

**Assembly Bill No. 676**

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Passed the Assembly September 3, 2015

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*Chief Clerk of the Assembly*

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Passed the Senate September 1, 2015

\_\_\_\_\_  
*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 432.4 to the Labor Code, relating to employment.

## LEGISLATIVE COUNSEL'S DIGEST

AB 676, Calderon. Employment: discrimination: status as unemployed.

Existing law creates the Division of Labor Standards Enforcement in the Department of Industrial Relations for the purpose of enforcing labor laws. Existing law prohibits various forms of employment discrimination with respect to the personal characteristics of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information.

This bill, on and after July 1, 2016, would prohibit an employer from publishing an advertisement or announcement for a job that states or indicates that an unemployed person is not eligible for the job. The bill would prohibit an employer from asking an applicant for employment to disclose, orally or in writing, the applicant's employment status, except as specified.

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

SECTION 1. Section 432.4 is added to the Labor Code, to read:

432.4. (a) For the purposes of this section:

(1) "Employer" means the state or any political or civil subdivision of the state and any person, as defined in Section 18, who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person.

(2) "Employment status" means an individual's present unemployment, regardless of the length of time that the individual has been unemployed.

(b) An employer shall not do either of the following:

(1) Publish in print, on the Internet, or in any other medium, an advertisement or announcement for any job that includes a provision stating or indicating that an unemployed person is not eligible for the job.

(2) Ask an applicant to disclose, orally or in writing, the applicant's employment status until the employer has determined that the applicant meets the minimum employment qualifications for the position, as stated in the published notice for the job.

(c) This chapter shall not be construed to prohibit an employer from:

(1) Publishing in print, on the Internet, or in any other medium, an advertisement or announcement for any job that contains any provision setting forth qualifications for a job, including:

(A) Holding a current and valid professional or occupational license, certificate, registration, permit, or other credential.

(B) Requiring a minimum level of education or training, or professional, occupational, or field experience.

(C) Stating that only individuals who are current employees of the employer will be considered for that job.

(2) Setting forth qualifications for any job, including:

(A) Holding a current and valid professional or occupational license, certificate, registration, permit, or other credential.

(B) Requiring a minimum level of education or training, or professional, occupational, or field experience.

(C) Stating that only individuals who are current employees of the employer will be considered for that job.

(3) Obtaining information regarding an individual's employment, including recent relevant experience.

(4) Having knowledge of a person's employment status.

(5) Inquiring as to the reasons for an individual's employment status.

(6) Refusing to offer employment to a person because of the reasons underlying an individual's employment status.

(7) Otherwise making employment decisions pertaining to that individual.

(d) Section 433 does not apply to this section.

(e) This section shall become operative on July 1, 2016.

Approved \_\_\_\_\_, 2015

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*Governor*