



California Capitol Dome



2025 EMPLOYMENT LAW LEGISLATIVE UPDATE

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THE SPEAKERS



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OVERVIEW

2025 legislative session:

- Response to federal initiatives
- Housing
- Elections
- Healthcare and resources for women
- Online safety
- Artificial intelligence

917 bills sent to Governor:

- 794 bills signed (86%) and 124 vetoed (13.4%)
- About 70 employment bills signed, an approximate 30% decline
- Effective January 1, 2026, except for emergency measures effective immediately or otherwise noted
- Veto reasons: fiscal, redundancy, policy disagreement





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AGRICULTURAL WORKERS





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[AB 845](#) by Assemblymember Dr. Joaquin Arambula (D-Fresno) – Employment: complaints: agricultural employees

- This bill would, upon appropriation by the Legislature, require the Agricultural Labor Relations Board, Department of Industrial Relations, Division of Labor Standards Enforcement, or Division of Occupational Safety and Health, upon intake of a complaint from an agricultural employee by any department, division, or board within the Labor and Workforce Development Agency, to collaborate with each other and take all reasonable efforts to transmit the complaint to the appropriate entity for processing and investigation.
- The bill would prohibit the transmitting entity from disclosing the identity and personal information of the agricultural employee complainant to the extent prohibited by law without their consent.





AB 1362 by Assemblymember Ash Kalra (D-San Jose) – Foreign labor contractor registration: agricultural workers

- This bill would, beginning July 1, 2027, expand provisions to agricultural workers under the federal H-2A visa program. The bill would additionally require, beginning July 1, 2027, the application to contain a listing of each federal visa program under which the person will be performing foreign labor contracting activities. The bill would authorize the Labor Commissioner to enforce the foreign labor contractor registration provisions through specified procedures, including the issuance of a citation or filing of a civil action against a person who violates those provisions.
- This bill would require, beginning July 1, 2027, a person who is licensed or acting as a farm labor contractor and who performs foreign labor contracting activities to register with the Commissioner as a foreign labor contractor. The bill would authorize the commissioner to eliminate duplicative application information requirements for information previously obtained from the farm labor contractor's license application. By expanding the application of the foreign labor contractor registration provisions, the bill would expand an existing crime, thereby imposing a state-mandated local program.
- This bill would require the Department of Industrial Relations to submit to the Legislature, by January 1, 2028, a study on how to extend foreign labor contractor registration requirements to certain foreign labor contractors.





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ARTIFICIAL INTELLIGENCE



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[SB 53](#) by Senator Scott Wiener (D-San Francisco) – Artificial intelligence models: large developers (Transparency in Frontier Artificial Intelligence Act (TFAIA))

- This bill enacts the Transparency in Frontier AI Act (TFAIA) and require large AI frontier model developers, as defined, to publish safety frameworks, disclose specified transparency reports, and report critical safety incidents to the Office of Emergency Services (OES).
- This bill requires large artificial intelligence (AI) developers to publish safety frameworks, disclose transparency reports, and report critical safety incidents to OES.
- Additionally, this bill creates enhanced whistleblower protections for employees reporting AI safety violations and establishes a consortium to design a framework for “CalCompute,” a public cloud platform to expand safe and equitable AI research.





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CIVIL PROCEDURE



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SB 66 by Senator Tom Umberg (D-Santa Ana) – Civil Discovery

- Existing law, the Civil Discovery Act, requires each party that has appeared in a civil action to provide certain initial disclosures to the other parties to the action within 60 days of a demand by any party to the action unless modified by the stipulation of the parties. Existing law requires a party making initial disclosures of persons or records to additionally disclose persons or records that are relevant to the subject matter of the action, and to disclose information and records regarding insurance policies or contracts that would make a person or insurance company liable to satisfy a judgment. Existing law requires initial disclosures to be verified via the written declaration of the party or the party's authorized representative, or signed by the party's counsel. Existing law repeals these provisions on January 1, 2027, and replaces them with prior law requiring initial disclosures to be made upon order of the court following the stipulation of the parties.
- This bill would remove the January 1, 2027 repeal date, thereby indefinitely extending the operation of the above provisions.





