

AMENDED IN ASSEMBLY MAY 18, 2015
AMENDED IN ASSEMBLY APRIL 16, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1017

Introduced by Assembly Member Campos
(Coauthors: Assembly Members Cristina Garcia and Gonzalez)

February 26, 2015

An act to add Section 432.3 to the Labor Code, relating to employers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as amended, Campos. Employers.

Existing law imposes various restrictions on employers with respect to applicants for employment. A violation of those restrictions is a misdemeanor.

~~This bill would prohibit an employer from publishing, listing, or posting an advertisement, as specified, to recruit candidates without including the minimum rate of pay, and from paying wages for less than what were advertised. The bill would also prohibit an employer from seeking salary history information from an applicant for employment and from releasing the salary history of any current or former employee without written authorization from the current or former employee. By imposing new prohibitions on employers, the violation of which would be a crime, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 432.3 is added to the Labor Code, to
2 read:

3 432.3. An employer shall not do any of the following:

4 ~~(a) Orally or in writing, personally or through an agent, publish,~~
5 ~~list, or post, publicly or within the organization, or publish, list,~~
6 ~~or post with any employment agency, job-listing service, or Internet~~
7 ~~Web site, an advertisement to recruit candidates for hire or~~
8 ~~independent contractors to fill a position within the organization,~~
9 ~~without including the minimum rate of pay whether paid by the~~
10 ~~hour, shift, day, week, salary, piece, commission, or other form of~~
11 ~~pay, including overtime, with allowances, if any, claimed as part~~
12 ~~of the minimum wage, including tip, meal, or lodging allowances.~~
13 ~~In addition, an employer shall not pay wages for the position for~~
14 ~~less than what were advertised.~~

15 (b)

16 (a) Orally or in writing, personally or through an agent, seek
17 salary history information, including, but not limited to,
18 compensation and benefits, from an applicant for employment for
19 an interview or as a condition of employment.

20 (c)

21 (b) Release the salary history of any current or former employee
22 to any prospective employer in response to a request as part of an
23 interview or hiring process without written authorization from the
24 current or former employee.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O