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AB-2499 Employment: unlawful discrimination and paid sick days: victims of violence. (2023-2024)

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Assembly Bill No. 2499

CHAPTER 967

An act to amend Section 214 of the Code of Civil Procedure, to amend Section 48205 of the Education Code, to add Section 12945.8 to the Government Code, to amend Section 246.5 of, and to repeal Sections 230 and 230.1 of, the Labor Code, to amend Section 679.027 of the Penal Code, and to amend Section 11320.31 of the Welfare and Institutions Code, relating to employment.

[Approved by Governor September 29, 2024. Filed with Secretary of State September 29, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2499, Schiavo. Employment: unlawful discrimination and paid sick days: victims of violence.

Existing law, subject to specified requirements for the employee, prohibits an employer from discharging or in any manner discriminating against an employee because of the employee's status as a victim of crime or abuse or for taking time off for specified purposes. Those purposes include serving on a jury, and, if the employee is a victim of a crime, appearing in court as a witness in any judicial proceeding, and obtaining or attempting to obtain prescribed relief. Existing law requires an employer to provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for the safety of the victim while at work. Existing law requires reinstatement and reimbursement for discrimination or retaliation, as prescribed. Existing law makes an employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law guilty of a misdemeanor. Existing law authorizes an employee who is discriminated or retaliated against because the employee has exercised these rights to file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations. Existing law defines terms for these purposes.

Existing law, subject to specified requirements for the employee, also prohibits an employer with 25 or more employees from discharging, or in any manner discriminating or retaliating against, an employee who is a victim, for taking time off from work to seek medical attention for injuries caused by crime or abuse, to obtain certain services as a result of the crime or abuse or related to an experience of crime or abuse, or to participate in safety planning and take other actions to increase safety from future crime or abuse. Existing law requires reinstatement and reimbursement for discrimination or retaliation, as prescribed. Existing law makes an employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law guilty of a misdemeanor. Existing law authorizes an employee who is discriminated or retaliated against because the employee has exercised these rights to file a complaint with the division. Existing law defines terms for these purposes.

Existing law requires an employer to inform each employee of the victim rights above in writing, to be provided upon hire and to other employees upon request. Existing law requires the Labor Commissioner to develop and post a form that an employer may use to comply, as prescribed.

This bill would revise and recast the jury, court, and victim time off provisions for employees as unlawful employment practices within the California Fair Employment and Housing Act and, thus, within the enforcement authority of the Civil Rights Department. The bill would refer to a "qualifying act of violence," as defined, instead of crime, or crime or abuse. The bill would substantially revise existing definitions for its purposes, including defining "victim" as an individual against whom a qualifying act of violence is committed. The bill would prohibit an employer with 25 or more employees from discharging or in any manner discriminating or retaliating against an employee who is a victim or who has a family member who is a victim for taking time off work for any of a number of additional prescribed purposes relating to a qualifying act of violence. The bill would permit an employer to limit the total leave taken pursuant to these provisions, as specified, and require that the leave taken by an employee pursuant to these provisions run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 and the California Family Rights Act if the employee would have been eligible for that leave. The bill would expand the eligibility for reasonable accommodations to include an employee who is a victim or whose family member is a victim of a qualifying act of violence for the safety of the employee while at work. The bill would omit the reinstatement and reimbursement provisions included in existing law. The bill would require an employer to inform each employee of their rights under the bill, to be provided to new employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim. The bill would require the department to develop and post, on or before July 1, 2025, a form, as prescribed, that an employer may use to comply with that requirement. The bill would make a number of conforming changes to implement these provisions.

Existing law, the Healthy Workplaces, Healthy Families Act of 2014, requires an employer to provide a specified employee who is a victim of domestic violence, sexual assault, or stalking with paid sick days for the above-described purposes for which existing law prohibits an employer from discharging, or in any manner discriminating or retaliating against, the employee, as specified.

This bill would expand this paid sick leave requirement to include the additional purposes for which the bill would prohibit an employer from discharging, or in any manner discriminating or retaliating against, the employee, as specified.

This bill would incorporate additional changes to Section 48205 of the Education Code proposed by AB 1884 and SB 1138 to be operative only if this bill and either or both of those bills are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 246.5 of the Labor Code proposed by SB 1105 to be operative only if this bill and SB 1105 are enacted and this bill is enacted last.

