

AMENDED IN SENATE AUGUST 31, 2015
AMENDED IN SENATE JULY 16, 2015
AMENDED IN ASSEMBLY JUNE 1, 2015
AMENDED IN ASSEMBLY APRIL 6, 2015
AMENDED IN ASSEMBLY MARCH 24, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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~~ *a state or local agency, as defined*, 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, as described. 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 adverse 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, A state~~
4 ~~or local agency~~ shall 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 adverse employment decision based on an
15 applicant's 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) This section shall not be construed to prohibit an employer
23 or a person who operates an Internet Web site for posting jobs
24 from:

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

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

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

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

10 (2) Setting forth qualifications for a job, including:

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

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

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

17 (3) Obtaining information regarding an individual's current or
18 former status as a public employee, including recent relevant
19 experience.

20 (4) Having knowledge of a person's current or former status as
21 a public employee.

22 (5) Otherwise making employment decisions pertaining to that
23 individual.

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

25 (e) As used in this section, "current or former public employee"
26 includes any person who is currently, or was previously, employed
27 by a public entity, as well as any person who is a participant in a
28 government retirement system.

29 (f) *As used in this section:*

30 (1) *"State agency" means any state office, officer, department,*
31 *division, bureau, board, commission, or agency.*

32 (2) *"Local agency" means any county, city, city and county,*
33 *including a charter city or county, or any special district.*