

AMENDED IN SENATE JULY 8, 2015
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 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.~~ *employee or without first obtaining certification from the prospective employer that the prospective employer has obtained written authorization from the current or former employee to disclose that information. The bill would specify that a violation of its provisions would not be subject to the misdemeanor provision.*

~~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-no*.

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. (a) An employer shall not do ~~any~~ *either* of the
4 following:

5 (a)

6 (1) Orally or in writing, personally or through an agent, seek
7 salary history information, including, but not limited to,
8 compensation and benefits, from an applicant for employment for
9 an interview or as a condition of employment.

10 (b)

11 (2) Release the salary history of any current or former employee
12 to any prospective employer in response to a request as part of an
13 interview or hiring process without written authorization from the
14 current or former ~~employee~~. *employee or without first obtaining*
15 *certification from the prospective employer that the prospective*
16 *employer has obtained written authorization from the current or*
17 *former employee to disclose that information.*

18 (b) Section 433 does not apply to this section.

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