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

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

SECTION 1. Section 214 of the Code of Civil Procedure is amended to read:

214. The jury commissioner shall provide orientation for new jurors, which shall include necessary basic information concerning jury service. The jury commissioner shall notify each juror of paragraph (1) of subdivision (a) of Section 12945.8 of the Government Code.

SEC. 2. Section 48205 of the Education Code is amended to read:

48205. (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (4) For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.
- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.
- (7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit

organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

(8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

(11) For the purpose of participating in a cultural ceremony or event.

(12) (A) For the purpose of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.

(B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.

(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(13) (A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.

(i) To access services from a victim services organization or agency.

(ii) To access grief support services.

(iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one schoolday per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) "Cultural" means relating to the practices, habits, beliefs, and traditions of a certain group of people.

(3) "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(4) "Victim services organization or agency" has the same meaning as defined in subdivision (j) of Section 12945.8 of the Government Code.

SEC. 2.1. Section 48205 of the Education Code is amended to read:

48205. (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For purposes of having medical, dental, optometrical, or chiropractic services rendered.
- (4) For purposes of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.
- (5) For purposes of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.
- (7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.
- (8) For purposes of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- (9) For purposes of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
- (10) For purposes of attending the pupil's naturalization ceremony to become a United States citizen.
- (11) For purposes of participating in a cultural ceremony or event.
- (12) (A) For purposes of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.
 - (B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.
 - (ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.
- (13) (A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.
 - (i) To access services from a victim services organization or agency.
 - (ii) To access grief support services.
 - (iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.
 - (B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.
- (14) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absent from school pursuant to this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit for those assignments and tests. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one schoolday per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) "Cultural" means relating to the practices, habits, beliefs, and traditions of a certain group of people.

(3) "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(4) "Victim services organization or agency" has the same meaning as defined in subdivision (j) of Section 12945.8 of the Government Code.

SEC. 2.2. Section 48205 of the Education Code is amended to read:

48205. (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For purposes of having medical, dental, optometrical, or chiropractic services rendered.

(4) For purposes of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.

(5) For purposes of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.

(7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

(8) For purposes of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For purposes of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For purposes of attending the pupil's naturalization ceremony to become a United States citizen.

(11) For purposes of participating in a cultural ceremony or event.

(12) (A) For purposes of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.

(B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.

(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(13) (A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.

(i) To access services from a victim services organization or agency.

(ii) To access grief support services.

(iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Due to the pupil's participation in military entrance processing.

(15) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absent from school pursuant to this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit for those assignments and tests. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one schoolday per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) "Cultural" means relating to the practices, habits, beliefs, and traditions of a certain group of people.

(3) "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(4) "Victim services organization or agency" has the same meaning as defined in subdivision (j) of Section 12945.8 of the Government Code.

SEC. 2.3. Section 48205 of the Education Code is amended to read:

48205. (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For purposes of having medical, dental, optometrical, or chiropractic services rendered.

(4) For purposes of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.

(5) For purposes of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.

(7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

(8) For purposes of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For purposes of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For purposes of attending the pupil's naturalization ceremony to become a United States citizen.

(11) For purposes of participating in a cultural ceremony or event.

(12) (A) For purposes of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.

(B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.

(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(13) (A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.

(i) To access services from a victim services organization or agency.

(ii) To access grief support services.

(iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Due to the pupil's participation in military entrance processing.

(15) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absent from school pursuant to this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit for those assignments and tests. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one schoolday per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) "Cultural" means relating to the practices, habits, beliefs, and traditions of a certain group of people.

(3) "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(4) "Victim services organization or agency" has the same meaning as defined in subdivision (j) of Section 12945.8 of the Government Code.

SEC. 3. Section 12945.8 is added to the Government Code, to read:

12945.8. (a) An employer shall not do any of the following:

(1) Discharge or in any manner discriminate against an employee for taking time off to serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that the employee is required to serve.

(2) Discharge or in any manner discriminate or retaliate against an employee, including, but not limited to, an employee who is a victim, for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding.

(3) Discharge or in any manner discriminate or retaliate against an employee who is a victim for taking time off from work to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.

(b) An employer with 25 or more employees shall not discharge or in any manner discriminate or retaliate against an employee who is a victim or who has a family member who is a victim for taking time off from work for any of the following purposes:

(1) To obtain or attempt to obtain any relief for the family member. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.

(2) To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by a qualifying act of violence.

