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Client Alert

California Year End Legislative Updates 2024

CHANGE TO PAID FAMILY LEAVE PROGRAM

WHAT'S NEW: Beginning January 1, 2025, employers may no longer require employees to use accrued vacation leave before using California's Paid Family Leave Program (PFL).

WHAT IT MEANS: California's PFL is a state-run benefits program that pays wage replacement benefits to employees who take job protected leave under the California Family Rights Act. Previously, employers could require employees to take up to two weeks of accrued vacation time before employees became eligible to receive PFL benefits. However, with the new change, employers will no longer be able to require employees to use accrued vacation time prior to receiving PFL benefits.

WHAT EMPLOYERS SHOULD DO: California employers should review their PFL policy and remove any requirements that employees must take accrued vacation time before receiving PFL benefits.

LIMITATIONS ON EMPLOYER MANDATORY MEETINGS

WHAT'S NEW: Beginning January 1, 2025, California employers may not discharge, discriminate, or retaliate against an employee for declining to attend an employer-sponsored meeting regarding the employer's opinion about religious or political matters, including unionizing activities.

WHAT IT MEANS: Employers may no longer require employee attendance at meetings described above.

- Employers are required to pay employees who refuse to attend such meetings but work during the time of the meetings.
- Employers may be subject to a civil penalty of $500 per employee for each violation of this law.

EXCEPTIONS: Certain entities and activities are exempt, including religious corporations, political organizations or parties, educational institutions requiring students to attend certain lectures as part of their course work, and certain non-profits. Additionally, the law does not apply to an employer requiring employees to undergo training to comply with the employer's legal obligations, including civil rights and occupational safety and health laws.

WHAT EMPLOYERS SHOULD DO: California employers should make attendance voluntary for meetings regarding the employer's opinion on religious or political matters.

UPDATE TO VICTIM TIME OFF PROVISION

WHAT'S NEW: Beginning January 1, 2025, California employers will be required to provide protected time off to employees who are victims of a qualifying act of violence, and to employees who assist family members who are victims of a qualifying act of violence.

WHAT IT MEANS: California has updated its victim time off provisions by expanding its definition of "victim" to include an individual against whom a defined "qualifying act of violence" has been committed, or has a family member who is a victim, regardless of whether there has been an arrest, prosecution, or conviction.

A "qualifying act of violence" includes but is not limited to domestic violence, stalking, sexual assault, and other acts involving bodily injury and/or weapons.

Employers with 25 or more employees will be required to offer a leave of absence for an employee to assist their qualifying family member who was a victim of a qualifying act of violence. Employees may also use vacation, personal, and paid sick leave under this provision. Additionally, employers will be required to provide reasonable accommodations to an employee who is a victim or whose family member is a victim of a qualifying act of violence.

Employers must provide written notice of employees' rights under this law to new hires, all employees annually, at any time upon request, and any time the employer becomes newly aware that an employee or an employee's family member is a victim. The Civil Rights Department will develop and post a form on or before July 1, 2025, that employers may use to comply with its notice requirements.

WHAT EMPLOYERS SHOULD DO: California employers should review and update their policies in accordance with California's updated definition of victims to include victims of qualifying acts of violence. Additionally, employers should ensure they are complying with the notice requirements, including to all new hires and to all employees annually.

RESTRICTIONS ON DRIVER'S LICENSE REQUIREMENTS IN JOB POSTINGS

WHAT'S NEW: Beginning January 1, 2025, California employers generally will be prohibited from requiring job applicants to have a driver's license.

WHAT IT MEANS: The general prohibition on requiring an applicant to possess a driver's license will control unless both of the following conditions are met:

1. The employer reasonably expects driving to be one of the position's job functions; and
2. The employer reasonably believes that completing the job function using alternative forms of transportation (such as a taxi, ride hailing service, carpooling, bicycling, or walking) would not be comparable in travel time or cost to the employer.

WHAT EMPLOYERS SHOULD DO: California employers should review their job advertisements, postings, applications, and other material to ensure that they are not requiring job applicants to have a driver's license, unless the limited exception applies. This law would not prevent an employer from accepting a driver's license and other qualifying documents as proof of the individual's authorization to work in the United States.

WHISTLEBLOWER PROTECTIONS POSTING REQUIREMENTS

WHAT'S NEW: California's Labor Commissioner is developing a model notice for employers to post that displays a list of employees' whistleblower rights and responsibilities.

WHAT IT MEANS: California's Labor Commissioner is developing a model template listing employees' rights and protections under whistleblower laws that will be posted on their website by January 1, 2025. Employers are encouraged to check the Labor Commissioner's website and download and display the model notice. Employers will have satisfied the posting requirements by displaying the Labor Commissioner's model notice.

WHAT EMPLOYERS SHOULD DO: Employers should post the Labor Commissioner's model notice beginning January 1, 2025. The notice must be written in a font larger than size 14 point and contain the telephone number of the whistleblower hotline.

PROTECTED HAIRSTYLES

WHAT'S NEW: California has expanded the definition of "race" and "protective hairstyles" in its workplace anti-discrimination law.

WHAT IT MEANS: The definition of "race" now includes "traits associated with race, including but not limited to hair texture and protective hairstyles, such as, braids, locs, and twists."

WHAT EMPLOYERS SHOULD DO: Employers should review their existing appearance standards in the workplace to ensure compliance with the expanded definition of race and protective hairstyles.

MINIMUM WAGE INCREASE

The new California minimum wage is presently unclear. At the time of this Client Alert's publication, Proposition 32 has not yet been called, with the "no" votes hanging on by a thread at 50.9%, with millions more ballots left to count.

Engage will issue a separate Client Alert on California's minimum wage once Proposition 32 is officially called.

Please reach out to your Engage Human Resources Partner if you have any questions concerning this alert or other H.R.-related matters.