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[SB 85](#) by Senator Tom Umberg (D-Santa Ana) – Civil actions: service of summons

- This bill would authorize a court to direct a summons to be served in a manner that is reasonably calculated to give actual notice to the party to be served if a plaintiff, exercising reasonable diligence, has been unable to serve the summons using methods prescribed by statute.
- The bill would authorize a court, upon motion, to direct service of the summons by electronic means, if such service is reasonably calculated to give actual notice.
- The bill would require a plaintiff seeking to establish reasonable diligence under this section to set forth facts that detail the attempts to effect service pursuant to the methods prescribed by statute. The bill would also except actions against public entities or agents or employees of public entities from these provisions.





[AB 711](#) by Assemblymember Phillip Chen (R-Brea) – Shorthand reporters

- Existing law requires that meet and confer notices with specified information be filed in support of specified motions.
- This bill would require that the meet and confer notices specify that the parties have met and conferred regarding the retention of a certified shorthand reporter for the hearing on the motion. This bill also specifies that the meet and confer may be done through electronic communications.





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CONTRACTORS AND SUBCONTRACTORS





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SB 809 by Senator María Elena Durazo (D-Los Angeles) – Employees and independent contractors: construction trucking

- This bill promotes compliance with the ABC test in the construction trucking industry by:
 1. creating the Construction Trucking Employee Amnesty Program (Program) to relieve eligible construction contractors of liability for statutory or civil penalties associated with misclassification, and
 2. establishing the use of a “two-check” system to compensate construction drivers.
- This bill makes technical changes to the Program and specifies that provisions of the bill related to reimbursement for a worker’s use of their own vehicle are declarative of existing law.






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COVID-19 DISPLACED WORKERS





AB 858 by Assemblymember Alex Lee (D-Milpitas) – Employment: rehiring and retention: displaced workers

Extends the sunset date of the recall and reinstatement rights for employees laid off as a result of the COVID-19 pandemic, as specified, until January 1, 2027.

1. Deletes the new recall right for workers laid off on or after January 1, 2025 for a reason related to a state of emergency, and all related provisions.
2. Changes the extended sunset date of the recall and reinstatement rights for employees laid off as a result of the COVID-19 pandemic from December 31, 2027 to January 1, 2027.
3. Specifies that, notwithstanding the sunset date above, a violation occurring on or before December 31, 2026, shall continue to be enforceable by the Division of Labor Standards Enforcement (DLSE) pursuant to existing enforcement provisions.





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EMPLOYMENT DISCRIMINATION





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[AB 406](#) by Assemblymember Pilar Schiavo (D-Baldwin Park) – Employment: unlawful discrimination: victims of violence

- Recast and restore specified Labor Code sections that AB 2499 deleted regarding employees' rights to use take time off work for jury duty, to serve as a witness or answer subpoenas, or to obtain relief related to being a crime victim. Repeal these sections on January 1, 2035.
- Clarify that pending cases arising from employer violations of the above rights occurring on or before December 31, 2024, are still valid and within the jurisdiction of the DLSE. Transfer jurisdiction to the CRD for such cases arising from employer violations on or after January 1, 2025.
- Move to the Government Code from the Labor Code, the mandate that, commencing January 1, 2026, an employer may not discharge or in any manner discriminate or retaliate against an employee who is a victim or a family member of a victim for taking time off from work in order to attend judicial proceedings related to that crime, including, but not limited to, any delinquency proceeding, a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding where a right of that person is an issue. Retain the DLSE's jurisdiction over claims arising from employer violations of these rights on or before December 31, 2025.
- Align specified Labor Code sections with the new Government Code section to allow crime victims to use paid sick leave for crime-related purposes.