(3) To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.

(4) To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.

(5) To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.

(6) To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.

(7) To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.

(8) To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.

(9) To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.

(10) To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

(c) (1) As a condition of taking time off for a purpose set forth in paragraph (3) of subdivision (a), or subdivision (b), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible.

(2) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification to the employer upon request by the employer. Certification shall be sufficient in the form of any of the following:

(A) A police report indicating that the employee or a family member of the employee was a victim.

(B) A court order protecting or separating the employee or a family member of the employee from the perpetrator of the qualifying act of violence, or other evidence from a court or prosecuting attorney that the employee or a family member of the employee has appeared in court.

(C) Documentation from a licensed medical professional, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, victim advocate, licensed health care provider, or counselor that the employee or a family member of the employee was undergoing treatment or seeking or receiving services directly related to the qualifying act of violence.

(D) Any other form of documentation that reasonably verifies that the qualifying act of violence occurred, including, but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under this section.

(3) To the extent allowed by law and consistent with subparagraph (D) of paragraph (7) of subdivision (e), the employer shall maintain the confidentiality of any employee requesting leave under paragraph (3) of subdivision (a), or subdivision (b). Furnishing evidence or providing a certification under this subdivision shall not waive any confidentiality or privilege that may exist between the employee or employee's family member and a third party.

(d) An employer shall not discharge or in any manner discriminate or retaliate against an employee because of the employee's status, or the employee's family member's status, as a victim if the employee provides notice to the employer of the status or the employer has actual knowledge of the status.

(e) (1) An employer shall provide reasonable accommodations for an employee who is a victim or whose family member is a victim of a qualifying act of violence who requests an accommodation for the safety of the employee while at work.

(2) For purposes of this subdivision, reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, permission to carry telephone at work, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or another qualifying act of violence that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other qualifying act of violence, or referral to a victim assistance organization.

(3) An employer is not required under this section to provide a reasonable accommodation to an employee who has not disclosed the employee's status, or the employee's family member's status, as a victim.

(4) The employer shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations.

(5) In determining whether the accommodation is reasonable, the employer shall consider an exigent circumstance or danger facing the employee or their family member.

(6) This subdivision does not require the employer to undertake an action that constitutes an undue hardship on the employer's business operations, as defined by Section 12926 of the Government Code. For the purposes of this subdivision, an undue hardship also includes an action that would violate an employer's duty to furnish and maintain a place of employment that is safe and healthful for all employees as required by Section 6400 of the Labor Code.

(7) (A) Upon the request of an employer, an employee requesting a reasonable accommodation pursuant to this subdivision shall provide the employer a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for a purpose authorized under this subdivision.

(B) The employer may also request certification from an employee requesting an accommodation pursuant to this subdivision demonstrating the employee's status, or the employee's family member's status, as a victim. Certification shall be sufficient in the form of any of the categories described in paragraph (2) of subdivision (c).

(C) An employer who requests certification pursuant to subparagraph (B) may request recertification of an employee's status, or an employee's family member's status, as a victim, or ongoing circumstances related to the qualifying act of violence, every six months after the date of the previous certification.

(D) Any verbal or written statement, police or court record, or other documentation provided to an employer identifying an employee or the employee's family member as a victim shall be maintained as confidential by the employer and shall not be disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure. Furnishing evidence or providing a certification under this subdivision shall not waive any confidentiality or privilege that may exist between the employee or employee's family member and a third party.

(E) (i) If circumstances change and an employee needs a new accommodation, the employee shall request a new accommodation from the employer.

(ii) Upon receiving the request, the employer shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations.

(F) If an employee no longer needs an accommodation, the employee shall notify the employer that the accommodation is no longer needed.

(8) An employer shall not retaliate against an employee for requesting a reasonable accommodation under this subdivision, regardless of whether the request was granted.

(f) It shall be an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(g) An employee may use vacation, personal leave, paid sick leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement, for time taken off for a purpose specified in subdivision (a) or (b). The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.

(h) This section does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the 12 weeks provided under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.).

(i) An employer may limit the total leave taken pursuant to this section as follows:

(1) An employer may limit total leave time taken pursuant to subdivision (b) to 12 weeks.

(2) If an employee's family member is a victim who is not deceased as a result of a crime, and the employee is not a victim, and the employee takes leave pursuant to paragraph (6) of subdivision (b), the employer may limit the leave taken for that reason to five days.

