

## CONCURRENCE IN SENATE AMENDMENTS

AB 406 (Schiavo)

As Amended June 27, 2025

2/3 vote. Urgency.

**SUMMARY**

Original Committee of Reference: Assembly Utilities and Energy Committee.

Makes technical and conforming amendments to Labor Code and Government Code sections to clarify timelines for enforcement by the Civil Rights Department (CRD) and the Division of Labor Standards Enforcement (DLSE) regarding employee protections for victims of crime and family members of victims of crime related to AB 2499 (Schiavo, Chapter 967, Statutes of 2024).

**Senate Amendments**

Current Committee Recommendation: Concur in Senate amendments.

Delete the Assembly version of this bill and instead:

- 1) Recast and restore specified Labor Code sections that AB 2499 deleted regarding employees' rights to use take time off work for jury duty, judicial proceedings to serve as a witness or answer subpoenas, or to obtain relief related to being a crime victim. Repeal these sections on January 1, 2035.
- 2) Clarify that pending cases arising from employer violations of the above rights, as specified, occurring on or before December 31, 2024, are still valid and within the jurisdiction of the DLSE. Transfer jurisdiction to the CRD for such cases arising from employer violations on or after January 1, 2025.
- 3) Move to the Government Code from the Labor Code, the mandate that, commencing January 1, 2026, an employer may not discharge or in any manner discriminate or retaliate against an employee who is a victim or a family member of a victim for taking time off from work in order to attend judicial proceedings related to that crime, including, but not limited to, any delinquency proceeding, a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding where a right of that person is an issue. Retain the DLSE's jurisdiction over claims arising from employer violations of these rights on or before December 31, 2025.
- 4) Align specified Labor Code sections with the new Government Code section referenced in (3) above to allow crime victims to use paid sick leave for crime-related purposes, as specified.
- 5) Make conforming changes to correct conflicts between the Government Code and the Labor Code about permitted uses for paid sick leave.
- 6) Make other technical and clarifying changes.
- 7) Add an urgency clause.

## COMMENTS

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."

Specifically, the author states that cleanup legislation is necessary in that:

- 1) "There is unclear jurisdiction over pending cases where an adverse action took place on or before December 31, 2024.
- 2) Certain crime victim related protections are in Labor Code while others are in Government Code, which makes it more difficult for crime victims to know where to file claims.
- 3) Paid sick leave under Labor Section 230.2 and 230.5 within the new Government Code Section 12945.8(a)(4) are unaligned.
- 4) There are conflicts between Government Code and Labor Code about permitted uses for paid sick leave. Government Code Section 12945.8 allows an employee to use paid sick leave for jury duty, crime victims appearing in court to comply with a subpoena, or other court order but corresponding Labor Code Section 246.5(a)(2) does not allow for paid sick leave to be used for these purposes."

The author adds, per HR 39 (Gipson, 2021), that "this bill will help implement job protection measures for crime victims in AB 2499, which will help to promote more equitable solutions for vulnerable workers."

### According to the Author

See comments above.

### Arguments in Support

None on file.

### Arguments in Opposition

None on file.

## FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

## VOTES

**ASM UTILITIES AND ENERGY: Votes not relevant**

**YES:**

**ASM APPROPRIATIONS: Votes not relevant**

**YES:**

**ASSEMBLY FLOOR: Votes not relevant**

**YES:**

**ABS, ABST OR NV:**

**SENATE FLOOR: 30-2-8**

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

**NO:** Alvarado-Gil, Strickland

**ABS, ABST OR NV:** Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Valladares

**ASM LABOR AND EMPLOYMENT: 5-0-2**

**YES:** Ortega, Elhawary, Kalra, Lee, Ward

**ABS, ABST OR NV:** Flora, Chen

**UPDATED**

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