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AB-2299 Labor Commissioner: whistleblower protections: model list of rights and responsibilities. (2023-2024)

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Assembly Bill No. 2299

CHAPTER 105

An act to amend Section 1102.8 of, and to add Section 98.11 to, the Labor Code, relating to employment.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2299, Flora. Labor Commissioner: whistleblower protections: model list of rights and responsibilities.

Existing law prohibits employers from making, adopting, or enforcing a policy that prevents an employee from disclosing violations of a state or federal statute, or a violation or noncompliance with a local, state, or federal regulation to, among others, a government or law enforcement agency, or from retaliating against an employee who makes a disclosure. Existing law requires an employer to prominently display a list of employees' rights and responsibilities under the whistleblower laws, as prescribed. Existing law creates the Division of Labor Standards Enforcement within the Department of Industrial Relations and vests the division with the general duty of enforcing labor laws. Existing law provides that the Labor Commissioner is the Chief of the Division of Labor Standards Enforcement.

This bill would require the Labor Commissioner to develop a model list of employees' rights and responsibilities under the whistleblower laws, as specified. The bill would specify that an employer that posts the model list shall be deemed in compliance with the above-described requirement to prominently display the list of employees' rights and responsibilities under the whistleblower laws.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 98.11 is added to the Labor Code, to read:

98.11. The Labor Commissioner shall develop a model list of employees' rights and responsibilities under the whistleblower laws that complies with the requirements of subdivision (a) of Section 1102.8. The model list shall be accessible on the Labor Commissioner's internet website so that it is reasonably accessible to an employer.

SEC. 2. Section 1102.8 of the Labor Code is amended to read:

1102.8. (a) An employer shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline described in Section 1102.7.

(b) An employer shall be deemed in compliance with the posting requirement set forth in subdivision (a) if the employer posts the model list described in Section 98.11.

(c) A state agency required to post a notice pursuant to Section 8548.2 of the Government Code or subdivision (b) of Section 6128 of the Penal Code shall be deemed in compliance with the posting requirement set forth in subdivision (a) if the notice posted pursuant to Section 8548.2 of the Government Code or subdivision (b) of Section 6128 of the Penal Code also contains the whistleblower hotline number described in Section 1102.7.