(3) If any employee's family member is a victim who is not deceased as a result of crime, and the employee is not a victim, the employer may limit the total leave taken pursuant to subdivision (b) to 10 days.

(4) Leave taken by an employee pursuant to this section shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) and the Moore-Brown-Roberti Family Rights Act, commonly referred to as the California Family Rights Act (Sections 12945.2 and 19702.3 of the Government Code), if the employee would have been eligible for that leave.

(j) For purposes of this section:

(1) "Crime" means a crime or public offense as set forth in Section 13951 of the Government Code, and regardless of whether any person is arrested for, prosecuted for, or convicted of, committing the crime.

(2) "Domestic violence" means any of the types of abuse set forth in Section 6211 of the Family Code, as amended.

(3) "Employer" means any of the following:

(A) Any person who directly employs one or more persons to perform services for a wage or salary.

(B) The state, and any political or civil subdivision of the state and cities.

(4) "Family member" means a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as those terms are defined in Section 12945.2, or designated person. For purposes of this paragraph, "designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period for leave pursuant to this section.

(5) "Qualifying act of violence" means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

(A) Domestic violence.

(B) Sexual assault.

(C) Stalking.

(D) An act, conduct, or pattern of conduct that includes any of the following:

(i) In which an individual causes bodily injury or death to another individual.

(ii) In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual.

(iii) In which an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

(6) "Sexual assault" means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

(7) "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person's safety or the safety of others or suffer substantial emotional distress.

(8) "Victim" means either of the following:

(A) An individual against whom a qualifying act of violence is committed.

(B) For the purposes of paragraph (2) of subdivision (a) only, a person against whom any crime has been committed.

(9) "Victim advocate" means an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, or under the auspices or supervision of a court or a law enforcement or prosecution agency.

(10) "Victim services organization or agency" means an agency or organization that has a documented record of providing services to victims.

(k) (1) An employer shall inform each employee of their rights established under this section in writing. The information shall be provided to new employees upon hire, to all employees annually, at any time upon request, and any time an employee informs an employer that the employee or the employee's family member is a victim. If an employer elects not to use the form developed by the department, as specified in paragraph (2), the notice provided by the employer to the employees shall be substantially similar in content and clarity to that form developed by the department.

(2) The department shall develop a form that an employer may use to comply with the notice requirements in paragraph (1). The form shall be entitled "Survivors of Violence and Family Members of Victims Right to Leave and Accommodations" and shall set forth the rights and duties of employers and employees under this section in clear and concise language. The notice shall also include language that advises employees in clear and concise language that if leave taken under this section is due to an employee's inability to work as a result of a serious health condition, or need to care for a family member with a serious health condition, they may also be eligible for wage replacement under the disability insurance program, the family temporary disability insurance program, or other programs administered by the Employment Development Department. The notice shall also include language that advises employees in clear and concise language that if they are a family member of a deceased victim, they may be eligible for leave under this section and also for bereavement leave under Section 12945.7. The notice shall also inform employees in clear and concise language that they may be eligible for leave pursuant to Sections 230.2 and 230.5 of the Labor Code. The department shall post the form in English, Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian, Arabic, Farsi, Punjabi, Russian, Japanese, Hindi, Mon-Khmer, Thai, and any other language that is spoken by a "substantial number of non-English-speaking people," as that phrase is defined in Section 7296.2, on the department's internet website to make it available to employers who are required to comply with this section. The department shall create the form and post it in accordance with this paragraph on or before July 1, 2025.

(3) An employer shall not be required to comply with paragraph (1) until the department posts the form on the department's internet website in accordance with paragraph (2).

SEC. 4. Section 230 of the Labor Code is repealed.

SEC. 5. Section 230.1 of the Labor Code is repealed.

SEC. 6. Section 246.5 of the Labor Code is amended to read:

246.5. (a) Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.

(2) For an employee who is a victim or whose family member is a victim, as defined in subdivision (j) of Section 12945.8 of the Government Code, the purposes described in paragraph (3) of subdivision (a), or subdivision (b), of Section 12945.8 of the Government Code.

(b) An employer shall not require as a condition of using paid sick days that the employee search for or find a replacement worker to cover the days during which the employee uses paid sick days.

