

## **LEGAL NEWS**

### **NEW LAWS FOR 2001**

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Among the thousands of new laws passed by the state legislature this year, there are several that are of interest to employers. New laws usually take effect on January 1 of the following year, unless they are designated as "urgency" laws. Below is a brief description of selected laws from the 2000 session; for details on any California bill or law visit the legislative counsel's website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

AB (Assembly Bill) 1358: Modifies rules regarding child support. Of interest to employers is that if you are served with an earnings assignment, you must obey it even if it does not specify your name, address, or other identifying information.

AB 1856: Clarifies existing law regarding harassment based on race, religion, color, national origin, ancestry, disability (physical or mental), medical condition, marital status, age, sex, or sexual orientation. It will now be clear that employees of any entity covered by the Fair Employment and Housing Act are personally liable for illegal harassment they perpetrate.

AB 2222: Revises the definitions of mental and physical disability and medical condition for purposes of laws prohibiting discrimination. Also makes it unlawful (with specified exceptions) to make a medical, psychological, or disability-related inquiry of a job applicant or employee.

AB 2357: Employers with 25 or more employees must now allow employees who are victims of domestic violence time off for medical attention, to obtain services or counseling, or to participate in safety planning. It will be illegal to discharge, discriminate, or retaliate against an employee for taking such time off.

AB 2509: Labor board awards for unpaid wages will now accrue interest at the legal rate (currently 10%). Also, any employer who pays an employee by check which is rejected due to insufficient funds or nonexistent account may be liable for a penalty of up to 30 days' wages and benefits.

AB 2535: Any employer employing 50 or more employees must allow leaves of absence to employees who are volunteer firefighters for the purpose of fire or law enforcement training. The leave may be up to 14 days per year.

SB (Senate Bill) 88: Modifies some rules regarding the "exempt" status (employees who are not entitled to overtime pay) of some employees: 1) professionals in the computer software field are now exempt if they meet specified requirements; 2) to qualify for the "executive, administrative, or professional" exemption, employees must now customarily and regularly exercise discretion and independent judgment in performing their duties. (This bill was an urgency statute, so has already taken effect.)

SB 1327: Clarifies the law regarding access to employee personnel files. Employers must make the contents of personnel files available for inspection by the employee at reasonable intervals and at reasonable times, with the exception of records relating to criminal investigations, letters of reference, and certain specified reports.

SB 1353: Previously, volunteer firefighters were protected against job discrimination for taking time off to perform emergency duty. This law extends that protection to reserve peace officers and emergency rescue personnel.

Visit the Law Office of Nancy A. Chillag on the web at [www.chillag.com](http://www.chillag.com). Ms. Chillag is an associate member of NTMA.