SB 477 by Senator Catherine Blakespear (D-Encinitas) –FEHA: enforcement procedures

- Define the term “group or class complaint” for purposes of the FEHA.
- Toll the time for a complainant to file a civil action if the complainant timely appeals to the department the closure of their complaint until one year after the department issues written notice that it remains closed following the appeal.
- Require those deadlines to be tolled pursuant to a written agreement by the complainant and the department, during the pendency of a petition to compel, and for the duration of an appeal to the department for the closure of a complaint.
- If the department determines that an aggrieved person’s complaint relates to a complaint filed in the name of the director or a group or class complaint, the department would be required to issue a right-to-sue notice after the director’s or group or class complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have terminated. The bill would require this deadline and the above-described deadlines relating to issuing a right-to-sue notice to additionally be tolled pursuant to a written agreement by the complainant and the department, during the pendency of a petition to compel, and for the duration of an appeal to the department for the closure of a complaint.
- Remove provisions specifying the counties where the civil action may be filed.





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EDUCATION



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AB 715 by Assemblymember Rick Chavez Zbur (D-Hollywood) — Educational equity: discrimination: antisemitism prevention

- Establishes the Office of Civil Rights (OCR) under the administration of the Government Operations Agency (GovOps) and the position of Antisemitism Prevention Coordinator within OCR;
- Requires local educational agencies (LEAs) that know or have reason to know that instructional or professional development materials were used that violate existing anti-discrimination laws to investigate and remediate the action;
- Requires instruction and instructional materials to be factually accurate, align with the adopted curriculum and existing standards for instructional materials, and be consistent with accepted standards of professional responsibility;
- Authorizes the California Department of Education (CDE) to require specified corrective action be taken by LEAs; and,
- Requires specified corrective action be taken by organizations contracted to provide instructional or professional development materials if those materials are found to violate this bill.





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SB 48 by Senator Lena Gonzalez (D-Los Angeles) – Educational equity: discrimination prevention coordinators

- This bill would require the Office of Civil Rights to employ a Religious Discrimination Prevention Coordinator, a Race and Ethnicity Discrimination Prevention Coordinator, a Gender Discrimination Prevention Coordinator, and an LGBTQ Discrimination Prevention Coordinator.
- The bill would require each of the coordinators to be appointed by the Governor and confirmed by the Senate.





[AB 1155](#) by Assemblymember Mike Fong (D–Alhambra) – Law schools: externships: compensation

This bill would require, beginning August 1, 2026, each law school, defined to include American Bar Association-accredited or California-accredited law schools at the University of California or an independent institution of higher education, to allow law students to receive compensation from an externship site, as defined, while concurrently earning academic course credit. For purposes of the bill, a requirement on a law school at the University of California would be considered a request on the regents.





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EMPLOYER PAY DATA





[SB 464](#) by Senator Lola Smallwood-Cuevas (D-Los Angeles) – Employer pay data

This bill, for existing pay data reporting requirements of private employers:

- Requires employers to collect and store demographic information gathered separately from employees' personnel records;
- Beginning January 1, 2027, increases the number of job categories that employers must report on to provide a more accurate picture of the workforce; and
- Removes the annual pay data and demographic reporting requirements of public employers.





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EMPLOYMENT CONTRACTS





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[AB 692](#) by Assemblymember Ash Kalra (D-San Jose) – Employment: contracts in restraint of trade

- This bill would, for contracts entered into on or after January 1, 2026, make it unlawful to include in any employment contract, or to require a worker to execute as a condition of employment or a work relationship a contract that includes, specified contract terms, including a term that requires the worker to pay an employer, training provider, or debt collector for a debt if the worker's employment or work relationship with a specific employer terminates. The bill would declare these contracts as contracts that restrain a person from engaging in a lawful profession, trade, or business, and as void and contrary to public policy.
- This bill would authorize a worker who has been subjected to the above-described prohibited conduct regarding a contract or its terms or a work representative to bring an action on behalf of that worker, other persons similarly situated, or both, in any court of competent jurisdiction. The bill would make a person who violates these provisions liable for specified civil penalties and relief.





