

New 2012 Laws

Affecting California Employers



New employment laws passed in 2011 could affect your California business' day-to-day operations and company policies in 2012. Review the summaries of the labor laws below and download CalChamber's white paper "An Overview of New 2012 Laws Affecting California Employers" for detailed information on the changes in the law and how each of these California laws could affect your business.

Unless specified, all new legislation goes into effect on January 1, 2012.

[expand all \[+\]](#)

- [Credit Check details \[+\]](#)

AB 22 prohibits employers and prospective employers, not including certain financial institutions, from obtaining and using consumer credit reports (credit information) about applicants or employees.

- [Pregnancy Disability Leave details \[+\]](#)

SB 299 requires all employers with five or more employees to continue to maintain and pay for health coverage under a group health plan for an eligible female employee who takes Pregnancy Disability Leave (PDL) up to a maximum of four months in a 12-month period. The benefits are at the same level and under the same conditions as if the employee had continued working during the leave period.

- [Willful Misclassification of Independent Contractors details \[+\]](#)

SB 459 provides new penalties of between \$5,000 to \$25,000 for the "willful misclassification" of independent contractors, defined as "avoiding employee status for an individual by voluntarily and knowingly misclassifying that individual as an independent contractor."

- [Written Commission Agreement details \[+\]](#)

AB 1396 requires employers who have commission pay arrangements to put those agreements into a signed written contract that sets forth the method by which the commissions will be computed and paid.

- [Notice of Pay Details details \[+\]](#)

AB 469 requires employers to provide nonexempt employees, at the time of hire, a new notice that specifies, among other things, specific information regarding payment of wages. This legislation also increases penalties for wage violations.

- [Organ and Bone Marrow Donor Leave details \[+\]](#)

SB 272 clarifies the implementation of California's organ and bone marrow donor leave law (Labor Code sections 1508-1512).

- [Genetic Information details \[+\]](#)

SB 559 amends the Fair Employment and Housing Act (FEHA) to state that employers are prohibited from discriminating against employees on the basis of genetic information.

- [Gender Expression details \[+\]](#)

AB 887 amends the Fair Employment and Housing Act to further define "gender" to include both gender identity and "gender expression," as defined by the new law, and to make clear that discrimination on either basis is prohibited.

- [E-Verify details \[+\]](#)

AB 1236 allows employers to continue to choose to use E-Verify, but prohibits California state agencies and local governments from passing mandates that require employers to use E-Verify.

- [Interference With Rights Under Leave Laws details \[+\]](#)

AB 592 adds language to the California Family Rights Act (CFRA) and the Pregnancy Disability Leave law (PDL) that makes it unlawful to interfere with or in any way restrain the exercise of rights under these laws.

- [Administrative Penalties details \[+\]](#)

AB 240 allows an employee that alleges a minimum wage violation to recover liquidated damages pursuant to any complaint brought before the Division of Labor Standards Enforcement.

- [Wage Penalties details \[+\]](#)

AB 551 increases the maximum penalty from \$50 to \$200 per calendar day for each worker paid less than the determined prevailing wage and increases the minimum penalty from \$10 to \$40 per day for violations of prevailing wage obligations.

- [Farm Labor Contractors – Wage Notices details \[+\]](#)

AB 243 amends Labor Code section 226 to expand the information that must be included on pay statements, but only for farm labor contractors.

- [Agricultural Labor Relations details \[+\]](#)

SB 126 affects the certification of bargaining representatives for agricultural employees in instances where there has been employer misconduct during the election.

- [Insurance Non-Discrimination Act details \[+\]](#)

Free White Paper



First Name*

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SB 757 prevents employers that operate in multiple states from discriminating against same-sex couples by not providing the same insurance coverage for domestic partners as they do for spouses.

- State Contracts – Gender or Sexual Orientation Discrimination [details](#) [\[+\]](#)

SB 117 outlaws the state of California from entering into contracts of more than \$100,000 with companies that discriminate against the employees on the basis of gender or sexual orientation with regard to benefits.

- Apprentices Programs [details](#) [\[+\]](#)

SB 56 changes the audit requirements for apprenticeship programs. AB 1136 provides that general acute care hospitals must maintain a safe patient handling policy for patient care units, including trained lift teams or training in safe lifting techniques for staff.

- Safe Lifting - Hospitals [details](#) [\[+\]](#)

AB 1136 provides that general acute care hospitals must maintain a safe patient handling policy for patient care units, including trained lift teams or training in safe lifting techniques for staff.

- Workers' Compensation [details](#) [\[+\]](#)

AB 335 requires the workers' compensation administrative director (AD) to work with the Commission on Health and Safety and Workers' Compensation (CHSWC) to develop regulations regarding notices to injured workers; requires AD and CHSWC to develop and make accessible a booklet written in plain language about the workers' comp claims process; streamlines and simplifies other notices to employees.

The new law also states that workers' compensation notices posted by employers must now include the *website address* and contact information that employees may use to obtain further information about the workers' compensation claims process and an injured employee's rights and obligations, including the location and telephone number of the nearest information and assistance officer.

- DFEH Procedural Regulations [details](#) [\[+\]](#)

The Department of Fair Employment and Housing (DFEH) has instituted new regulations relating to procedures for filing, investigating and processing discrimination and harassment claims. This law is already in effect.