



2025 California Employment Law Update & Compliance Recommendations

Hello! We hope this new year brings you much success. Please find below a brief synopsis of the new California labor laws, changes to existing California labor laws, and other things you should know that went into effect on January 1, 2025. Included for your consideration are compliance recommendations. Note, this summary includes changes in the laws that apply to most employers; it does not include changes that may apply to certain industry sectors, like retail or agriculture. Please do not hesitate to reach out should you have any question about any specific industry requirement, or any other labor or employment matter that you may face in the new year.

Cheers to a prosperous 2025,

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1. **Changes to Whistleblower Posting Requirement (AB 2299):** Most employers already have a poster prominently displayed that outlines the rights and responsibilities of employees under California's Whistleblower statute. Effective January 1, 2025, California employers must post the model Whistleblower notice prepared by the California Labor Commissioner's Office. Employers may find the model notice at: <https://www.dir.ca.gov/dlse/whistleblowersnotice.pdf>. Employers who post this model notice on 14-point font type will be deemed in compliance with AB 2299. For remote workers, employers should distribute the model notice (along with other required postings) via email. It is recommended that employers conduct an annual review and audit of all required workplace postings.
2. **Captive Audience Meetings Banned (SB 399):** Effective January 1, 2025, employers may not require employees to attend meetings that discuss religious, political, or legislative matters, inclusive of any matter that relates to the decision to join or support any political party or labor organization. It is unlawful for employers to subject employees to discharge, discrimination, retaliation, or any other adverse action for declining to attend or participate in such meetings. The law, however, does not prohibit



employers from meeting with employees and communicating information that employers are legally required to share with employees. In addition, employers may require mandatory meetings to share information necessary for employees to perform their job duties. The most profound impact of this law is that it substantially limits employers' ability to communicate with their workforce about union organizing efforts.

Employers should be mindful to not make any such meeting mandatory, and should not take any retaliatory action against any employee who chooses not to attend such meeting. Employers will need to carefully navigate mandatory meetings about legislation or regulations that affect their industry, as these could fall under the law's broad definition of political matters. Employers should review their current policies related to workplace communications, particularly those concerning political and union-related topics. Employers should train supervisors and managers on what types of communications are allowed on political or religious topics, and how to ensure that attendance at any meetings discussing such matters is truly voluntary.

3. **Broadened protections for employees who are “victims of violence” (AB 2499):** Prior to January 1, 2025, California law provided protections to employees from discrimination or retaliation for taking time off for jury duty, court appearances, or to employees who were victims of crime or abuse. Effective January 1, 2025, these protections remain in place, but the definition of “victims” is broadened to include victims of a “qualifying act of violence.” A “qualifying act of violence” means any of the following: domestic violence, sexual assault, stalking, or any act, conduct, or pattern of conduct that includes: an individual who causes bodily injury or death to another, an individual who exhibits, draws, brandishes, or uses a firearm or other dangerous weapon, with respect to another, or an individual who uses or makes a reasonably perceived or actual threat of use of force against another to cause physical injury or death. Under AB 2499, many protections apply not only to any employee who is a victim of a qualifying act of violence but also to any employee who has a family member who is a victim of a qualifying act of violence. “Family member” is defined as: a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; or a designated person, who does not need to be a blood relative, so long as their association with the employee is the equivalent of a family relationship. Under AB 2499, employees are permitted to use vacation, personal leave, paid sick leave, or any other compensatory time off that is available.

Employers should revise all relevant time off policies to include the broadened language of AB 2499. Employers should engage in a documented and robust interactive process



with any employee who is a victim (or has a family member who is a victim) of any qualifying act of violence. Reasonable accommodations must be provided to the employee. Note, employers may require documentation that supports the request for time off. Do not discriminate, retaliate or take any adverse action against any employee who has requested an accommodation or time off to participate in the legal process under these circumstances. In addition, employers need to provide written notice of employee rights under AB 2499 to all new hires, all employees annually, at any time upon request, and at any time the employer becomes newly aware that an employee or an employee's family member is a victim. The Civil Rights Department will be publishing a form **notice** for employers to use in this regard.

4. **Driver's License Requirement Ban (SB 1100):** Effective January 1, 2025, it is now an unlawful employment practice to include statements about the need for a driver's license in job advertisements, postings, applications, and similar employment material, unless driving is reasonable function of the job, or the employer reasonably believes that using an alternative form of transportation would not be comparable in travel time or cost to the employer. In short, employers may no longer condition employment on an employee's possession of a driver's license unless the above exceptions apply. Employers are encouraged to review job descriptions, applications and other onboarding materials and, for any position that does not require driving as a reasonable function of the job, remove language that conditions employment on possession of a driver's license.
5. **Amendments to the Definition of Race and Protective Hairstyles (AB 1815):** In California, the definition of race discrimination has historically included hairstyles. AB 1815 has removed the word "historically" because it was vague and confusing and further defined "race" as "inclusive of traits associated with race, including but not limited to hair texture and protective hairstyles. Protective hairstyles includes, but is not limited to, "braids, locs, and twists." These changes may seem minor, however, employers should take an opportunity to review and revise all policies that address discrimination and acceptable dress and appearance in the workplace to ensure that hair texture and protective hairstyles are included.
6. **Changes in Managing Employee Leave (AB 2123):** Prior to January 1, 2025, employers could require employees to use up to 2 weeks of accrued vacation leave before accessing California's paid family leave benefits. Under AB 2123, employers may no longer do this and employees may now access paid family leave benefits even if they have accrued, but unused vacation time available. Employers should revise leave policies and



remove language that requires employees to exhaust accrued vacation leave before accessing California's paid leave benefits.

- 7. New Information Required on Workers' Compensation Poster (AB 1870):** Effective January 1, 2025, employers must include information on their Workers' Compensation poster about an injured employee's right to consult with a licensed attorney for advice about workers' compensation law and that attorneys' fees may be paid as part of the injured workers' award. This same information must also be provided to all new employees in the workers' compensation pamphlet that outlines their rights and benefits at the time of hire. Employers should contact their Workers' Compensation carrier or other third-party vendor that supplies the workers' compensation poster and notices and request an updated poster and notice that contains the new language of AB 1870. In the interim, employers may post a notice next to their current Workers' Compensation poster, in no less than 14-point type font, that states the following: "The injured employee may consult a licensed attorney to advise them of their rights under workers' compensations laws. In most instances, attorney's fees will be paid from an injured employee's recovery."
- 8. Other Things to Know....**
- a. California's minimum wage is now \$16.50 per hour for all employers, regardless of size, with the exception of certain fast-food restaurants and health care facilities. Be mindful of local minimum wage ordinances that may have increased on January 1, 2025.
 - b. The California Civil Rights Department has a small employer mediation program applicable to employers with between 5 and 19 employees involved in a dispute involving a violation of the California Family Rights Act or California's bereavement leave law. Effective January 1, 2025, the program will now apply to disputes related to California's reproductive loss leave.
 - c. Effective January 1, 2025, employers may seek a restraining order on behalf of an employee who has suffered "harassment." An employee may remain anonymous on the restraining order petition for their safety.
 - d. Employers with 100+ employees must file their 2024 pay data reports by May 14, 2025. The reporting portal will open on February 3, 2025.
 - e. Employers who are subject to OSHA's recordkeeping requirements must post a summary of all 2024 work related injuries and illnesses from February 1, 2025 – April 30, 2025.