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GRATUITIES





SB 648 by Senator Lola Smallwood-Cuevas (D-Los Angeles) – Employment: gratuities: enforcement

- Existing law prohibits an employer or agent from collecting, taking, or receiving any gratuity or a part thereof that is paid, given to, or left for an employee by a patron, or deducting any amount from wages due an employee on account of a gratuity, or requiring an employee to credit the amount or any part of a gratuity against and as a part of the wages due the employee from the employer, and requires the Department of Industrial Relations to enforce these provisions.
- This bill would authorize the Labor Commissioner to investigate and issue a citation or file a civil action for gratuities taken or withheld in violation of the above-described provisions.





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LABOR ORGANIZING



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AB 288 by Assemblymember Tina McKinnor (D–Inglewood) – Employment: labor organization and unfair practices

- This bill would expand PERB’s jurisdiction by authorizing a worker, to petition PERB to protect and enforce prescribed rights under specified circumstances, including if the worker is employed in a position subject to the NLRA but the NLRB has expressly or impliedly ceded jurisdiction.
- The bill would authorize PERB to, among other things, decide unfair labor practice cases pursuant to a specified timeline and order all appropriate relief for a violation, including civil penalties, as prescribed. In order to pursue relief from PERB, the bill would require a covered worker or their representative to file an unfair practice charge or petition that includes specified information, including, where applicable, the original charge or petition filed with the NLRB. The bill would require PERB to hold the supporting documentation and evidence confidential and maintain it as part of its investigatory file and would exempt this documentation and evidence from the California Public Records Act. If PERB determines, among other things, it has insufficient resources to process certain cases or doing so would prevent it from meeting specified statutory deadlines, the bill would require PERB to process and prioritize charges.
- The bill would also establish the Public Employment Relations Board Enforcement Fund (fund) in the State Treasury, would require the above-described civil penalties to be deposited into the fund, and would make moneys in the fund available upon appropriation by the Legislature to PERB for the purpose of administering the above-specified provisions. The bill would authorize PERB to rely on its own decisions and precedent under the NLRA and would authorize review of its decisions by a state appellate court





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[AB 1340](#) by Assemblymember Buffy Wicks (D-Oakland) – Transportation network company drivers: labor relations

- Establishes the Transportation Network Company Drivers Labor Relations Act (act) which provides that Transportation Network Company (TNC) drivers have the right to form, join, and participate in the activities of TNC driver organizations, to bargain through representatives of their own choosing, and to engage in concerted activities for the purpose of bargaining or other mutual aid or protection.
- Provides that the Public Employment Relations Board (PERB) shall administer the act, including overseeing a driver organization election process, sectoral bargaining, and the determination of unfair practices.





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NOTICES






SB 294 by by Senator Anna Caballero (D-Merced) – The Workplace Know Your Rights Act

This bill:

- 1) requires employers to provide a stand-alone written notice annually to each employee informing them of their rights under state and federal law;
- 2) directs the Labor Commissioner (LC) to develop a template notice, as well as videos for employers and employees informing them of their responsibilities and rights;
- 3) requires employers, if authorized by an employee, to contact an employee's designated emergency contact if the employee is arrested or detained; and
- 4) authorizes various penalties for noncompliant employers.





SB 617 by Senator Jesse Arreguín (D-Oakland) – California Worker Adjustment and Retraining Act

- Existing law, the California Worker Adjustment and Retraining Act, governs mass layoffs, relocations, and terminations. Existing law prohibits an employer, with certain exceptions, from ordering a mass layoff, relocation, or termination at a covered establishment without giving prescribed written notice to the employees, the Employment Development Department, and other local agencies.
- This bill would require employers to include in the notice whether the employer plans to coordinate services through the local workforce development board or another entity, as specified, and information regarding the statewide food assistance program known as CalFresh.





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PAID FAMILY LEAVE



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[SB 590](#) by Senator María Elena Durazo (D-Los Angeles) –
Paid family leave: eligibility: care for designated persons

- Beginning July 1, 2028, this bill expands eligibility for benefits under the paid family leave program to include individuals who take time off work to care for a seriously ill designated person.
- The bill defines designated person to mean any care recipient related by blood or whose association with the individual is the equivalent of a family relationship, and makes conforming changes to the definitions of the terms family care leave and family member.
- This bill requires an individual that requests for the first time family temporary disability insurance benefits to care for a designated person to identify the designated person and, under penalty of perjury, attest to how the individual is related by blood to the designated person, or how the individual's association with the designated person is the equivalent of a family relationship.





