

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 921

Introduced by Senator Lieu

February 18, 2011

An act to amend Section 145 of the Business and Professions Code, relating to professions and vocations *add Section 230.1.5 to the Labor Code, relating to employment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 921, as amended, Lieu. ~~Professions and vocations: Department of Consumer Affairs-Employment: employee leave.~~

Existing law provides that an employer who employs 25 or more employees may not discharge or retaliate against an employee who takes time off for specified activities or treatment as the result of domestic violence or sexual assault.

This will would require the Department of Industrial Relations to create and an employer to display for employees to read specified information regarding the rights of workers to seek counseling or treatment for domestic abuse or sexual assault and redress against an employer who violates these rights.

~~Existing law establishes the Department of Consumer Affairs in the State and Consumer Services Agency. Existing law provides that the department is comprised of various state agencies that regulate specified professions and vocations. Existing law sets forth the Legislature's findings that unlicensed activity in the professions and vocations regulated by the department is a threat to the health, welfare, and safety of the people of the State of California.~~

~~This bill would, instead, set forth the Legislature's findings that unlicensed activity in the professions and vocations regulated by the~~

department is a dire and immediate threat to the health, welfare, and safety of the people of the State of California.

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

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

- 1 SECTION 1. Section 230.1.5 is added to the Labor Code, to
2 read:
3 230.1.5. (a) The department shall create a poster that shall
4 include the following information:
5 (1) Definitions of domestic violence and sexual assault.
6 (2) Information regarding domestic violence and sexual assault
7 victim support resources.
8 (3) Information regarding the right of an employee under
9 subdivision (c) of Section 230 to take time off from work to obtain
10 or attempt to obtain relief related to domestic violence or sexual
11 assault, including a temporary restraining order, restraining order,
12 or other injunctive relief, to help ensure the health, safety, or
13 welfare of the victim or his or her child.
14 (4) Information regarding the right of an employee employed
15 by an employer with 25 or more employees under Section 230.1
16 to take time off from work to do any of the following:
17 (A) To seek medical attention for injuries caused by domestic
18 violence or sexual assault.
19 (B) To obtain services from a domestic violence shelter,
20 program, or rape crisis center as a result of domestic violence or
21 sexual assault.
22 (C) To obtain psychological counseling related to an experience
23 of domestic violence or sexual assault.
24 (D) To participate in safety planning and take other actions to
25 increase safety from future domestic violence or sexual assault,
26 including temporarily or permanently relocating.
27 (5) Instructions on contacting the department and its Division
28 of Labor Standards Enforcement regarding violations of
29 subdivision (c) of Section 230 and Section 230.1.
30 (6) Information regarding legal remedies and complaint
31 processes available through the division for violations of
32 subdivision (c) of Section 230 and Section 230.1.

1 (7) Information regarding the right of an employee to file a
2 complaint pursuant to Section 98.7 if that employee has been
3 discriminated or retaliated against, including through discharge,
4 threat of discharge, demotion, or suspension, because the employee
5 has asserted his or her rights under subdivision (c) of Section 230
6 or Section 230.1.

7 (b) The department shall make the poster available to employers
8 in print and online in English, Chinese, Korean, Spanish, Tagalog,
9 and Vietnamese.

10 (c) An employer shall display a copy of the poster in each of
11 the available languages in a prominent and accessible location,
12 which may include restrooms, at its workplaces and job sites. An
13 employer shall also provide an employee at the time of hire with
14 the name, address, and telephone number of the employer in
15 writing.

16 (d) If an employer violates this section, the division shall issue
17 an order requiring the employer to comply with this section.

18 (e) For purposes of this section, the following terms have the
19 following meanings:

20 (1) "Domestic violence" means any of the types of abuse set
21 forth in Section 6211 of the Family Code.

22 (2) "Sexual assault" means any of the crimes set forth in Section
23 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269,
24 273.4, 285, 286, 288, 288a, 288.5, 289, or 311.4 of the Penal Code.

25 SECTION 1. Section 145 of the Business and Professions Code
26 is amended to read:

27 145. The Legislature finds and declares that:

28 (a) ~~Unlicensed activity in the professions and vocations regulated~~
29 ~~by the Department of Consumer Affairs is a dire and immediate~~
30 ~~threat to the health, welfare, and safety of the people of the State~~
31 ~~of California.~~

32 ~~The law enforcement agencies of the state should have~~
33 ~~sufficient, effective, and responsible means available to enforce~~
34 ~~the licensing laws of the state.~~

35 ~~The criminal sanction for unlicensed activity should be swift,~~
36 ~~effective, appropriate, and create a strong incentive to obtain a~~
37 ~~license.~~