(c) (1) An employer shall not deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days, attempting to exercise the right to use

accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner discriminates against an employee within 30 days of any of the following:

(A) The filing of a complaint by the employee with the Labor Commissioner or alleging a violation of this article.

(B) The cooperation of an employee with an investigation or prosecution of an alleged violation of this article.

(C) Opposition by the employee to a policy, practice, or act that is prohibited by this article.

(d) Notwithstanding subdivision (a) of Section 245.5, for purposes of this section, "employee" shall include an employee described in paragraph (1) of subdivision (a) of Section 245.5.

SEC. 6.5. Section 246.5 of the Labor Code is amended to read:

246.5. (a) Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.

(2) For an employee who is a victim or whose family member is a victim, as defined in subdivision (j) of Section 12945.8 of the Government Code, the purposes described in paragraph (3) of subdivision (a), or subdivision (b), of Section 12945.8 of the Government Code.

(3) (A) For an employee who is an agricultural employee, as defined in Section 9110, who works outside and who is entitled to paid sick days under this article, to avoid smoke, heat, or flooding conditions created by a local or state emergency, including, but not limited to, when the employee's worksite is closed due to the smoke, heat, or flooding conditions.

(B) For purposes of this paragraph, there are smoke, heat, or flood conditions created by a local or state emergency if the Governor proclaims a state of emergency pursuant to Section 8625 of the Government Code, or a local emergency is proclaimed pursuant to Section 8630 of the Government Code, due to smoke, heat, or flooding conditions that prevent agricultural employees from working.

(b) An employer shall not require as a condition of using paid sick days that the employee search for or find a replacement worker to cover the days during which the employee uses paid sick days.

(c) (1) An employer shall not deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner discriminates against an employee within 30 days of any of the following:

(A) The filing of a complaint by the employee with the Labor Commissioner or alleging a violation of this article.

(B) The cooperation of an employee with an investigation or prosecution of an alleged violation of this article.

(C) Opposition by the employee to a policy, practice, or act that is prohibited by this article.

(d) Notwithstanding subdivision (a) of Section 245.5, for purposes of this section, "employee" shall include an employee described in paragraph (1) of subdivision (a) of Section 245.5.

SEC. 7. Section 679.027 of the Penal Code is amended to read:

679.027. (a) Every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act shall, as provided herein, at the time of initial contact with a crime victim, during followup investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, inform each victim, or the victim's next of kin if the victim is deceased, of the rights they may have under applicable law relating to the victimization, including rights relating to housing, employment, compensation, and immigration relief.

(b) (1) Every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act shall, as provided herein, at the time of initial contact with a crime victim, during followup investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a "Victim Protections and Resources" card described in paragraph (3).

(2) The Victim Protections and Resources card may be designed as part of and included with the "Marsy Rights" card described by Section 679.026.

(3) By June 1, 2025, the Attorney General shall design and make available in PDF or other imaging format to every agency listed in paragraph (1) a "Victim Protections and Resources" card, which shall contain information in lay terms about victim rights and resources, including, but not limited to, the following:

(A) Information about the rights provided by Section 12945.8 of the Government Code.

(B) Information about the rights provided by Section 1946.7 of the Civil Code.

(C) Information about the rights provided by Section 1161.3 of the Code of Civil Procedure, including information in lay terms about which crimes and tenants are eligible and under what circumstances.

(D) Information about federal immigration relief available to certain victims of crime.

(E) Information about the program established by Chapter 5 (commencing with Section 13950) of Part 4 of Division 3 of Title 2 of the Government Code, including information about the types of expenses the program may reimburse, eligibility, and how to apply.

(F) Information about the program established by Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code.

(G) Information about eligibility for filing a restraining or protective order.

(H) Contact information for the Victims' Legal Resource Center established by Chapter 11 (commencing with Section 13897) of Title 6 of Part 4.

(I) A list of trauma recovery centers funded by the state pursuant to Section 13963.1 of the Government Code, with their contact information, which shall be updated annually.

(J) The availability of community-based restorative justice programs and processes available to them, including programs serving their community, county, county jails, juvenile detention facilities, and the Department of Corrections and Rehabilitation.

(c) This section shall become operative on July 1, 2024, only if General Fund moneys over the multiyear forecasts beginning in the 2024–25 fiscal year are available to support ongoing augmentations and actions, and if an appropriation is made to backfill the Restitution Fund to support the actions in this section.