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PEACE OFFICERS



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[AB 1388](#) by Assemblymember Isaac Bryan (D-Los Angeles) – Law enforcement: settlement agreements

- Prohibits a law enforcement agency from entering into an agreement with the peace officer that requires the agency to destroy a record of a misconduct investigation, or otherwise halt or make particular findings in a misconduct investigation.
- Declares any such agreements void and unenforceable.
- Specifies that such agreements are subject to disclosure under the California Public Records Act (CPRA).





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SB 627 by Senator Scott Wiener (D-San Francisco) –Law enforcement: mask

- This bill makes it a crime for a law enforcement officer to wear a facial covering in the performance of the duties, with limited exceptions;
- Requires any law enforcement agency operating in California to maintain and publicly post a written policy limiting the use of facial coverings;
- Contains a severance provision.





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PERSONNEL RECORDS



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SB 513 by Senator María Elena Durazo (D-Los Angeles) – Personnel records

Expands the scope of personnel records that a current and former employee or their representative has a right to inspect and receive a copy of to include education or training records and requires those records to include specified information about the training.

Major Provisions

- 1) Expands the scope of personnel records that a current and former employee or their representative has a right to inspect and receive a copy of to include education or training records.
- 2) Requires an employer who maintains education or training records to ensure those records include all of the following:
 - a) The name of the employee.
 - b) The name of the training provider.
 - c) The core competencies of a training, including skills in equipment or software.
 - d) The resulting certification or qualification.





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PRISONERS





[AB 247](#) by Assemblymember Isaac Bryan (D-Los Angeles) – Incarcerated individual hand crew members: wages

Requires incarcerated individual hand crew members from county jails and state prison, and youth placed at the Pine Grove Youth Conservation Camp, to be paid an hourly wage of \$7.25 while assigned to an active fire incident and to have the wage rate updated on an annual basis.





[AB 248](#) by Assemblymember Isaac Bryan (D-Los Angeles) – County jails: wages

Authorizes the County Board of Supervisors to determine a wage to be credited to each prisoner if the prisoner is confined in or committed to a county jail and performs a work assignment.






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PUBLIC WORKS



The image shows the interior of the California Capitol Dome, featuring a large central circular skylight with a blue and white pattern, surrounded by ornate golden and red architectural details, including arches and columns.

AB 538 by Assemblymember Marc Berman (D-Menlo Park) – Public works: payroll records

- Existing law requires the Labor Commissioner to investigate allegations that a contractor or subcontractor violated the law regulating public works projects, including the payment of prevailing wages. Existing law requires each contractor and subcontractor on a public works project to keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the contractor or subcontractor in connection with the public work. Existing law requires certified copies of records to be available upon request by the public and sets forth a process for the public to request the records either through the awarding body or the Division of Labor Standards Enforcement. Existing law makes any contractor, subcontractor, agent, or representative who neglects to comply with the requirements to keep accurate payroll records guilty of a misdemeanor.
- This bill would require the awarding body, if a request is made by the public through the awarding body and the body is not in possession of the certified records, to obtain those records from the relevant contractor and make them available to the requesting entity. The bill would authorize the Division of Labor Standards Enforcement to enforce certain penalties if a contractor fails to comply with the awarding body's request within 10 days of receipt of the notice.





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SEXUAL ASSAULT



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The image shows the interior of the California Capitol Dome, featuring a large, ornate, golden dome with a central circular skylight. The architecture is classical, with intricate carvings and a warm, golden-brown color palette.

