

NEW CALIFORNIA EMPLOYMENT LAWS FOR 2025

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With the new year comes new California employment laws. Below is a summary of the new laws most likely to impact your business.

AB 1815 - Traits Associated with Race-Protected Characteristics. AB 1815 expands the definition of "race" under the California Fair Employment and Housing Act ("FEHA") to include traits associated with race, including hair texture or protective hairstyles such as braids, locs and twists. (Prior law defined "race" to include only traits "historically" associated with race.)

AB 2011 - Expansion of Small Employer Mediation Program to Include Reproductive Loss Leave Claims. The Small Employer Family Leave Mediation Program, which covers employers with 5 to 19 employees, requires employees to request a mediation with the California Civil Rights Department ("CRD") before filing a lawsuit for alleged violation of the California Family Rights Act ("CFRA") and California's bereavement leave law. AB 2011 expands the mediation program to include claims under California's reproductive loss leave law.

AB 2123 - Paid Family Leave. AB 2123 prohibits employers from requiring employees to use accrued paid time off ("PTO") before accessing California Paid Family Leave ("PFL"). PFL is a state-run program providing benefits to individuals taking time off to care for a seriously ill child, spouse, parent or domestic partner, bond with a new minor child, or assist military family members under active duty. (Previously, employers could require employees to take up to two weeks of accrued vacation before accessing PFL benefits.)

AB 2299 - Whistleblower Rights Posting. AB 2299 requires California employers to post a list of employee rights and responsibilities under existing whistleblower laws drafted by the state Labor Commissioner, which is available at the following link:

<https://www.dir.ca.gov/dlse/whistleblowersnotice.pdf>

AB 2499 - Paid Sick Leave Use by Victims of Violence. AB 2499 requires employers to provide time off for victims of "qualifying acts of violence," which includes domestic violence, sexual assault, stalking, or any act, conduct or pattern of conduct that includes 1) bodily injury or death to another, 2) brandishing, exhibiting, or drawing a firearm or other dangerous weapon, or 3) a perceived or actual threat to use force against another to cause physical injury or death (regardless of whether anyone is arrested for, prosecuted for or convicted of a crime). The law also provides leave to any employee who has a family member (children, parents, grandparents, grandchildren, siblings, spouses, domestic partners or other designated person) who is a victim of a qualifying act of violence. Employers are prohibited from retaliating or discriminating against employees who utilize time off or participate in the legal process.

SB 399 - Prohibits Required Attendance at Meetings to Convey the Employer's Religious or Political Opinions. SB 399 prohibits employers from discharging, discriminating, retaliating or taking other adverse employment action against an employee who declines to attend, participate in, receive

or listen to an employer-sponsored meeting set up to communicate the employer's opinion about religious or political matters. "Religious matters" means topics related to religious affiliation and practice and the decision to join or support any religious organization or association. "Political matters" means issues relating to elections for political office, political parties, legislation, regulation and the decision to join or support any political party, organization or labor organization. Employers that violate the law are subject to a \$500 civil penalty per employee for each violation, Labor Commissioner enforcement actions, civil actions for temporary and injunctive relief, and damages including punitive damages.

SB 988 - Freelance Worker Protection Act. Under SB 988, businesses that retain individual independent contractors (i.e., "freelancers") to provide services valued in excess of an aggregate of \$250 are required to enter into written contracts with those independent contractors. The contracts must list the name and mailing address of each party, an itemized list of services to be provided, the value of those services, the rate and method of compensation, the date payment is due or determined, and the date for the contractor's submission of services rendered to process payment. After performance has commenced, the contracting business cannot condition timely payment on the contractor's acceptance of reduced payment or furnishing additional services. Contractors are protected against retaliation and may bring a private action to enforce their rights.

SB 1100 - Restricting Questions About Driver's Licenses. SB 1100 makes it unlawful for employers to require that an applicant have a driver's license unless 1) the employer reasonably expects driving to be one of the job functions of the position and 2) the employer reasonably believes that using an alternative form of transportation (such as taxis, carpools, bicycles and walking) would not be comparable in travel time or cost to the employer.

SB 1137 - Combinations of Protected Characteristics. SB 1137 amends FEHA to clarify that it prohibits discrimination on the basis not just of individual protected characteristics but also on the basis of the "intersectionality," i.e. the combination of two or more protected characteristics.

SB 1870 - Workers' Compensation Legal Advice Notice. AB 1870 requires employers to post a notice in a conspicuous location that informs employees of an injured employee's entitlement to consult a licensed attorney to advise them of their rights under workers' compensations laws (in addition to other information about workers' compensation claims such as to whom injuries should be reported, the right of an employee to select and change a treating physician, employee protections against discrimination and other specific information, etc.).

State Minimum Wage - The California state minimum wage will increase to \$16.50 per hour for all employers (regardless of size) and exempt employees must be paid a minimum annual salary of \$68,640 while covered exempt computer professional employees must be paid a minimum of \$56.97 per hour, or \$118,657.43 annual salary. (Note: many municipalities have a higher applicable minimum wage, with which employers in those jurisdictions must comply.)