

AMENDED IN SENATE AUGUST 24, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 433

Introduced by Assembly Member Washington

February 12, 1999

An act to add *Section 12940.2 to the Government Code, and to add Section 1965 to the Labor Code, relating to employment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 433, as amended, Washington. *Employment discrimination; Firefighters: conditions of employment.*

Existing law, contained in the California Fair Employment and Housing Act, prohibits, among other things, certain specified unlawful employment practices.

This bill would additionally make it an unlawful employment practice for an employer to take specified adverse actions against a person because of lawful conduct of that person that occurred during nonworking hours away from the premises of that person's prior or current employer.

Existing law provides that local firefighters have the right to self-organization, to form, join, or assist labor organizations, and to present grievances and recommendations regarding wages, salaries, hours, and working conditions to the governing body.

This bill, with the exception noted below, would prohibit employment contracts entered into on or after January 1, 2000, from including as a condition of employment a

requirement that an employee reimburse or compensate his or her employer for expenses the employer may incur in hiring and training its firefighters. This bill would not supersede or limit the effectiveness of any memorandum of understanding between an employer and a recognized employee organization entered into pursuant to the Meyers-Milias-Brown Act.

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

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

1 SECTION 1. Section 12940.2 is added to the
2 Government Code, to read:
3 12940.2. For the purposes of Section 12940, it shall also
4 be an unlawful employment practice for an employer,
5 because of lawful conduct of any person that occurred
6 during nonworking hours away from the premises of the
7 person's prior or current employer, as the case may be, to
8 refuse to hire or employ the person or to refuse to select
9 the person for a training program leading to
10 employment, or to bar or to discharge the person from
11 employment or from a training program leading to
12 employment, or to discriminate against the person in
13 compensation or in terms, conditions, or privileges of
14 employment.

15 SEC. 2. Section 1965 is added to the Labor Code, to
16 read:
17 1965. No employment contract entered into on or
18 after January 1, 2000, shall include as a condition of
19 employment a requirement that an employee reimburse
20 or compensate his or her employer for expenses the
21 employer may incur in hiring and training its firefighters.
22 "Employer," for the purposes of this section, means the
23 fire department and fire services of counties, cities, cities
24 and counties, districts, and other political subdivisions of
25 the state. Notwithstanding Section 1961, "employee"
26 does not include the employees of the fire departments
27 and fire services of the state.



1 This section does not supersede or limit the
2 effectiveness of any memorandum of understanding
3 between a local public agency employer and a
4 recognized employee organization entered into pursuant
5 to Chapter 10 (commencing with Section 3500) of
6 Division 4 of Title 1 of the Government Code.

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