

Ben Ebbink Interviews on California Legislation That May Impact Employers in 2022

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In an interview with *Law360*, **Benjamin Ebbink** shares his insight on bills heading through California's state legislature that employment attorneys should have on their radar in the second half of 2022.

Among those is AB 2188, which makes it unlawful for employers to take adverse action against workers in California based on their off-duty use of cannabis. If passed, Ben says the challenge for employers in implementing the bill will be navigating testing for whether employees are still impaired at work from using cannabis during their off-duty hours.

In addition to AB211, California is aiming to join New York and Colorado in implementing salary transparency laws. SB 1162 outlines provisions requiring businesses with at least 15 employees to provide a pay scale for jobs in any postings. Ben points out that pay transparency requirements could create challenges for some employers amid a tight labor market if they post wide ranges or disclose salary ranges lower than what other companies post for similar jobs. Overall, he believes the question for employers as more states enact similar laws — especially a big state like California — will be to decide whether to disclose salary ranges across all their operations, especially since hiring often occurs across state lines.

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