

California Governor Vetoes Bill Prohibiting Mandatory Arbitration Provisions in Employment Contracts

By Samia M. Kirmani

October 1, 2018

Meet the Authors



Samia M. Kirmani

Principal

(617) 367-0025

Samia.Kirmani@jacksonlewis.com

Related Services

Alternative Dispute Resolution
California Advice and Counsel
Construction
Financial Services
Government Contractors
Healthcare
Higher Education
Hospitality
Insurance
Life Sciences
Litigation
Manufacturing
Media
Real Estate
Retail
Sexual Harassment
Staffing and Independent
Workforce
Technology
Transportation
Workplace Training

In a last-minute action on the September 30 legislative deadline, California's Governor vetoed a bill that, among other things, would have imposed restrictions on the use of arbitration agreements for certain employment claims.

Under vetoed Assembly Bill 3080, beginning on January 1, 2019, employers in California would have been barred from requiring employees and independent contractors to sign arbitration or nondisclosure agreements as a condition of their employment (or continued employment). The bill also would have prohibited employers from retaliating against employees who refuse to sign such agreements.

In his September 30, 2018, statement vetoing the bill, Governor Jerry Brown explained that Assembly Bill 3080 violated the Federal Arbitration Act and recent U.S. Supreme Court decisions by creating impermissible restrictions on the initial formation of arbitration agreements.

The California Legislature originally may have been motivated by the #MeToo movement confronting issues of sexual harassment in the workplace. Unlike similar #MeToo efforts in the states of [Maryland](#), [New York](#), Vermont, and [Washington](#), Assembly Bill 3080 was much broader in scope and appeared to directly challenge the U.S. Supreme Court decision in *Epic Systems Corp. v. Lewis*, No. 16-285, 584 U.S. __ (2018). For more on the Supreme Court decision, see our article, [Supreme Court: Class Action Waivers in Employment Arbitration Agreements Do Not Violate Federal Labor Law](#).

Jackson Lewis attorneys are monitoring California legislation, and how the Assembly will react to the Governor's veto. Jackson Lewis attorneys are available to assist employers with this and other workplace issues.

©2018 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.