

New California Laws for Fair Employment, Workplace Violence Prevention + More

By Julie S. Maresca & Angela Rho

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Meet the Authors

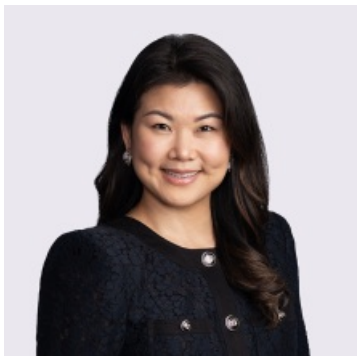


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Transcript

INTRO

Welcome to We get work® and the Year Ahead 2025 podcast series. This year, our special report and corresponding podcast series are created to help you move forward steadily, seamlessly, and successfully in a workplace law environment in persistent flux. Jackson Lewis invites you and others at your organization to experience the report's legislative, regulatory, and litigation insights in full at our website, JacksonLewis.com or listen to the podcast series on whichever platform you turn to for compelling content.

CONTENT

Angela S. Rho

Of Counsel, Silicon Valley

We're so happy to be here today. I'm happy to be here with my colleague, Julie, on the We Get Work podcast for Jackson Lewis, particularly the year ahead in 2025.

Hi, everyone, and happy New Year. We wish you a healthy and prosperous New Year in 2025. My name is Angela Rowe, and I am a JL attorney in the California Advice and Counsel Group out of the Silicon Valley office.

Julie S. Maresca

Of Counsel, Los Angeles

Hi, yes, and I'm Julie Maresca, also with the California Advice and Counsel Group. I'm here in the Downtown LA office.

Happy New Year, everybody. Happy New Year, Angela. Glad to be here.

Rho

Thanks. Julie, I know we've both been really busy over the past few weeks advising employers on not just the new employment laws for 2025 but as well as some newer laws that took effect in 2024. I was hoping we could reflect on these laws, and we could discuss some of these hot topics for our podcast audience. What do you think?

Maresca

That sounds great. We've been getting a lot of questions about some of the new laws that came into effect in 2024 and prepping for 2025. I'll just jump in.

One of the first things that a lot of clients have been asking about and that we were working hard on is the workplace violence rules that came into effect on July 1, 2024. It really impacted almost every client because either they already had workplace violence plans, if they were in healthcare or law enforcement, or they needed to implement it.

Now everybody asks, but what about our remote employees? True, remote employees don't need to be part of the workplace violence plan and training. However, that's only true if they are not under the control of the employer. So, if they're working from home or at a coffee shop, that's fine. No workplace violence plan is needed. However, even if they're remote, if they're going to a client site or somewhere that's under the control of the employer, then they do need to think about and plan for having the plan as well as training, as well as any supervisors for people that are working at the work site. They need to also have the training and be part of the plan. That was something in 2024 that we really worked hard on. Some companies are still catching up.

Another thing in 2024, we saw the new expanded sick leaves that affected everybody in California. But now, going into 2025, those sick leave requirements are expanded. Now, employees can use their sick leave for jury duty, other court reasons, as well as if the employee is a victim of a qualified act of violence. Employers with 25 or more employees can use their sick time to also assist a family member that is a victim of a qualifying act of violence. That's something that has been on my plate for a while. What about you?

Rho

Yeah, that qualifying act of violence leave. I've been getting a lot of calls on that one. Because we do have limited time today, my suggestion would be that anyone listening to this podcast who has questions about it just reach out to your Jackson Lewis attorney because it is a complicated law, and it is a new one. That is one that I recommend you reach out to us.

Another one that hasn't been getting a lot of publicity, Julie, but one that I have been advising a lot on is the new law that employers can no longer require employees to use accrued vacation before accessing their paid family leave benefits.

As a quick reminder, what is paid family leave? It is the state wage replacement program that provides benefits to people taking time off for three reasons. One is the care for a seriously ill child, spouse, parent, or domestic partner. The second is to bond with a new minor child, or the third being to assist military family members under active duty.

Prior to 2025, most of our employment policies, handbooks, and procedures all stated that employers could require employees to use their accrued vacation prior to their paid benefit or their paid family leave benefits kicking in. Now we can't do that. While it's not necessarily the shiniest law, it is really important. I've been updating a lot of handbooks to reflect that change.

The second one is really a cool law. It's the one that amends the California Fair Employment and Housing Act. Now it not only prohibits discrimination on the basis of individual protected traits, which we're all used to. It now also prohibits discrimination on the basis of the combination of two or more protected traits. In practice, we've probably all been on board with this for some time, but it is now officially amended. The FEHA, the Unruh Civil Rights Act, and certain provisions of the Education Code explicitly prohibit discrimination based on the combination of protected traits. What does that even mean though?

