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California Passes Three New Employment Bills that Impact All California Employers

1. Pay Transparency Law [[SB 1162](#)]

Starting on January 1, 2023, employers are required to do the following:

- Include the pay scale for a position in any job posting, whether the posting is internal or external (only for employers with 15+ employees).
- Upon an employee's request, provide the pay scale for the position in which the employee is currently employed.
- Maintain records of each employee's job title and wage rate history for the duration of an employee's employment and three years after the end of the employment. These records shall be open to inspection by the Labor Commissioner.
- Provide pay scale data to any third-party who announce, post, publish, or otherwise make known a job posting to applicants.

"Pay scale" is defined as the salary or hourly wage range that the employer reasonably expects to pay for the position. Employers who fail to comply with this law are subject to civil penalties of between \$100-10,000 per violation.

2. Expanded Persons to Care for Under California Family Rights Act and Paid Sick Leave Law [[A.B. 1041](#)]

Starting on January 1, 2023, employees may take leave under California Family Leave Act (CFRA) and paid sick leave to care for an employee's "designated person." The employee's "designated person" may be someone who is not related to them but whose association with an employee "is the equivalent of a family relationship."

Employees may identify their "designated person" upon their request for leave. And employers may limit employees to choose one designated person per 12-month period. Employers should update their CFRA and PSL forms to include "designated person" within the class of people for whom an employee may take leave to care for.

Questions? Contact Stokes Wagner.

3. Employers May Not Discriminate Applicants or Employees for Simple Cannabis Use [[AB 2188](#)]

Starting January 1, 2024, employers may no longer discriminate or take an adverse employment action against applicants or employees for cannabis use. Specifically, employers may no longer discriminate or otherwise penalize an applicant or employee for either of the following:

- (1) An individual's use of cannabis *off the job* and *away from the workplace*; or
- (2) A drug-screening test that has found the person to have non-psychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids.

Notably, AB-2188 does not prohibit employers from prohibiting employees from using, possessing, or being impaired by cannabis *while on duty*. Employers have until January 1, 2024 to make any new changes, but they should prepare to do the following: (1) remove marijuana/THC from pre-employment drug screening and (2) revising their policies to only take adverse employment action against employees who are caught possessing, using, or being impaired by drug use while on-duty.

Contact Stokes Wagner if you have any questions.

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