

ASSEMBLY BILL

No. 263

Introduced by Assembly Member Roger Hernández

February 7, 2013

An act to add Section 1171.7 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 263, as introduced, Roger Hernández. Employment: retaliation: immigration-related document practices.

Existing law declares that an individual who has applied for employment, or who is or has been employed in this state, is entitled to the protections, rights, and remedies available under state law, regardless of his or her immigration status. Existing law declares that an inquiry into a person's immigration status for purposes of enforcing state labor and employment laws shall not be permitted, unless a showing is made, by clear and convincing evidence, that the inquiry is necessary in order to comply with federal immigration law.

This bill would make it unlawful for an employer or any other person to engage in, or direct another person to engage in, an unfair immigration-related document practice against a person for the purpose of, or with the intent of, retaliating against any person for exercising a right protected under state labor and employment laws or under a local ordinance applicable to employees, as specified.

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 1171.7 is added to the Labor Code, to
2 read:

3 1171.7. (a) It shall be unlawful for an employer or any other
4 person to engage in, or to direct another person to engage in, an
5 unfair immigration-related document practice against a person for
6 the purpose of, or with the intent of, retaliating against any person
7 for exercising a right protected under this code or under a local
8 ordinance applicable to employees.

9 (b) “Exercising a right protected under this code or under a local
10 ordinance” includes, but is not limited to, filing a complaint or
11 informing a person of an employer’s or other party’s alleged
12 violation of this code or that of a local ordinance, so long as the
13 complaint or disclosure is made in good faith, seeking information
14 regarding whether an employer or other party is in compliance
15 with this code or with a local ordinance, and informing a person
16 of his or her rights and remedies under this code or under a local
17 ordinance, and assisting him or her in asserting those rights.