

Several State “Job Killer” Bills Move One Step Closer to Passage

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As [covered previously here](#), the California Chamber of Commerce (“Chamber”) once again has identified a handful of “job killer” bills making their way through the legislative process. This year’s crop of proposed legislation would, among other things, inflate employer data reporting requirements and further expand the scope of the Fair Employment and Housing Act (“FEHA”). Several of these recently introduced bills already have passed one of the two houses of California’s legislature and, now, move on to a vote in the second house. These bills include:

Data Reporting and Publication

- **[SB 1162 \(Limón; D-Goleta\)](#) Publication of Pay Data** – requires that private employers with 100 or more employees submit a pay data report to the Department of Fair Employment and Housing (“DFEH”) and imposes civil penalties against employers who fail to do so. SB 1162 also requires that the DFEH publish the pay data report on a public website. In addition, SB 1162 requires that employers with 15 or more employees include the pay scale for each position in any job postings.

Expansion of the FEHA

- **[AB 2188 \(Quirk; D-Hayward\)](#) Cannabis Use & Employment Discrimination** – makes it unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, based on use of cannabis off the job and away from the workplace. AB 2188 includes a narrow carve-out for workers in the building and construction trades, and makes clear that it does not preempt state or federal laws requiring employees to be tested for controlled substances. In addition, AB 2188 prohibits the use of traditional (accurate) marijuana tests, such as urine and hair testing.

Labor Relations

- **[AB 2183 \(Stone; D-Scotts Valley\)](#) Agricultural Labor Relations** – changes union election procedures for agricultural employees by essentially eliminating a secret ballot election and replacing it with the submission of representation cards

signed by over 50% of the employees. AB 2183 also limits employers' ability to challenge the submitted ballot cards, forcing employers to post a bond, and includes a presumption of retaliation if an employer disciplines, suspends, demotes, lays off, terminates, or otherwise takes adverse action against a worker during a labor organization's representation ballot card campaign.

States of Emergency

- **[SB 1044 \(Durazo; D-Los Angeles\)](#) State of Emergency** – prohibits employers from taking or threatening adverse action against any employee for refusing to report to or leaving work “because the employee feels unsafe.” This bill does not apply to a narrow set of employees, including first responders and others called upon to aid in emergency response. SB 1044 also prohibits employers from limiting employees' use of mobile phones or other communication devices in such an event, if the employee wishes to communicate about their safety, seek emergency assistance, or assess the situation.

Workers' Compensation

- **[SB 213 \(Cortese; D-San Jose\)](#) Workers' Compensation Expansion of Presumption of Injury** – creates a rebuttable presumption that infectious diseases (including COVID-19), cancer, musculoskeletal injuries, post-traumatic stress disorder, and respiratory diseases arose out of work for any hospital employee who provides direct patient care, increasing workers' compensation costs for public and private hospitals. In addition, the bill extends these presumptions for specified periods after an employee's employment ends.

We will continue tracking the progress of these bills as they move through the Legislature and/or are signed by the Governor.

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