

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

2014 LEGISLATIVE SUMMARY

The following bills, affecting or related to California's civil rights statutes, were signed and chaptered into law by Governor Edmund G. Brown, Jr., in 2014. Unless otherwise noted, the measures became effective January 1, 2015. They are organized by subject matter.

EMPLOYMENT

Unpaid Interns

AB 1443 amended the Fair Employment and Housing Act to: (1) prohibit workplace discrimination in unpaid internships and any other program providing unpaid experience in the workplace; (2) prohibit harassment against unpaid interns and volunteers; and (3) extend workplace religious accommodation protections to apprenticeship training programs, unpaid internships, and any other program providing unpaid work experience.

Bill Number: AB 1443 (Skinner) (Stats. 2014, ch. 302.)

Code Section Amended: Government Code section 12940.

Code Section Added: None.

Driver's License

Vehicle Code section 12801.9 requires the Department of Motor Vehicles to issue a driver's license to an applicant, who is unable to show proof that his or her presence in the United States is authorized under federal law, if the applicant meets all other qualifications for licensure and provides proof of identity and California residency.

The Unruh Civil Rights Act (Civil Code section 51) makes it unlawful to discriminate against an individual because he or she possesses a driver's license issued under Vehicle Code section 12801.9.

AB 1660 amended the Vehicle Code to make it a violation of the Fair Employment and Housing Act for an employer to discriminate against an individual because he or she possesses a driver's license issued under Vehicle Code section 12801.9. The bill also amended Government Code section 12926 to specify that discrimination on the basis of national origin includes, but is not limited to, discrimination on the basis of possessing a driver's license granted under Vehicle Code section 12801.9.

Bill Number: AB 1660 (Alejo) (Stats. 2014, ch. 452.)

Code Sections Amended: Government Codes section 12926; Vehicle Code sections 1653.5, 12800.7, and 12801.9.

Code Section Added: None.

Abusive Conduct

AB 2053 amended the Fair Employment and Housing Act to require that state-mandated workplace sexual harassment prevention training also include training on the prevention of “abusive conduct,” which the bill defines as “conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests” including “derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance.” The bill is intended to reduce workplace bullying, which does not always take the form of conduct prohibited by the FEHA.

Bill Number: AB 2053 (Gonzalez) (Stats. 2014, ch. 306.)

Code Section Amended: Government Code section 12950.1.

Code Section Added: None.

HATE VIOLENCE

Waiver of Rights

AB 2617 imposes restrictions on contractual waivers of rights under the Ralph Civil Rights Act and the Tom Bane Civil Rights Act, which are designed to protect individuals from hate-based crimes of violence or threats of violence. This bill requires that any waivers of these rights under a contractual agreement must be knowing, voluntary and in writing. The bill also deems any waiver of legal rights that is required as a condition of entering into a contract to be involuntary, unconscionable, against public policy, and unenforceable.

Bill Number: AB 2617 (Weber) (Stats. 2014, ch. 910.)

Code Sections Amended: Civil Code sections 51.7, 52, and 52.1.

Code Section Added: None.

RELATED STATUTES

Prohibition on Requiring Landlords to Terminate a Tenancy

AB 319 prohibits a city, county, town, housing authority, municipal corporation, district, political subdivision, board, commission, or agency from requiring a landlord to evict a tenant when the tenant, or a member of the tenant’s household, is a victim of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult, even if the number of 911 calls made from the residence exceeds the number permitted by a local government ordinance. The bill declares that the need to protect tenants who are victims of the specified crimes is a matter of statewide concern, not a municipal concern, and that all cities, including charter cities, are subject to the bill’s mandate.

Bill Number: AB 319 (Campos) (Stats. 2014, ch. 138.)

Code Section Amended: None.

Code Section Added: Article 10 (commencing with section 53165) to Title 5, Division 2, Part 1, Chapter 1, of the Government Code.

State Civil Service Employment Application

SB 1240 mandates amendment of the state's employment application to require applicants to disclose whether they have entered into an agreement with the state that prohibits them from seeking or accepting subsequent state employment.

Bill Number: SB 1240 (Anderson) (Stats. 2014, ch. 254.)

Code Section Amended: None.

Code Section Added: Government Code section 18720.45.