

GOVERNOR'S VETO
AB 1136 (Ortega)
As Enrolled September 15, 2025
2/3 vote

SUMMARY

Provides, until July 1, 2029, job protections to workers who are detained or need to take time off from work to resolve immigration-related matters, including requiring employers to reinstate employees to their former job classification without loss of seniority upon their return, as specified.

Senate Amendments:

Delete the Assembly version of this bill and instead:

- 1) Require, upon request, each employee to be released by their employer for up to five unpaid working days within a 12-month period, which may be either consecutive or nonconsecutive working days, in order to attend appointments, interviews, adjudications, legal proceedings, detainment, or any other meeting at which the employee's presence is required concerning the employee's immigration status, work authorization, visa status, or any other immigration-related matter.
 - a) Authorize an employer to require an employee to use earned, unused vacation or paid time off leave before the employee uses this benefit.
- 2) Require a postintroductory employee whose employment has been terminated due to an inability to provide documentation of proper work authorization to be immediately reinstated to their former classification without loss of prior seniority, provided the employee produces proper work authorization within 12 months of the date of termination.
 - a) Provide that an employee shall not accrue vacation or other benefits based upon particular employment plan policies during those absences.
 - b) Require, if there is no position in the employee's former job classification available at the time the employee produces proper work authorization, an employer to offer the employee in writing all job positions for which the employee is qualified that thereafter become available within 12 months of the date of termination.
 - c) Require, if more than one employee is entitled to preference for a position, the employer to offer the position to the terminated employee with the greatest length of service based on the employee's date of hire.
 - d) Require the employee to receive their prior pay rate and seniority.
 - e) Provide that, if the employee communicates to the employer that they are no longer interested in working for that employer, the employer is not obligated to offer any further job positions that become available.

- 3) Require, if the employee demonstrates a need for additional time, the employer to rehire the employee into the next available opening in the employee's former classification, as a new hire without retaining seniority, upon the former employee providing proper work authorization within a maximum of 12 additional months from the date the employee notifies the employer that they need additional time. Require, if this occurs, the employee to be subject to an introductory period upon rehire.
- 4) Require, if the employer is notified that an employee has been detained or incarcerated as a result of pending immigration or deportation proceedings, the employer to place the employee on an unpaid leave of absence for a period pending the employee's release from detainment or incarceration and not to exceed 12 months.
 - a) Require, upon the employee's release and once the employee provides the employer with the appropriate work authorization documentation, the employer to do either of the following:
 - i) Return the employee to their former job classification without loss of seniority.
 - ii) If a position in the employee's former job classification is not available at the time the employee produces proper work authorization upon release, the employer shall offer the employee in writing all job positions that become available within 12 months for which the employee is qualified.
 - (1) Require, if more than one employee is entitled to preference for a position, the employer to offer the position to the terminated employee with the greatest length of service based on the employee's date of hire. Require that the employee receive their prior pay rate and seniority.
 - (2) Provide that, if the employee communicates to the employer that they are no longer interested in working for that employer, the employer is not obligated to offer any further job positions that become available.
 - iii) Provide that an employee on a leave of absence pursuant to these provisions shall not accrue vacation or other benefits during the leave of absence.
 - b) Provide that these provisions shall not be construed as requiring the employer to employ an individual if doing so would be a violation of state or federal law or regulations.
- 5) Apply the above provisions to a private or public employer, but exempts a public or private employer with 25 or fewer employees.
- 6) Prohibit each public or private employer from disciplining, discharging, or discriminating against any employee because of national origin or immigration status, or solely because the employee is subject to immigration or deportation proceedings, except as required to comply with the law.
- 7) Prohibit an employee subject to immigration or deportation proceedings from being discharged solely because of pending immigration or deportation proceedings, so long as the employee is authorized to work in the United States.

