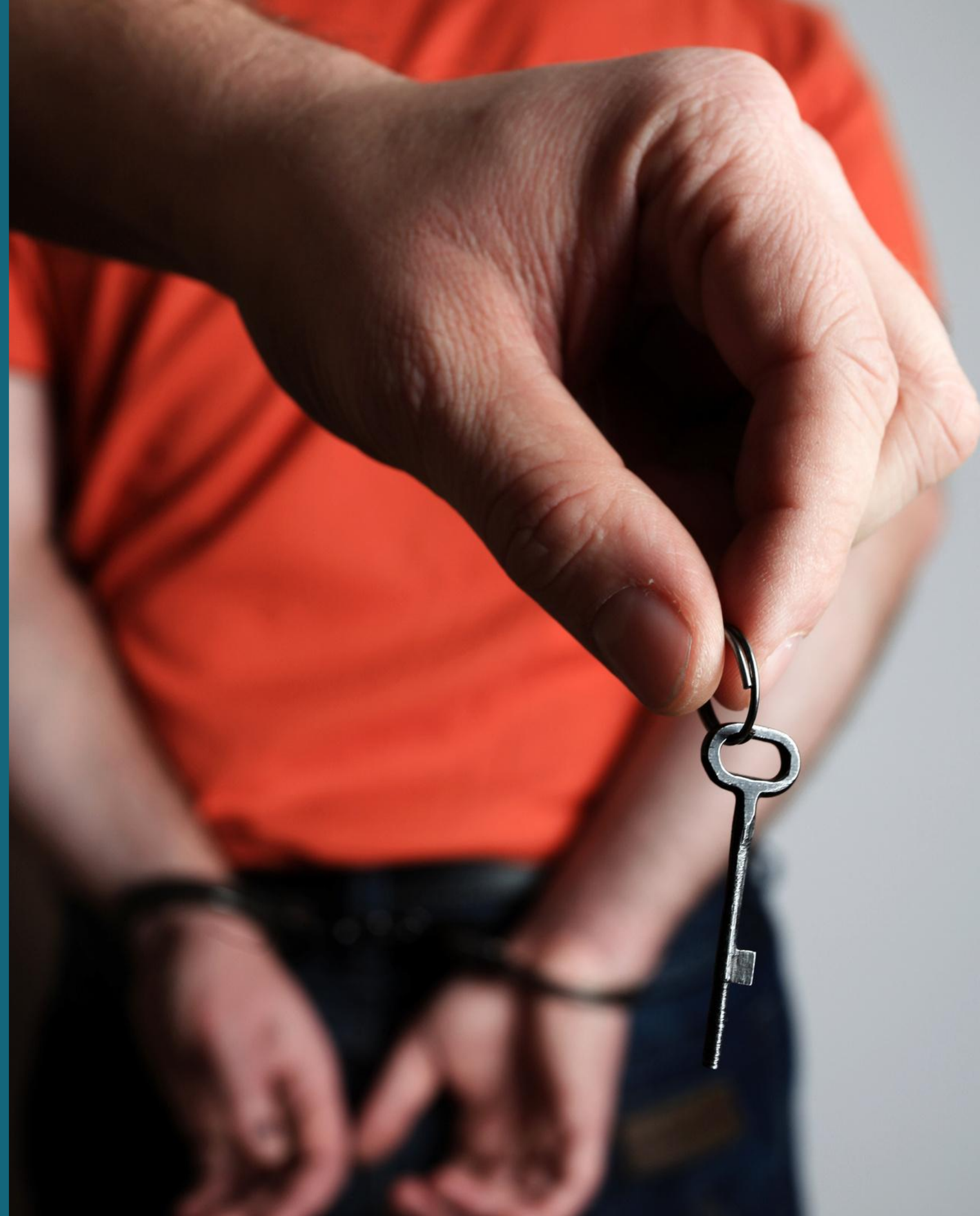
Los Angeles County Fair Chance Ordinance for Employers

- Effective 9/3/2024
- L.A. County
- Goes Beyond State's Ban-the-Box



L.A. Enacts More Protections for Formerly Incarcerated Workers

- Private Employers with 5+ Employees
- Workers in Unincorporated Parts of L.A. County



Job Postings



Employers must identify all laws and regulations (if any) that prohibit them from employing ex-criminals in job posting



Must list all material job duties that could be affected by applicant's criminal history

