

## Email Alert – New Employment Legislation

Departing governor, Arnold Schwarzenegger, signed and vetoed several pieces of employment legislation at the close of the September 30, 2010 deadline. The new laws, which will go into effect on January 1, 2011, are not as far reaching as in years past, but employers still need to be aware of and familiar with them.

**SB 909** requires a person (including an employer) who procures or causes to be prepared an investigative consumer report for employment purposes to provide consumers with an Internet Web site address or telephone number for the investigative consumer reporting agency so that the consumer may find additional information about the agency's privacy practices.

**SB 1304** requires private employers with 15 or more employees to provide paid leaves of absence to employees who donate organs (up to thirty days) and bone marrow (up to five days). This leave would not run concurrently with FMLA or CFRA leave. However, the employer may require that the employee take up to five days of earned but unused vacation or sick leave for bone marrow donation and up to two weeks of earned but unused vacation or sick leave for organ donation, unless it would violate any applicable collective bargaining agreement. Employers must continue paying health benefits during the leave and restore an employee returning from this leave to the same (or equivalent) position held by the employee when the leave began. The employer cannot interfere with the leave or retaliate against the employee for taking the leave.

**AB 569** exempts construction employees, security officers in the security services industry, commercial truck drivers, as well as employees of electrical and gas corporations and local publicly owned electric utilities, as defined, from California's meal period requirements if the employees are covered by a valid collective bargaining agreement which contains provisions regarding wages, hours of work, and working conditions of employees, and expressly provides for meal periods for those employees.

**AB 2772** clarifies that an employer wishing to file an appeal of a Labor Commissioner decision in the superior court must post, as a precondition to the appeal, a bond in the full amount of the judgment rendered in the Labor Commissioner hearing.

**AB 2364** provides unemployment compensation benefits to employees who leave their employ to protect their family from domestic violence abuse.

Some bills of note which were vetoed by Governor Schwarzenegger include bills that would have limited an employer's ability to obtain a consumer credit report for employment purposes, increased the amount of liquidated damages awarded to employees for unpaid wages, and required employers

to provide an employee the right to up to three days of bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild or domestic partner.

I hope you find this information useful, and please feel free to contact me with any questions or concerns.

Best regards,

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