

AMENDED IN ASSEMBLY APRIL 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 793**

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**Introduced by Assembly Members Jones and Brownley**  
**(Coauthors: Assembly Members ~~Lieu~~ Evans, Feuer, Lieu, and**  
**Saldana)**  
*(Coauthor: Senator Leno)*

February 26, 2009

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An act to add Section 355.5 to the Code of Civil Procedure, relating to employment discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 793, as amended, Jones. Employment: discrimination.

Existing law contains provisions that define unlawful discrimination and employment practices and establish procedures for an employee who has suffered discrimination or other unlawful practices, as defined, to file a complaint with the Fair Employment and Housing Department, or under certain circumstances, to bring a civil action against his or her employer.

This bill would specify when a cause of action for unlawful discrimination or unlawful employment practice with respect to compensation accrues for determining whether a complaint was filed within statutory deadlines.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 355.5 is added to the Code of Civil  
 2 Procedure, to read:  
 3 355.5. (a) For the purpose of filing a claim or complaint for  
 4 any unlawful employment practice with respect to compensation,  
 5 including, but not limited to, discrimination claims and Labor Code  
 6 violations, a cause of action accrues when any of the following  
 7 occurs:  
 8 (1) A compensation decision or other practice is adopted.  
 9 (2) An individual becomes subject to a compensation decision  
 10 or other practice.  
 11 (3) An individual is affected by the application of a  
 12 compensation decision or other practice, including each time when  
 13 wages, benefits, or other compensation is paid, resulting in whole  
 14 or in part from the compensation decision or other practice.  
 15 (b) ~~When an administrative complaint is filed, a complainant~~  
 16 ~~may challenge similar or related instances of unlawful employment~~  
 17 ~~practices occurring after the administrative complaint has been~~  
 18 ~~filed without the necessity of filing another administrative~~  
 19 ~~complaint. liability may accrue and an aggrieved person may~~  
 20 ~~obtain relief where the unlawful employment practices that have~~  
 21 ~~occurred during the applicable administrative complaint filing~~  
 22 ~~period are similar or related to unlawful employment practices~~  
 23 ~~with regard to compensation that occurred outside the time for~~  
 24 ~~filing an administrative complaint.~~  
 25 (c) *Nothing in this section is intended to change current law*  
 26 *treatment of when pension distributions are considered paid.*  
 27 (d) *With regard to any complaint under any law, nothing in this*  
 28 *section is intended to preclude or limit an aggrieved person’s right*  
 29 *to introduce evidence of an unlawful employment practice that has*  
 30 *occurred outside the time for filing a charge of discrimination.*  
 31 ~~(e)~~  
 32 (e) *This section does not impose a substantive change in the*  
 33 *acts or omissions that constitute an unlawful employment practice*  
 34 *with respect to compensation. It is the intent of the Legislature in*  
 35 *enacting this section to construe and clarify the meaning and effect*  
 36 *of existing law and to reject the interpretation given to federal law*  
 37 *by the United States Supreme Court in Ledbetter v. Goodyear Tire*  
 38 *& Rubber Co. (2007) 550 U.S. 618. This section shall apply to*

- 1 *claims pending on or after the effective date of this section. It is*
- 2 *not intended to revive claims that have lapsed as of the effective*
- 3 *date of this section.*

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