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Business

Workplace laws in 2018 could impact job seekers, parents and ex-offenders

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New laws will take effect Monday that could have a big impact on how parents, ex-offenders and job seekers navigate California workplaces.

Starting Jan. 1, employers in the state will be banned from asking job applicants about their criminal history before making a conditional offer of employment or from inquiring about applicants' salary history. California will also expand a law that requires businesses to provide parents with up to 12 work weeks of unpaid leave to bond with babies. That law already exists for large companies but will now extend to employers with between 20 and 49 employees.

Those are some provisions that the California Chamber of Commerce says will be "significant" changes in workplace laws in 2018. There are almost [30 new laws](#) that workplaces will have to follow in the new year.

That also includes an increase in the state minimum wage, which will rise to \$10.50 per hour for employers with 25 or fewer employees and to \$11 per hour for businesses with 26 or more workers — part of a law that will eventually bring the California minimum wage to \$15 per hour. In the Bay Area, [many cities are increasing their minimum wages](#) at a faster rate than the state with new increases in 2018.

Criminal history

The California Fair Chance Act, AB 1008, bars businesses with five or more employees from requesting information about an applicant's criminal history on job applications and from asking about or considering criminal history before making a conditional offer of employment.

The bill goes further than the existing ban-the-box law, which prohibits employers from asking applicants for information about arrests that did not result in a conviction. In the case of an applicant with a criminal history, the new law requires employers to make "individualized assessments" of whether an applicant's conviction history would have a direct relationship with the duties of the job, and it is designed to give the job seeker the chance to respond to and potentially challenge an employer's decision to retract a job offer if the retraction was based on discovery of a criminal history.

Representatives of the National Employment Law Project, Legal Services for Prisoners with Children and Time for Change Foundation called the new state law “one of the strongest ban-the-box laws in the country,” in a fact sheet the organizations released in December about the legislation. Ban-the-box policies are intended to reduce the likelihood of ex-offenders returning to prison, something experts say is less likely when they have access to stable employment.

“Nearly one in three California adults — disproportionately people of color — have a conviction or arrest record that can show up on an employment background check,” they wrote. “The Fair Chance Act will help ensure that these 8 million Californians are judged by their qualifications and work experience — not rejected by employers at the start of the hiring process because of a checked box.”

Salary history

AB 168 prohibits employers from inquiring about a job applicant’s prior salary, compensation or benefits directly or indirectly from another agent, such as a job recruiter. Under the law, employers also cannot use salary history information to determine whether to hire an applicant or how much to pay them, although they may consider salary information that is disclosed voluntarily — without prompting — by the applicant. Employers will also have to provide a job applicant with the pay scale for the position if the applicant asks for it.

Parental leave

Another law — SB 63, or the New Parent Leave Act — requires businesses with 20 or more employees to provide eligible workers up to 12 weeks of unpaid leave to bond with a new child. If employees take this leave, employers must maintain coverage under a group health plan at the same level they would if the employees had continued working, and they must provide the employee with a guarantee of reinstatement to the same or comparable position.

The absence must be taken within one year of the child’s birth, adoption or foster care placement, and the law covers parental leave only for baby bonding — not for other reasons, such as dealing with a family member’s health problem.

The law will mostly affect companies with between 20 and 49 employees who are not currently obligated to provide this type of leave under the federal Family and Medical Leave Act or the state California Family Rights Act.

Immigration and the workplace

Under AB 450, employers in California are prohibited from giving federal immigration enforcement agents access to non-public areas of a business without a judicial warrant, and they cannot provide enforcement agents access to employee records without a subpoena or judicial warrant, except when a federal Notice of Inspection has been given to the employer to check I-9 documents or others. In the event of a Notice of Inspection, employers must alert all employees about the federal inspection within 72 hours of receiving notice. Employers must also provide a copy of the notice to employees who request it and, after the inspection, must provide copies of the inspection results to affected employees who could be identified as potentially lacking work authorization.

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