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SB-1340 Discrimination. (2023-2024)

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Senate Bill No. 1340

CHAPTER 626

An act to amend Section 12993 of the Government Code, relating to discrimination.

[Approved by Governor September 26, 2024. Filed with Secretary of State September 26, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1340, Smallwood-Cuevas. Discrimination.

The Unruh Civil Rights Act generally prohibits business establishments from discriminating on specified bases. The California Fair Employment and Housing Act (act) prohibits discrimination in housing and employment on specified bases. Existing law establishes the Civil Rights Department (department) and prescribes its functions, duties, and powers, including to receive, investigate, conciliate, mediate, and prosecute complaints alleging employment discrimination pursuant to specified laws, including the Unruh Civil Rights Act and the act. Existing law specifies that while it is the intention of the Legislature that the act occupy the field of regulation of discrimination in employment and housing, the act does not limit or restrict the application of the Unruh Civil Rights Act.

This bill would also specify that nothing in the act limits or restricts efforts by any city, city and county, county, or other political subdivision of the state to enforce local law prohibiting discrimination in employment against classes of persons covered by the act if certain requirements are met, including a requirement that local enforcement is pursuant to a local law that is at least as protective as the act. The bill would require the department to promulgate regulations governing local enforcement pursuant to those provisions.

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

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

SECTION 1. Section 12993 of the Government Code is amended to read:

12993. (a) The provisions of this part shall be construed liberally for the accomplishment of the purposes of this part. This part does not repeal any of the provisions of civil rights law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, reproductive health decisionmaking, or sexual orientation, unless those provisions provide less protection to the enumerated classes of persons covered under this part.

(b) The provisions in this part relating to discrimination in employment on account of sex or medical condition do not affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan, provided the terms or conditions are in accordance with customary and reasonable or actuarially sound underwriting practices.

(c) (1) It is the intention of the Legislature to occupy the field of regulation of discrimination in employment and housing encompassed by the provisions of this part, exclusive of all other laws banning discrimination in employment and housing by any city, city and county, county, or other political subdivision of the state.

(2) Notwithstanding paragraph (1), this part does not limit or restrict the application of Section 51 of the Civil Code.

(3) (A) Notwithstanding paragraph (1), this part does not limit or restrict efforts by any city, city and county, county, or other political subdivision of the state to enforce local law prohibiting discrimination in employment against any of the enumerated classes of persons covered under this part, provided that the enforcement meets all of the following requirements:

(i) The local enforcement concerns an employment complaint filed with the department.

(ii) The local enforcement occurs after the department has issued a right-to-sue notice under Section 12965.

(iii) The local enforcement commences before the expiration of the time to file a civil action specified in the right-to-sue notice described in clause (ii).

(iv) The local enforcement is pursuant to a local law that is at least as protective as this part.

(B) The time to file a civil action specified in the right-to-sue notice described in clause (ii) of subparagraph (A) shall be tolled during a local enforcement pursuant to this paragraph.

(C) (i) Pursuant to subdivision (e) of Section 12930, the department shall promulgate regulations governing local enforcement pursuant to this paragraph.

(ii) Any local enforcement pursuant to this paragraph shall comply with the regulations promulgated pursuant to this subparagraph within one year of the effective date of those regulations.

(iii) Prior to the effective date of the regulations as described in clause (ii), any local enforcement pursuant to this paragraph shall use procedures that are substantially similar to those described in Article 1 (commencing with Section 12960) of Chapter 7.

(D) This paragraph does not prohibit a complainant from filing a timely civil action following receipt of a right-to-sue notice from the department.