



LAW UPDATE LABOR AND EMPLOYMENT

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July 27, 2017

ASSEMBLY BILL 2337 AND REQUIRED NOTIFICATION TO EMPLOYEES ON DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

On September 14, 2016, Governor Jerry Brown signed Assembly Bill 2337 into law, expanding the employer notice requirements regarding employee protections provided by Labor Code Section 230.1 to victims of domestic violence, sexual assault or stalking. Despite the protections under current law, many employees remain uninformed about their employment-related rights when it comes to domestic violence. AB 2337 added subsection (h) to Labor Code Section 230.1 and requires employers of 25 or more to provide written notice to employees of their rights under Sections 230 and 230.1. These rights include the right to take protected leave for domestic violence, sexual assault or stalking, to be protected against discrimination and retaliation because of their status as a victim, and to be provided reasonable accommodations for safety while at work. Employers must inform each employee of his or her rights upon hire and at any time upon request.

The Labor Commissioner has developed and posted an online form in both English and Spanish that employers may use to satisfy these new notice requirements. If an employer elects not to use the form developed by the Labor Commissioner, the employer must provide a notice substantially similar in content and clarity. Sample forms are attached to this memorandum, and employers are obligated to comply with these new disclosure requirements effective immediately.

Districts should review their policies and ensure that employees' existing rights to use vacation, personal leave, or compensatory time off for domestic violence, sexual assault or stalking are adequately set forth. This includes notifying employees that are victims of domestic violence, sexual assault, or stalking that they may take time off from work to (1) seek medical attention for injuries; (2) obtain services from a domestic violence shelter, program, or rape crisis center; (3) obtain psychological counseling; or (4) participate in safety planning and take other actions to increase safety, including temporary or permanent relocation. Employers are prohibited from discharging, discriminating, or retaliating against an employee because of the employee's known status as a victim of domestic violence, sexual assault, or stalking or for taking domestic violence leave.

A full reading of Assembly Bill 2337 may be found online at <http://www.leginfo.ca.gov>. Please feel free to contact us with any questions or concerns.

– Eric K. Alford

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