- 8) Provide that (6) and (7) above shall not be construed to require leave in addition to the leave required pursuant to (1)-(5) above.
- 9) Provide that the provisions of this bill shall not invalidate a collective bargaining agreement or memorandum of understanding that contains a provision addressing rehire or reinstatement rights or leave rights regarding employees who are subject to immigration proceedings.
- 10) Provide that the provisions of this bill shall not supersede the seniority provisions of a collective bargaining agreement or a memorandum of understanding.
- 11) Require the Labor Commissioner (LC) to enforce the bill.
- 12) Provide that the bill becomes inoperative on July 1, 2029, and, as of January 1, 2030, is repealed.
- 13) Contain a severability clause.
- 14) Define "postintroductory employee" to mean an employee who has successfully completed their probation period of employment, if applicable.
- 15) Define "public employer" to mean the state, political subdivisions of the state, counties, municipalities, and the Regents of the University of California.

Governor's Veto Message

This bill would allow workers to take up to five days of unpaid leave to attend adjudications, legal proceedings, detainments, or other immigration-related matters. It also would require employers to reinstate employees who were terminated for failing to provide proof of work authorization if the employee presents valid authorization within 12 months of termination. In addition, the bill would require employers who are aware that an employee is detained or incarcerated due to a pending deportation or immigration proceeding to place the employee on unpaid leave for up to 12 months, during which the employee would have the same reinstatement rights as employees terminated for lacking work authorization.

I commend the author for her efforts to protect our most vulnerable workers amid the indiscriminate raids that have rounded up American citizens, people with legal status, and hardworking parents. However, this measure could cause significant confusion for both employees and employers, exacerbated by the shifting tactics of federal law enforcement. The bill duplicates existing discrimination protections and is inconsistent with other leave frameworks in state law, which will lead to compliance challenges and inefficiencies with enforcement.

This measure's 12-month rehire provisions also present logistical and compliance challenges that may undermine their effectiveness. For local education agencies, this measure interferes with existing rehire protections. Moreover, the 12-month window for these requirements, which can be extended even longer in some situations, is impractical for many employers and employees.

Finally, this measure imposes a significant but preventable burden on the Labor Commissioner that will undermine other enforcement efforts. As drafted, this bill will require the Labor

Commissioner to undertake costly and time-consuming civil actions to enforce its requirements, resulting in annual costs exceeding \$10 million.

I encourage the author to introduce a measure next year that takes a more surgical approach to protecting workers and our economy, which are now under attack by the federal government. In the meantime, I am directing the Department of Industrial Relations, the Labor Commissioner's Office, Cal/OSHA, and the Civil Rights Department to aggressively fulfill their commitment to protect all California workers, regardless of their immigration status, against labor or civil rights violations. These departments will work closely with community partners to advance strategies, informed by the Rural Strategic Engagement Program and the California Workplace Outreach Project, that reinforce trust that even in the face of this assault on our communities by federal actors, California's labor and civil rights laws still protect every worker in the state, regardless of their immigration status. This helps keep all workers safe and supports a fair playing field for law-abiding employers. That vital work will not stop.

For these reasons, I cannot sign this bill.

COMMENTS

The Trump Administration's focus on immigration enforcement has heavily targeted California and is expected to expand significantly, after Congress in July 2025 approved a \$170 billion budget over four years for border and immigration enforcement. News reports and eyewitness accounts have accused federal agents of engaging in racial profiling when making immigration arrests, leading to residents with lawful immigration status and even some US citizens being detained.

For example, in August 2025, the Los Angeles Times reported that "American citizens have been increasingly caught up in the immigration crackdown: a four year-old boy with cancer deported to Honduras, a doctoral student filming a raid in Hollywood detained for 25 hours, and Illinois man held for 10 hours in detention."¹

According to the author, "While ICE claims they are targeting individuals who have criminal convictions and are in the country illegally, the reality on the ground has been that federal agents are indiscriminately arresting people of color with no warrants or probable cause other than the color of their skin. According to government data provided by ICE to the Deportation Data Project and analyzed by the Cato Institute, ICE has been arresting thousands of individuals with no prior contact with law enforcement in what they deem "general" areas – which is "the telltale sign of illegal profiling." Looking at the over 16,000 street arrests of immigrants with no criminal convictions between January and July, 90% of the individuals arrested were immigrants from Latin America."