SEC. 8. Section 11320.31 of the Welfare and Institutions Code, as amended by Section 3 of Chapter 615 of the Statutes of 2023, is amended to read:

11320.31. (a) Sanctions shall not be applied for a failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment, including, but not limited to, the following reasons:

(1) The employment, offer of employment, activity, or other training for employment discriminates on any basis listed in subdivision (a) of Section 12940 of the Government Code, as those bases are defined in Sections 12926 and 12926.1 of the Government Code, except as otherwise provided in Section 12940 of the Government Code.

(2) The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation, the recipient provides documentation to the county human services agency that the anticipated hours would be so unpredictable for that specific recipient that they would not allow the recipient to anticipate compliance with program requirements related to the job, or the recipient provides documentation to the county human services agency that the scheduled hours exhibit a pattern of unpredictability for that specific recipient that does not allow the recipient to anticipate compliance with program requirements related to the job.

(3) The employment, offer of employment, activity, or other training for employment requires travel to and from the place of employment, activity, or other training and a recipient's home that exceeds a total of two hours in round trip time, exclusive of the time necessary to transport family members to a school or place providing care, or, if walking is the only available means of

transportation, the round trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care. A recipient who fails or refuses to comply with the program requirements based on this paragraph shall be required to participate in community service activities pursuant to Section 11322.9.

(4) The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

(5) The employment, offer of employment, or work activity does not provide for workers' compensation insurance.

(6) Accepting the employment or work activity would cause an interruption in an approved education or job training program in progress that would otherwise lead to employment and sufficient income to be self-supporting, excluding work experience or community service employment as described in subdivisions (d) and (j) of Section 11322.6 and Section 11322.9 or other community work experience assignments, except that a recipient may be required to engage in welfare-to-work activities to the extent necessary to meet the hours of participation required by Section 11322.8.

(7) Accepting the employment, offer of employment, or work activity would cause the recipient to violate the terms of the recipient's union membership.

(8) The recipient states that the employment or offer of employment fails to comply with the Healthy Workplaces, Healthy Families Act of 2014 (Article 1.5 (commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code).

(9) The recipient states that the recipient experienced sexual harassment or other abusive conduct at the workplace. For purposes of this section, "abusive conduct" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 12950.1 of the Government Code.

(10) The recipient states that the recipient's rights under the Wage Theft Prevention Act of 2011 were violated.

(11) The recipient states that the recipient's rights under the Domestic Worker Bill of Rights (Part 4.5 (commencing with Section 1450) of Division 2 of the Labor Code) were violated.

(12) The recipient states that the recipient's rights under the CROWN Act (Section 212.1 of the Education Code and subdivisions (w) and (x) of Section 12926 of the Government Code) were violated.

(13) The recipient states that the recipient's rights under the California Family Rights Act (Section 12945.2 of the Government Code) were violated.

(14) The recipient states that the recipient's rights under the Garment Worker Protection Act were violated (Sections 1174.1, 2670, 2671, 2673, 2673.1, 2673.2, and 2675.5 of the Labor Code) were violated.

(15) The recipient states that the recipient's rights under the Fair Chance Act (Section 12952 of the Government Code) or Section 432.7 of the Labor Code were violated.

(16) The recipient states that the recipient's rights under the Gender Nondiscrimination Act, as contained in Sections 12926, 12940, 12949, and 12955 of the Government Code, were violated.

(17) The recipient states that the recipient's rights under Section 432.6 of the Labor Code were violated.

(18) The recipient states that the recipient's rights under Section 12945.8 of the Government Code were violated.

(19) The recipient states that the recipient's rights under the Family-School Partnership Act (Section 230.8 of the Labor Code) were violated.

(20) The recipient states that the recipient's rights to lactation accommodations were violated under Section 1031, 1032, 1033, or 1034 of the Labor Code.

(21) The recipient states that the recipient's rights under any federal, state, or local labor or employment law were violated.

(22) The recipient requires pregnancy- or parenting-related accommodations covered under Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), or Section 66252, 66271.9, or 66281.7 of the Education Code, including, but not limited to, excused absences to attend child medical appointments, and has not received adequate accommodations.

(b) For purposes of subdivision (a), verification of the recipient's statement is not required. The recipient need not reference any specific law in stating that their rights were violated.

(c) Relief from a program sanction provided pursuant to this section shall last no longer than three months from the first date of the failure or refusal to comply with program requirements.

