

**Assembly Bill No. 883**

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Passed the Assembly September 10, 2015

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*Chief Clerk of the Assembly*

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Passed the Senate September 9, 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 432.6 to the Labor Code, relating to employment.

## LEGISLATIVE COUNSEL'S DIGEST

AB 883, 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, on and after July 1, 2016, prohibit a state or local agency, as defined, from publishing or posting a job advertisement or announcement that states or indicates that an individual's status as a current or former public employee disqualifies an individual from eligibility for employment. The bill would, on and after July 1, 2016, also prohibit a state or local agency from asking an applicant to specifically disclose, orally or in writing, the applicant's status as a current or former public employee until the employer has determined that the applicant meets the minimum employment qualifications for the position. The bill would except these provisions from the misdemeanor provisions described above.

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

SECTION 1. Section 432.6 is added to the Labor Code, to read:

432.6. (a) A state or local agency shall not do any of the following:

(1) Publish in print, on an Internet Web site, or in any other medium, an advertisement or announcement for any job that includes a provision stating or indicating that an individual's status

as a current or former public employee disqualifies an individual from eligibility for employment.

(2) Ask an applicant to specifically disclose, orally or in writing, the applicant's status as a current or former public employee 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.

(b) This section shall not be construed to prohibit an employer or a person who operates an Internet Web site for posting jobs from:

(1) Publishing in print, on an Internet Web site, or in any other medium, an advertisement or announcement for a job that contains provisions setting forth qualifications for the 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 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, 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 current or former status as a public employee, including recent relevant experience.

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

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

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

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

(e) As used in this section:

(1) “State agency” means any state office, officer, department, division, bureau, board, commission, or agency.

(2) “Local agency” means any county, city, city and county, including a charter city or county, or any special district.

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







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

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*Governor*