The Offer

- Pre-offer Inquiries Not Allowed
- L.A. law imposes new notification requirements in writing and must include:
 1. Offer contingent on criminal background check
 2. Basis of good cause for the criminal background checker contingent on criminal background check
 3. Basis of good cause for the criminal background checker contingent on criminal background check





The Individualized Assessment

- Initial Individualized Assessment with Opportunity to Respond
 - Second Individualized Assessment required when rescinding offer
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Cannabis Related Offenses

Can't consider:

- Non-felony more than 2 years old
- Conviction for conduct that's been decriminalized





Penalties for Non- Compliance

- Up to \$5,000 for first violation
- Up to \$10,000 for second violation
- Up to \$20,000 for additional violations

SB 1100



No Driver's License Statement in
Job Application Materials,
Subject to Exception

- The California Fair Employment and Housing Act ("FEHA") prohibits various forms of employment and housing discrimination, including discrimination based on whether a person possesses a valid driver's license (national origin discrimination).
- SB 1100 adds to the FEHA to further curb employment discrimination by making it an unlawful practice to include statements in job application materials that call for a driver's license.
- However, SB 1100 contains an exception that allows employers to include statements calling for a driver's license where the employee's duties would require driving and alternative forms of transportation do not sufficiently compare.

SB 1340

Local Agencies May Now Enforce
Local Discrimination Laws Against
Protected Persons, as Defined

- The California Fair Employment and Housing Act (“FEHA”) controls the regulation of discrimination in employment and housing.
- The California Civil Rights Department has to date been tasked with enforcing the FEHA’s discrimination laws.
- AB 1340 changes the law so that a city and/or county or other political subdivision in California may enforce local law prohibiting employment discrimination against “protected persons” as defined in the FEHA.



SB 940

Effective January 1, 2025 –
establishes certification
program for firms,
providers and
practitioners offering ADR

Prohibits businesses with
arbitration agreements to
be resolved outside of CA

Allows consumers to
choose small claims court
for qualifying disputes
even if contract mandates
arbitration

SB 988 Freelance Worker Protection Act

- Defines a freelancer worker as:
 - A person or organization composed of no more than one person (whether incorporated or using a trade name).
 - Hired as an independent contractor to provide professional services worth \$250 or more within a 120-day period.
- Requires written contracts for freelance work and ensures timely payment.
- Freelancers must be paid on time—either by the date in the contract or within 30 days of completing the work.
- Protects freelancers from retaliation for asserting their rights.
- Freelancers can sue for unpaid wages, with penalties up to twice the unpaid amount.
- Effective for contracts entered into or renewed on January 1, 2025.



SB 399

California Worker Freedom from Employer Intimidation Act

- Protects employees from being required to attend employer-sponsored meetings about political or religious matters.
- Employers cannot retaliate if employees decline to attend or participate.
- Employees who decline must be compensated as if they were working (no additional pay is provided).
- Violations result in a \$500 penalty per employee per instance.
- Exceptions apply to religious organizations, political groups, and educational institutions in certain contexts.



Important Reminders

As of July 1, 2024 – Employers (with limited exceptions) were to have implemented a Workplace Violence Prevention Plan and trained their staff. We offer videos in both English and Spanish for those who have not completed this yet or for new employees.

Indoor workplaces that reach 82 degrees require employers to implement an effective Heat Illness Prevention Plan that includes procedures for providing drinking water, cool-down areas, preventative rest periods, assessment, training and emergency response.

January 1, 2025, the state minimum wage goes up to \$16.50/hour and the minimum salary for exempt employees will be \$68,640.00 provided they pass the “job duties analysis” part of the exemption test. Some ordinances and industries have higher minimum wage requirements.

Healthcare Minimum Wage for Covered Healthcare Entities went into effect October 16, 2024.

Employers should continue training their employees every other year on sexual harassment prevention; and train managers with the second hour required within 6 months of promotion.

IRS mileage rate has gone up to 70 cents, effective January 1, 2025.

