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Proposed “Right to Disconnect” Law Could End Those After-Hours Emails From Your Boss

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With the sweeping presence of technology today, the boundary between work life and home life has become increasingly blurred. A new bill recently introduced to the California legislature seeks to change that by protecting employees’ “right to disconnect.”

Assembly Bill 2751, introduced by Assemblyman Matt Haney (D-San Francisco), proposes to add a Section 1198.2 to the Labor Code that would effectively prevent employers from contacting employees outside of working hours, with limited exceptions.

Specifically, the proposed law would require private and public employers to establish a workplace policy that provides employees the “right to disconnect” from communications from the employer during nonworking hours, which must be established by written agreement. The “right to disconnect” means that an employee has the right to ignore communications from the employer during the agreed-upon nonworking hours.

The bill creates two limited exceptions that allow the employer to contact the employee during nonworking hours: (1) an emergency (defined as an “unforeseen situation that threatens an employee, customer, or the public; disrupts or shuts down operations; or causes physical or environmental damage”) or (2) a change to the employee’s schedule that happens within 24 hours of the scheduled shift.

If an employer commits three or more violations of the “right to disconnect,” this is considered a “pattern of violation” that allows the employee to file a complaint with the Labor Commissioner, punishable by a civil penalty of $100.

If the bill passes in the Legislature, it will head to Governor Newsom's desk for signature and could become effective in January 2025. If signed into law, it undoubtedly will have a significant impact on California employers across a variety of industries. For example, certain client-service industries where employees are typically expected to remain "on-call" after normal business hours would need to come to a mutual agreement with their employees regarding their nonworking hours. Employers should therefore keep a close eye on this bill.

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