I would say practically speaking, there are two things that I've been doing. Number one is I've been updating handbook policies and procedures to reflect the legislative change so that it's clear and it's in writing with our existing anti-discrimination policies. That's the first thing. In addition to the handbook updates, I've been updating the sexual harassment policies, codes of conduct and certainly complaint procedures to reflect the new legal standard.

Second, where I know you do a lot of trainings as well, but incorporating anti-discrimination training, right? Incorporating into all of our training courses that the combination of protected traits is also prohibited. That's what I've really been doing.

Is there anything else you've seen, Julie?

Maresca

That makes sense with training, letting everybody know about it. Then, also, the handbook updates to make sure it's solidified there. Really good points about those two areas that you spoke about.

In terms of what I've been seeing is taking existing laws and expanding them out. For a long time, we had 'ban the box' which is not using prior criminal history, but now it's expanding out. It's going to unincorporated areas of Los Angeles and unincorporated areas of San Diego. We want to make sure that we are looking at those local laws in addition because sometimes they're a little bit different than the state. We want to really look at where our clients are working to make that.

There's also the predictable scheduling for retail employees. That also is expanding out from just being in L.A. city. It's now expanding out to unincorporated areas of Los Angeles County. They're all a little bit nuanced, a little bit different. It's not just that they're rolling out the same thing from LA City. There's always some sort of difference. You want to look at where our clients are located. What are the specific rules? What do we need to do there?

There are a couple of new notice updates. But the big topics are the ones that you spoke about. Some of our clients are going to be impacted by the indoor heat regulations that now have come out. Most employers are used to the outdoor heat regulations. Now, there are requirements indoors. If the indoor temperature gets to

82 or above, certain requirements are there. It really depends on our employers and what type of work environment they're in.

Rho

Absolutely. It's going to require, in addition to us updating the policies, really us working with our human resources teams to make sure that they're aware of these changes. It's such a hectic time with the holidays going into the new year, and some of these policies can fall through the cracks. I agree with you there.

It's interesting when you talk about the jurisdictional nuances of some of these laws. What I have been advising a lot of clients on, much like your question about whether workplace violence prevention plans apply to remote employees. Another common question I get when it comes to the Fair Chance Ordinances is unincorporated LA County, unincorporated San Diego County, how do I know? How do I know if I'm in unincorporated areas? If I only have remote employees; how does that affect me?

The bottom line is that both of those new Fair Chance Ordinance laws certainly do have different reaches. Both LA County and San Diego County have separate websites where you can check and put in your address to see if you fall into that unincorporated area. A quick search should find that website for you so that you're not guessing. But again, it's beyond us updating these policies. It is really making sure that our clients and their HR teams are aware of these changes.

The last one that I've really been advising a lot on because this has been one of those laws that has been in the news a lot, and understandably. Julie, I'm sure you've been advising, too, on SB 1100, right? The driver's license requirement is now effective January 1st; the law says that an employer may not include a statement that an applicant must have a driver's license unless they reasonably expect driving to be one of the job functions of the role and they reasonably believe that an alternative form of transportation is not comparable in travel time or cost. A lot of employers have been reading about this, hearing about this, and their first reaction is, oh my gosh, what am I supposed to do now? I've really been advising that we review all our job descriptions to ensure that we're not including driving requirements unnecessarily. Most positions may not actually require driving to be a job function.

Maresca

Right. It's a rethinking of things that we would automatically be putting down on the application without really diving into it. Now, we can't do that. That's why I love the beginning of the new year. It's a great opportunity to take a look at these things with new eyes, understanding the law and making edits.

Rho

Absolutely. As busy as it gets for everybody at the end of the year and the beginning of the next, it makes sense. It's like cleaning out your closet and just doing all the little housekeeping. I really love working with our employers and our clients to be able to do that. Throughout the year, we certainly find some of the policies that we think we should maybe change moving forward or, at other times, have to change moving forward. How do we work with our clients? How do we work with our management teams to really be business partners and not just advise but strategize with them as we

move forward? What better time is it than January?

Maresca

Exactly. This is a great time of year to start off fresh and look at it.

It's been a pleasure being here and talking to everybody. This is what California Advice and Council do. We look at the policies, we update, we're preventative medicine. So, hopefully, we prevent some of the consequential damages down the line from happening by getting the policies right and by doing the right training updating in all these different areas.

Rho

You're absolutely right. I love how you put that; we are preventative medicine.

Everyone, please stay tuned for more information and content, both on our website and on the We Get Work podcast.

Thank you so much.

OUTRO

Thank you for joining us for The Year Ahead 2025 special edition podcast series. Please tune to future episodes, where we will continue to tell you not only what's legal, but what is effective.

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