The author states that "AB 1136 focuses on the innocent California workers caught up in these raids, ensuring that they can return to their jobs and support their families. Using decades-long collective bargaining agreement language used around the country – including in the Trump Las

¹ Uranga, Rachel. (August 2025) "As more citizens are swept up in immigration raids, Democrats demand answers." Los Angeles Times. <https://www.latimes.com/california/story/2025-08-08/how-many-citizens-have-been-arrested-in-immigration-crackdown>

Vegas Casino – AB 1136 provides reasonable protections and remedies that are above the noise. This bill allows Californians who are mistakenly caught up in overzealous immigration enforcement a necessary and humane grace period to organize their affairs and return to their jobs, without putting employers at either legal or financial risk."

California labor laws protect workers regardless of immigration status. Workers who file claims or complaints, or exercise other rights under California labor laws are not required to disclose their immigration status to the DIR or its entities, nor do those entities inquire about immigration status. The only limits to this are those established under federal law.

According to the Author

See comments above.

Arguments in Support

The California Federation of Labor Unions is in support and states that, "with increased workplace enforcement, it is important to protect workers who are updating paperwork, attending citizenship meetings, or otherwise trying to comply with the law. AB 1136 takes a series of reasonable steps to guarantee that these workers are able to return to their job without losing job seniority. It allows unpaid time off for workers to attend citizenship proceedings and creates an orderly process for reinstatement when appropriate documentation is provided. This bill will protect workers and help employers who depend on experienced workers being able to show up every day. It will also increase economic stability in communities that are currently seeing significant disruptions due to workplace raids."

Arguments in Opposition

A coalition of employer and business organizations, including the California Chamber of Commerce, are opposed unless amended and state that "our outstanding requested amendment is the period of time during which an employer is required to rehire a former employee. Proposed subdivision (b) of Section 1019.6 would require employers to rehire employees for up to two years after they were terminated for not having documentation of proper work authorization. While we encourage our members to hold positions open or rehire employees for a reasonable period of time where an employee is trying to renew an expired work authorization, two years is a significant period of time. Subdivision (c) similarly requires a rehire period of 12 months for any employee that is detained or incarcerated as a result of pending immigration or deportation proceedings. Again, we are concerned that twelve months is a significant period of time."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The Department of Industrial Relations (DIR) indicates that it would incur annual costs in the millions of dollars to implement the provisions of the bill. (Labor Enforcement and Compliance Fund).
- 2) This bill would result in administrative costs to the State as a direct employer. The total cost across all departments and agencies is unknown, and could reach the tens of millions of dollars annually. As an example, the University of California (UC) indicates that the bill would result in first-year costs of \$10 million, and \$8.6 million annually thereafter (General Fund).

VOTES**ASM LABOR AND EMPLOYMENT: 6-0-1**

YES: Ortega, Flora, Chen, Kalra, Lee, Ward

ABS, ABST OR NV: Elhawary

ASM APPROPRIATIONS: 12-0-3

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta

ABS, ABST OR NV: Sanchez, Dixon, Tangipa

ASSEMBLY FLOOR: 68-2-9

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Dixon, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio, Flora

ABS, ABST OR NV: Castillo, Ellis, Gallagher, Hadwick, Lackey, Macedo, Patterson, Sanchez, Tangipa

SENATE FLOOR: 29-10-1

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNERNEY, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Reyes

ASM LABOR AND EMPLOYMENT: 5-0-2

YES: Ortega, Elhawary, Kalra, Lee, Ward

ABS, ABST OR NV: Flora, Chen

ASSEMBLY FLOOR: 57-13-10

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NO: Ávila Farías, DeMaio, Dixon, Ellis, Flora, Gallagher, Hadwick, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta

ABS, ABST OR NV: Alanis, Castillo, Chen, Davies, Jeff Gonzalez, Hoover, Blanca Rubio, Schiavo, Tangipa, Wallis

UPDATED

VERSION: September 15, 2025

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FN: 0002001