



Top 10 Workplace Law Bills to Watch as California Legislature Finishes Work for the Year

Insights

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With the August 31 deadline having come and gone, the California Legislature has completed its work for the year and sent all bills on to Governor Newsom's desk. Now all eyes turn to the Governor as he has until September 30 to sign or veto them. If signed into law, bills will take effect January 1, 2025. What are the top 10 bills employers should be watching over the next month?

- **SB 399 (Ban on Captive Audience Meetings)** – Following the trend of other states that have enacted similar laws in recent years, SB 399 would generally limit an employer's ability to communicate with employees regarding "political" or "religious" matters – including union organizing. These proposals are generally referred to as bans on "captive audience" meetings – and have received increased attention following Governor (and now Vice Presidential candidate) Walz signing into law similar legislation in Minnesota. So the pressure will be on Governor Newsom to sign this one into law. However, there are some fairly strong arguments that SB 399 is unconstitutional and preempted by the National Labor Relations Act, so you can anticipate some litigation over this one if enacted.
- **AB 2499 (Victims of Qualifying Acts of Violence)** – This bill makes a number of changes to existing law related to employment discrimination and employees who are victims of crime (or who have family members who are victims of crime). Among other things, the bill expands the definition of "family member" who may be a victim of crime, expands the types of things an employee can take off work to attend to, and extends the obligation to provide reasonable accommodations to an employee whose family member is a victim of a qualifying act of violence.
- **SB 1047 (Artificial Intelligence)** – Artificial intelligence was a huge issue in California this year and SB 1047 was the most significant bill to pass. The bill regulates large AI models and requires them to have "kill switch" safeguards in the event AI is used in ways that threaten public safety and security. While the bill does not directly impact employers per se, tech groups have warned that the legislation could inhibit the development of AI tools that employers rely upon. More surprising for California employers was the fact that the legislature failed to advance AB 2930, legislation that would have prohibited algorithmic discrimination in employment (similar to recent laws enacted in Colorado and Illinois). AB 2930 is certainly sure to return next year, so keep an eye on this issue! *Click here to read a full recap of these two bills and other AI measures that advanced through this year's session.*

- **SB 1100 (Employment Discrimination and Driver's Licenses)** – This bill would prohibit employers from advertising a position of employment that requires a driver's license unless there is a reasonable expectation that driving is a function of the position. In addition, an employer would be required to show that using an alternative form of transportation would not be comparable in travel time or costs to the employer. Proponents of the bill claim that many jobs that purport to require driver's licenses do not really need them. As there was no formal opposition to the bill, it is likely that SB 1100 will be signed into law. Employers will need to review job advertisements, postings, applications, and other materials for compliance.
- **AB 3234 (Social Compliance Audits)** – This bill requires employers that voluntarily undertake "social compliance audits" for things like child labor law compliance to post detailed findings about the employer's compliance with child labor laws on its website. **[Ed. Note: Governor Newsom signed this bill on September 22. You can read a full summary here.]**
- **SB 988 (Freelance Workers)** – Similar to recent enactments in places like Los Angeles, SB 988 would require employers who hire certain specified "freelance workers" (independent contractors) to provide a written agreement that sets forth certain terms and requires compensation be paid by certain deadlines. This one also had no opposition so it is fairly likely it will be signed into law.
- **SB 1022 (Civil Rights Department Statute of Limitations)** – This bill would extend the statute of limitations for the California Civil Rights Department to bring "group or class complaints" to a whopping seven years.
- **SB 1340 (Local Enforcement of Employment Discrimination Laws)** – This bill would authorize local jurisdictions to enforce local employment discrimination laws that are as least as effective as state law. This could create challenges for employers that already experience a patchwork of local wage and hour laws and enforcement. If signed into law, employers may have to worry about each local jurisdiction enacting their own employment discrimination laws that go beyond state law.
- **SB 1299 (Farmworkers and Workers' Compensation)** – This bill creates a rebuttable presumption is work-related (and therefore covered by workers' compensation) if an agricultural employer fails to comply with existing Cal/OSHA requirements regarding heat illness prevention. Agriculture labor groups argued that there is lack of enforcement of heat illness standards applicable to farmworkers, so there will pressure on Governor Newsom to sign this bill.
- **AB 1034 (Construction Industry PAGA Exemption)** – Earlier this year, the Legislature enacted significant reforms to California's Private Attorneys General Act (PAGA), which you can read more about [here](#). This bill is a follow-up (but important) measure that extends an existing PAGA exemption for certain construction employers covered by an existing collective bargaining agreement until 2038.

Conclusion

We will continue to monitor each of these bills to see if they are approved by Governor Newsom or whether they are vetoed, and will provide further analysis and compliance assistance for any of these bills are enacted. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. In the meantime, for more information about these pieces of legislation, feel free to contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [California offices](#).

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Benjamin M. Ebbink
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916.210.0400
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