(d) If an applicant or recipient reports refusing any offer of employment, reducing hours, voluntarily quitting any employment, or being discharged from any employment, the county human services agency shall provide the applicant or recipient with information regarding workplace rights generally, including information about how to file complaints with the Division of Labor Standards Enforcement and the Civil Rights Department. The State Department of Social Services shall convene a stakeholder workgroup to develop instructions for county human services agencies on how to best inform applicants and recipients of their workplace rights and available remedies, and how to document an applicant's or recipient's statement of circumstances as required by this section. The stakeholder workgroup may be convened concurrently with an existing department stakeholder meeting. The stakeholder workgroup shall include, but is not limited to, representatives of organizations representing all of the following: County Welfare Directors Association of California, CalWORKs recipients, workers' rights advocates, CalWORKs advocates, social workers, and any relevant state, county, or city government agencies. A county human services agency shall follow the instructions developed by the stakeholder workgroup.

(e) County human services agencies shall not be required or expected to provide any legal advice to recipients. Any information or materials provided to a recipient regarding workplace rights, including those developed and provided pursuant to subdivision (d), is not intended to be legal advice.

(f) This section shall become inoperative on October 1, 2024, or when the State Department of Social Services notifies the Legislature that the Statewide Automated Welfare System (SAWS) can perform the necessary automation to implement Section 11320.31, as added by the act that added this subdivision, whichever is later, and, as of January 1 of the following year, is repealed.

SEC. 9. Section 11320.31 of the Welfare and Institutions Code, as amended by Section 4 of Chapter 615 of the Statutes of 2023, is amended to read:

11320.31. (a) Sanctions shall not be applied for a failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment, including, but not limited to, the following reasons:

(1) The employment, offer of employment, activity, or other training for employment discriminates on any basis listed in subdivision (a) of Section 12940 of the Government Code, as those bases are defined in Sections 12926 and 12926.1 of the Government Code, except as otherwise provided in Section 12940 of the Government Code.

(2) The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation, the recipient provides documentation to the county human services agency that the anticipated hours would be so unpredictable for that specific recipient that they would not allow the recipient to anticipate compliance with program requirements related to the job, or the recipient provides documentation to the county human services agency that the scheduled hours exhibit a pattern of unpredictability for that specific recipient that does not allow the recipient to anticipate compliance with program requirements related to the job.

(3) The employment, offer of employment, activity, or other training for employment requires travel to and from the place of employment, activity, or other training and a recipient's home that exceeds a total of two hours in round trip time, exclusive of the time necessary to transport family members to a school or place providing care, or, if walking is the only available means of transportation, the round trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care. A recipient who fails or refuses to comply with the program requirements based on this paragraph shall be required to participate in community service activities pursuant to Section 11322.9.

(4) The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

(5) The employment, offer of employment, or work activity does not provide for workers' compensation insurance.

(6) Accepting the employment or work activity would cause an interruption in an approved education or job training program in progress that would otherwise lead to employment and sufficient income to be self-supporting, excluding work experience or community service employment as described in subdivisions (d) and (j) of Section 11322.6 and Section 11322.9 or other community work experience assignments, except that a recipient may be required to engage in welfare-to-work activities to the extent necessary to meet the hours of participation required by Section 11322.8.

(7) Accepting the employment, offer of employment, or work activity would cause the recipient to violate the terms of the recipient's union membership.

(8) The recipient states that the employment or offer of employment fails to comply with the Healthy Workplaces, Healthy Families Act of 2014 (Article 1.5 (commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code).

(9) The recipient states that the recipient experienced sexual harassment or other abusive conduct at the workplace. For purposes of this section, "abusive conduct" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 12950.1 of the Government Code.

(10) The recipient states that the recipient's rights under the Wage Theft Prevention Act of 2011 were violated.

(11) The recipient states that the recipient's rights under the Domestic Worker Bill of Rights (Part 4.5 (commencing with Section 1450) of Division 2 of the Labor Code) were violated.

(12) The recipient states that the recipient's rights under the CROWN Act (Section 212.1 of the Education Code and subdivisions (w) and (x) of Section 12926 of the Government Code) were violated.

(13) The recipient states that the recipient's rights under the California Family Rights Act (Section 12945.2 of the Government Code) were violated.