AB 250 by Assemblymember Aguiar-Curry (D-Napa) – Sexual assault: statute of limitations

- Revives and extends the time for commencing claims seeking damages for sexual assault, where the plaintiff also alleges that one or more entities engaged in a cover up of the assault, so that such actions may proceed if already pending on January 1, 2026, or, if not filed by that date, are commenced between January 1, 2026 and December 31, 2027.
- Specifies that the above revival period also revives claims against the person who committed the sexual assault if the plaintiff also alleges, among other things, that one or more entities or persons are legally responsible for damages arising out of the sexual assault, and that the entity or entities engaged in a cover up or attempted cover up of the sexual assault by the alleged perpetrator.
- Provides that public entities are not required to indemnify perpetrators of sexual assault.





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TRAINING





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SB 303 by Senator Lola Smallwood-Cuevas (D-Los Angeles) – Employment: bias mitigation training: unlawful discrimination

Existing law, the California Fair Employment and Housing Act, prohibits various forms of employment and housing discrimination, including various types of discrimination because of national origin. Existing law empowers the Civil Rights Department to investigate and prosecute complaints alleging unlawful practices.

- This bill would provide that an employee’s assessment, testing, admission, or acknowledgment of their own personal bias that was made in good faith and solicited or required as part of a bias mitigation training does not constitute unlawful discrimination.






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WAGE AND HOUR



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The image shows the interior of the California State Capitol building, focusing on the ornate, golden dome with a central circular skylight. The architecture features intricate carvings and a warm, golden-brown color palette.

AB 578 by Assemblymember Rebecca Bauer-Kahan (D-Orinda) –Food delivery platforms: customer service

Food delivery platforms must implement a refund mechanism to address issues such as missed, partially delivered, or incorrect orders. They must also provide a clear way for consumers to contact a live customer service representative. Additionally, platforms are required to uphold fair payment practices for delivery personnel and ensure greater transparency regarding their earnings. This bill would:

- Clarify that it does not prohibit a food delivery platform from removing a customer from the platform if the platform has a reasonable suspicion that the customer has committed or is committing fraud.
- Clarify that refunds are subject to whether the food delivery platform is able to determine that either customer was responsible for the nondelivery or finds evidence indicating the refund request may be fraudulent.
- Clarify that for a partially fulfilled order that the food delivery platform must charge the customer only for the portion of the order the customer received. Any taxes, fees, or gratuities directly associated with the undelivered items shall be adjusted to reflect the reduced order.





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[SB 261](#) by Senator Aisha Wahab (D-Fremont) – Division of Labor Standards Enforcement: orders, decisions, and awards

This bill:

- Makes an employer liable for a civil penalty of up to three times the outstanding judgment amount if a final judgment from the nonpayment of wages remains unsatisfied after a period of 180 days;
- Prescribes how the penalties assessed are to be distributed and used; and
- Requires a court to award a prevailing plaintiff specified fees and costs in any action brought by a judgment creditor, the Labor Commissioner, or a public prosecutor to enforce a final judgment against an employer.





SB 642 by Senator Monique Limón (D-Santa Barbara) – Employment: payment of wages

This bill aims to strengthen California’s Equal Pay Act by:

- Revising the definition of “pay scale” to mean an estimate of this expected wage range that an employer reasonably expects to pay for the position upon hire and is made in good faith.
- Prohibiting an employer from paying employees at wage rates less than the rates paid to employees of another sex instead of the opposite sex, and would require a civil action to recover wages to be commenced no later than 3 years after the last date the cause of action occurs. The bill would provide that an employee is entitled to obtain relief for the entire period of time in which a violation of its provisions exists, but not to exceed 6 years.
- Specifying that a cause of action occurs when an alleged unlawful compensation decision or practice is adopted, when an individual becomes subject to the decision or practice, or when an individual is affected by the application of the decision or practice.





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MISCELLANEOUS



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AB 268 by Assemblymember Ash Kalra (D-San Jose) – Diwali

- This bill would add Diwali to the list of state holidays. The bill would authorize community colleges and public schools to close on Diwali.
- The bill would authorize state employees to elect to take, and would authorize certain community college and public school employees to be given, time off with pay in recognition of Diwali.
- The bill would authorize public schools and educational institutions throughout the state to include exercises acknowledging and celebrating the meaning and importance of Diwali.
- This bill would add Diwali to the list of holidays that are excluded from designation as a judicial holiday.





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QUESTIONS



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