

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 406 (Schiavo)
Version: June 27, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: Yes
ME

SUBJECT

Employment: unlawful discrimination: victims of violence

DIGEST

Clarifies timelines for enforcement authority of the Civil Rights Department and the Division of Labor Standards and Enforcement with regard to employee protections for victims of crime and family members of victims of crime.

EXECUTIVE SUMMARY

Last year the legislature passed and the Governor signed AB 2499. AB 2499 entitled an employee of an employer with 25 or more employees, who is a victim or who has a family member who is a victim of a crime, to job protected leave to attend to their or their family member's needs and ensure their safety. The bill also permitted an employee victim and an employee who has a family member who is a victim to use sick leave for time off to obtain victim services. The total leave could be capped at 12 weeks.

AB 2499 did not include timelines for the transfer of enforcement authority over these provisions from the Division of Labor Standards and Enforcement (DLSE) to the Civil Rights Department (CRD). The bill currently before the Committee is an author sponsored urgency measure that, according to the author, was introduced at the request of Californians for Safety and Justice, Legal Aid at Work, and the California Chamber of Commerce to clean up the enforcement timeline that was not specified in AB 2499 and to move enforcement of employee protections to serve on a jury from the DLSE to the CRD. There is no opposition to this bill.

This bill passed the Senate Labor, Public Employment and Retirement Committee on a vote of 4 to 1.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Civil Rights Department (CRD) to, among other things, enforce California's Fair Employment and Housing Act and certain civil rights laws in order to protect Californians from discrimination in employment, housing, businesses, state-funded programs, and from bias-motivated violence, and from human trafficking. (Gov. Code §§ 12900 et seq.)
- 2) Establishes the Office of the Labor Commissioner (LC) within the Department of Industrial Relations (DIR), to enforce, among other things, wage and hour laws, anti-retaliation provisions, and employer notice requirements. (Lab. Code §§ 79 *et seq.*)
- 3) Entitles an employee of an employer with 25 or more employees who is a victim or who has a family member who is a victim of a crime to job protected leave to attend to their or their family member's needs and ensure their safety. (Gov. Code § 12945.8.)
- 4) Permits an employee victim and an employee who has a family member who is a victim to use sick leave for time off to obtain victim services. (Lab. Code § 246.5.)
- 5) Provides that the Civil Rights Department has enforcement authority regarding violations of 3), above. (Gov. Code §§ 12900 et seq.)

Prior law, until January 1, 2025, authorized an employee who was discriminated or retaliated against for exercising certain rights to file a complaint with the Division of Labor Standards Enforcement in accordance with specified Labor Code provisions, including the right to take time off work to serve on a trial or to obtain crime-related relief. (Former Lab. Code §§ 230 & 230.1, repealed Jan. 1, 2025 by AB 2499 (Schiavo, Ch. 967, Stats. 2024), and former Lab. Code § 246.5 amended by AB 2499 (Schiavo, Ch. 967, Stats. 2024).)

This bill:

- 1) Reinstates the prior Labor Code provisions (§§ 230 & 230.1) described in "prior law" above, to apply only to alleged actions or inactions occurring on or before December 31, 2024.
- 2) Transfers enforcement for specified discrimination provisions relating to attending judicial proceedings from the Department of Labor Standards Enforcement to the Civil Rights Department.

COMMENTS

1. Stated need for the bill

According to the author:

Last year I authored AB 2499 to ensure crime victim survivors and their loved ones had the ability to take protected leave to recover and regain their sense of safety. That measure also permitted both an employee victim and an employee who has a family member who is a victim to use sick leave to obtain victim services. AB 406 includes technical clean up to AB 2499. AB 406 transfers remaining crime related protections from the Labor Commissioner's jurisdiction to the Civil Rights Department, aligns timelines for this transfer, corrects conflict between Government Code and Labor Code about permitted uses for Paid Sick Leave, and clarifies authority over pending claims.

2. This is a noncontroversial bill to make AB 2499 (Schiavo, Ch. 967, Stats. 2024) workable

Last year the Legislature passed and the Governor signed AB 2499. AB 2499 entitled an employee of an employer with 25 or more employees, who is a victim or who has a family member who is a victim of a crime, to job protected leave to attend to their or their family member's needs and ensure their safety. The bill also permitted an employee victim and an employee who has a family member who is a victim to use sick leave for time off to obtain victim services. The total leave could be capped at 12 weeks.

AB 2499 inadvertently left out crime victim survivor protections that should have been transferred from the Labor Code to Government Code. Additionally, AB 2499 did not include timelines for the transfer of enforcement authority over these employee protections from the Department of Labor Standards and Enforcement to the Civil Rights Department. The bill currently before the Committee is an author sponsored urgency measure that the author asserts was introduced at the request of Californians for Safety and Justice, Legal Aid at Work, and the California Chamber of Commerce to clean up the inadvertent errors from AB 2499. There is no opposition to this bill.

Specifically, AB 406 corrects the timelines and clarifies the enforcement authority of the Civil Rights Department and the Labor Commissioner.

SUPPORT

None known

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: AB 2499 (Schiavo, Ch. 967, Stats. 2024) Entitled an employee of an employer with 25 or more employees who is a victim or who has a family member who is a victim of a crime to job protected leave to attend to their or their family member's needs and ensure their safety. Permitted an employee victim and an employee who has a family member who is a victim to use sick leave for time off to obtain victim services. The total leave could be capped at 12 weeks.

PRIOR VOTES:

Labor, Public Employment and Retirement Committee (Ayes 4, Noes 1)

Assembly Floor (Ayes 76, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Utilities and Energy Committee (Ayes 18, Noes 0)