(14) The recipient states that the recipient's rights under the Garment Worker Protection Act were violated (Sections 1174.1, 2670, 2671, 2673, 2673.1, 2673.2, and 2675.5 of the Labor Code) were violated.

(15) The recipient states that the recipient's rights under the Fair Chance Act (Section 12952 of the Government Code) or Section 432.7 of the Labor Code were violated.

(16) The recipient states that the recipient's rights under the Gender Nondiscrimination Act, as contained in Sections 12926, 12940, 12949, and 12955 of the Government Code, were violated.

(17) The recipient states that the recipient's rights under Section 432.6 of the Labor Code were violated.

(18) The recipient states that the recipient's rights under Section 12945.8 of the Government Code were violated.

(19) The recipient states that the recipient's rights under the Family-School Partnership Act (Section 230.8 of the Labor Code) were violated.

(20) The recipient states that the recipient's rights to lactation accommodations were violated under Section 1031, 1032, 1033, or 1034 of the Labor Code.

(21) The recipient states that the recipient's rights under any federal, state, or local labor or employment law were violated.

(22) The recipient requires pregnancy- or parenting-related accommodations covered under Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), or Section 66252, 66271.9, or 66281.7 of the Education Code, including, but not limited to, excused absences to attend child medical appointments, and has not received adequate accommodations.

(b) For purposes of subdivision (a), verification of the recipient's statement is not required. The recipient need not reference any specific law in stating that their rights were violated.

(c) Relief from a program sanction provided pursuant to this section shall last no longer than three months from the first date of the failure or refusal to comply with program requirements.

(d) (1) If an applicant or recipient reports refusing any offer of employment, reducing hours, voluntarily quitting any employment, or being discharged from any employment, the county human services agency shall provide the applicant or recipient with information regarding workplace rights generally, including information about how to file complaints with the Division of Labor Standards Enforcement and the Civil Rights Department. The State Department of Social Services shall convene a stakeholder workgroup to develop instructions for county human services agencies on how to best inform applicants and recipients of their workplace rights and available remedies, and how to document an applicant's or recipient's statement of circumstances as required by this section. The stakeholder workgroup may be convened concurrently with an existing department stakeholder meeting. The stakeholder workgroup shall include, but is not limited to, representatives of organizations representing all of the following: County Welfare Directors Association of California, CalWORKs recipients, workers' rights advocates, CalWORKs advocates, social workers, and any relevant state, county, or city government agencies. A county human services agency shall follow the instructions developed by the stakeholder workgroup.

(2) The State Department of Social Services, along with the stakeholder workgroup, shall also develop instructions for county human services agencies on how best to issue an updated guidance to applicants and recipients of applicable rights under the California Family Rights Act (Section 12945.2 of the Government Code) and other new rights under federal, state, or local laws.

(e) County human services agencies shall not be required or expected to provide any legal advice to recipients. Any information or materials provided to a recipient regarding workplace rights, including those developed and provided pursuant to subdivision (d), is not intended to be legal advice.

(f) This section shall become operative on October 1, 2024, or when the State Department of Social Services notifies the Legislature that the Statewide Automated Welfare System (SAWS) can perform the necessary automation to implement this section, whichever is later.

SEC. 10. (a) Section 2.1 of this bill incorporates amendments to Section 48205 of the Education Code proposed by both this bill and Assembly Bill 1884. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 48205 of the Education Code, (3) Senate Bill 1138 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 1884, in which case Sections 2, 2.2, and 2.3 of this bill shall not become operative.

(b) Section 2.2 of this bill incorporates amendments to Section 48205 of the Education Code proposed by both this bill and Senate Bill 1138. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 48205 of the Education Code, (3) Assembly Bill 1884 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 1138 in which case Sections 2, 2.1, and 2.3 of this bill shall not become operative.

(c) Section 2.3 of this bill incorporates amendments to Section 48205 of the Education Code proposed by this bill, Assembly Bill 1884, and Senate Bill 1138. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2025, (2) all three bills amend Section 48205 of the Education Code, and (3) this bill is enacted after Assembly Bill 1884 and Senate Bill 1138, in which case Sections 2, 2.1, and 2.2 of this bill shall not become operative.

SEC. 11. Section 6.5 of this bill incorporates amendments to Section 246.5 of the Labor Code proposed by both this bill and Senate Bill 1105. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 246.5 of the Labor Code, and (3) this bill is enacted after Senate Bill 1105, in which case Section 6 of this bill shall not become operative.