Healthcare Minimum Wage



- **October 16, 2024:** The first increase went into effect.
 - **July 1, 2025:** The minimum wage will increase for some employers.
 - **July 1, 2026:** The minimum wage will increase for some employers.
 - **July 1, 2027:** The minimum wage will increase for some employers.
 - **January 1, 2028:** The minimum wage will increase for some employers and will be adjusted for inflation each year.
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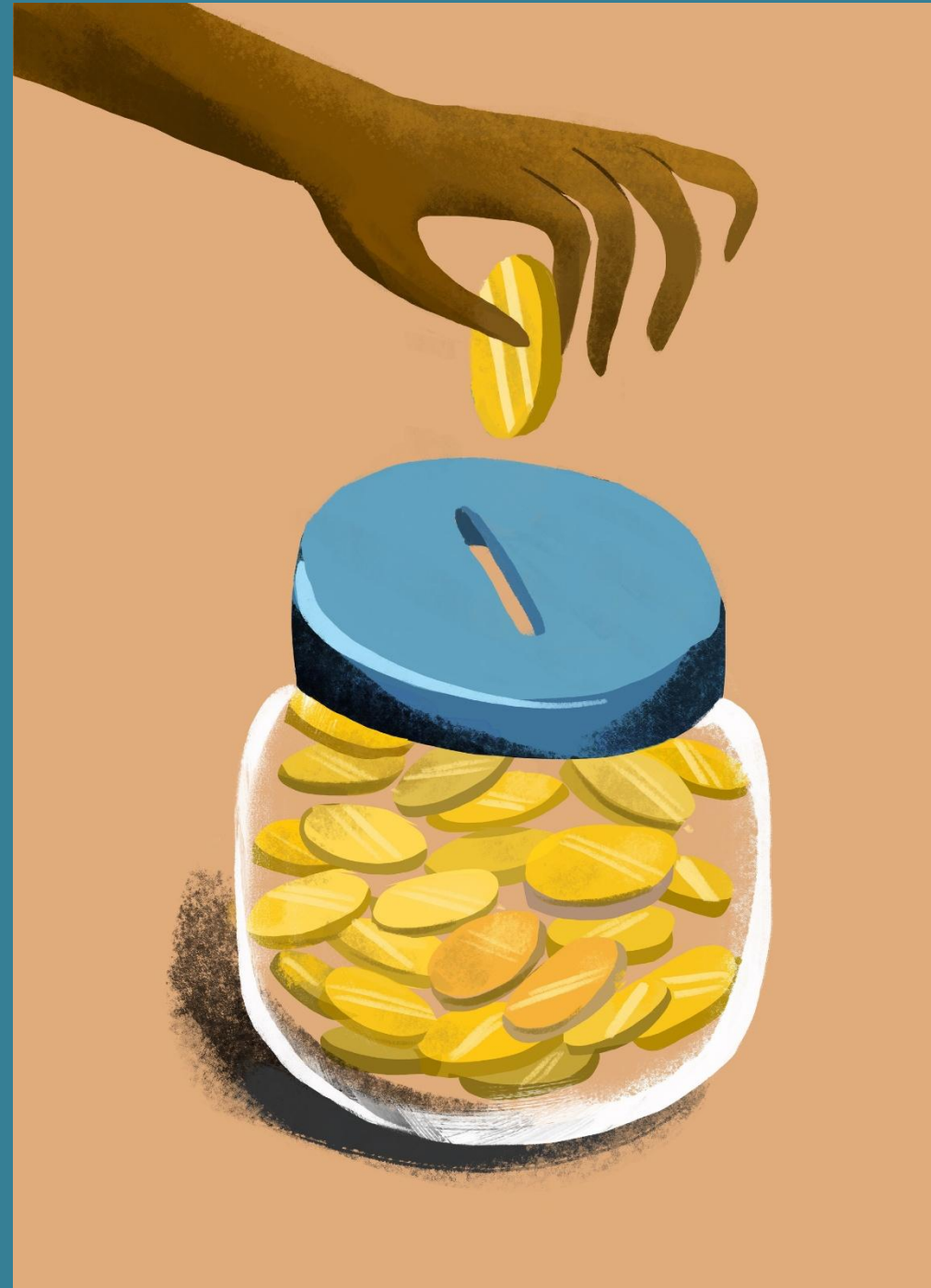
Wildfire/Disaster Assistance

1. CFRA/FMLA only applies for illness, not housing loss
2. Employees can use vacation or PTO
3. Employees can pool their PTO to “donate” to someone who needs time to get their living situation figured out
4. Employer can grant personal leave of absence
5. If Employer does more, they need to be consistent for everyone

Air Quality

- For employees who work outside, employer must monitor air quality daily
- For AQI between 151 and 500, provide respirator
- Above 500, respirator required





Wage and Hour Requirements

- When Act of God causes business to close, do not need to pay employees
- If employee has good faith reason to believe, unhealthy work environment, they can refuse to show up (i.e. the drive to get to work would require going through active wildfire) – no retaliation!



Thanks
For Watching

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