

ASSEMBLY BILL

No. 883

Introduced by Assembly Member Low

February 26, 2015

An act to add Section 432.6 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as introduced, Low. Employment: public employee status.

Existing law regulates the terms and conditions of employment and, in particular, contracts and applications for employment. Existing law prohibits private employers from requiring an applicant for employment to take a polygraph test as a condition of employment or continued employment. Existing law generally prohibits public and private employers from requiring an applicant to disclose an arrest or detention that did not result in a conviction, subject to various exceptions. Existing law makes a violation of these provisions a misdemeanor.

This bill would prohibit private and public employers from publishing or posting a job advertisement or announcement that states or indicates directly or indirectly that the applicant for employment must not be a current or former public employee. The bill would also prohibit these employers from communicating, directly or indirectly, that an applicant's status as a current or former public employee disqualifies an individual from eligibility for employment or from basing an employment decision on an applicant's current or former employment as a public employee. The bill would create a related prohibition for a person who operates an Internet Web site for posting jobs in this state. The bill would except these provisions from the misdemeanor provisions described above.

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

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

- 1 SECTION 1. Section 432.6 is added to the Labor Code, to
- 2 read:
- 3 432.6. (a) An employer, including a public employer, shall
- 4 not do any of the following:
- 5 (1) Publish in print, on an Internet Web site or in any other
- 6 medium, an advertisement or announcement for any job that
- 7 includes a provision stating or indicating directly or indirectly that
- 8 the applicant for employment must not be a current or former
- 9 public employee.
- 10 (2) Communicate or disclose directly or indirectly, through any
- 11 written form or verbally, that an applicant’s status as a current or
- 12 former public employee disqualifies an individual from eligibility
- 13 for employment.
- 14 (3) Make an employment decision based on an applicant’s
- 15 current or former employment as a public employee.
- 16 (b) A person who operates an Internet Web site for posting jobs
- 17 in this state shall not publish on that Internet Web site an
- 18 advertisement or announcement for any job that includes a
- 19 provision stating or indicating directly or indirectly that the
- 20 applicant for employment must not be a current or former public
- 21 employee.
- 22 (c) Section 433 does not apply to this section.

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