

# California Labor and Employment Legislation

This August 31, 2012, marked the last date for bills to pass out of the Legislature for the 2011-12 Regular Session. Below is Seyfarth's summary of notable labor and employment-related bills for the second half of the 2011-12 session that the Governor has signed into law or are awaiting his action. To date, the Governor has signed into law bills that will reorganize the Department of Fair Employment and Housing, include religious dress and grooming practices as FEHA-protected beliefs and observances, and impose further restrictions on multiple employment welfare arrangements and the entertainment industry's employment of children. Among those bills awaiting his attention are bills that address "unemployed" as a protected status, employers' use of social media passwords, employee inspection of personnel records, itemized wage statements and the wage theft notice, workers' compensation reform, and disability access lawsuits. The Governor has until September 30, 2012 to act on these pending bills.

## Bills The Governor Signed

### Religious Discrimination: Grooming and Dress Practices

#### AB 1964 Yamada

This bill includes a religious dress practice or religious grooming practice as a "belief" and "observance" covered by Fair Employment and Housing Act protections against religious discrimination. The bill broadly defines "religious dress practice" to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance by an individual of his or her religious creed, and "religious grooming practice" to include all forms of head, facial, and body hair that are part of the observance by an individual of his or her religious creed.

The bill specifies that an accommodation of an individual's religious dress practice or religious grooming practice that would require that person to be segregated from the public or other employees is not a reasonable accommodation. Finally, the bill would provide that no accommodation is required if it would result in the violation of certain laws protecting civil rights.

In signing the bill, the Governor stated: "Sikh Americans are loyal citizens who have been targeted because of widespread ignorance of their religion and culture...The bills I sign today aim to ensure that Californians learn about our Sikh citizens as well as protect all of us from job discrimination based on religious observances."

Amends Sections 12926 and 12940 of the Government Code.

Signed by the Governor on September 8, 2012.

## **Employment of Infants: Entertainment Industry**

### **AB 2396 Committee on Arts, Entertainment, Sports, Tourism and Internet Media**

Existing law prohibits the employment on a motion picture set or location of an infant under the age of one month unless board-certified pediatric physician and surgeon certifies that the infant is at least 15 days old, was carried to full term, was of normal birth weight, is physically capable of handling the stress of filmmaking, and the infant's lungs, eyes, heart, and immune system are sufficiently developed to withstand the potential risks. Violation of this provision is a misdemeanor punishable by a fine of \$2,500 to \$5,000, 60-day jail term, or both. The certification must be provided to the Labor Commissioner, who will consent to the minor's employment through issuance of a permit.

This bill would require the medical certification be provided before a temporary permit for the employment of the infant may be issued.

Amends Section 1308.10 of the Labor Code.

Signed by the Governor September 8, 2012.

## **Department of Fair Employment and Housing: Reorganization and Revision**

### **SB 1038 Committee on Budget and Fiscal Review**

In relevant part, this budget trailer bill reorganizes and reduces the Department Fair Employment and Housing, to streamline the Department and cut costs to the State. Specifically, effective January 1, 2012, the bill eliminates the Fair Employment and Housing Commission and creates a Fair Employment and Housing Council within the Department of Fair Employment and Housing. The Council will consist of seven members appointed by the Governor and will have the power to issue regulations. The DFEH will now be able to go directly to court and seek all remedies available there, but must first engage in mandatory dispute resolution, with the DFEH's internal Dispute Resolution Division, free of charge. The bill would also establish a Fair Employment and Housing Enforcement and Litigation Fund in the State Treasury for purposes of depositing attorney's fees and costs awarded to the DFEH in certain civil actions, which will then be appropriated by the Legislature to offset the costs of the Department.

Amends Sections 56, 138.7, 150, 151, 152, 153, 156, 511, 515.5, 515.6, 1202, 1773.3, 1776, 1777.5, 1777.7, 2012, 2013, 2686, 3072, 3073, 6332, 6401.7, 6409, 6409.1, 6410, 6411, 6413, and 6413.2 and the heading of Chapter 7 (commencing with Section 150) of Division 1 of the Labor Code. Adds Chapter 4.5 (commencing with Section 108) to Division 1 of the Labor Code. Repeals Sections 65, 3099, 3099.2, 3099.3, 3099.4, and 3099.5, and Chapter 9 (commencing with Section 1137) of Part 3 of Division 2 of, the Labor Code.

Approved by the Governor and Chaptered on June 27, 2012. Chapter 46 of the Statutes of 2012.

## **Multiple Employer Welfare Arrangements: Benefits.**

### **SB 615 Calderon**

Commencing January 1, 2014, the federal Patient Protection and Affordable Care Act (PPACA), requires a health insurance issuer that offers coverage in the small group or individual market to ensure that such coverage includes the "essential health benefits package."

Existing state law places certain requirements on a self-funded or partially self-funded multiple employer welfare arrangement (MEWA), for the MEWA to provide benefits to any California residents with benefits. Existing law limits those MEWA's to providing certain benefits, including medical, dental, and surgical.

This bill would, commencing January 1, 2014, prohibit a MEWA from offering, marketing, representing, or selling any product, contract, or discount arrangement as minimum essential coverage or as compliant with the essential health benefits

requirement under the federal Patient Protection and Affordable Care Act, unless it meets the applicable requirements under that PPACA.

Amends Section 742.40 of the Insurance Code.

Signed by the Governor September 8, 2012.

## **Written Commission Agreements**

### **AB 1396 Committee on Labor and Employment**

This bill was signed into law in 2011, but bears repeating here as a reminder, since it goes into effect on January 1, 2012. As of that date, an employer who enters into an employment contract with an employee involving commissions as a method of payment must put the employment contract in writing and set forth the method by which the commissions will be computed and paid.

In other words, in practice, this bill requires that commission agreements (1) be in writing; (2) set forth the method by which the commissions are required to be computed and paid; and (3) contain a signed receipt for the contract from each employee.

Amends Section 2751 and repeals Section 2752 of the Labor Code.

Approved by the Governor and Chaptered on October 7, 2011. Chapter 556 of the Statutes of 2011.

## **Bills Sent To The Governor**

### **Employment Discrimination: Unemployed Status**

#### **AB 1450 Allen**

This bill would make it unlawful, unless based on a bona fide occupational qualification or any other provision of law, for an employer or employment agency to knowingly or intentionally refuse to consider for employment or refuse to offer employment to an individual because of the individual's status as unemployed, publish an advertisement or announcement for any job that includes provisions pertaining to an individual's status as unemployed, or direct or request that an employment agency take an individual's status as unemployed into account in screening or referring applicants for employment.

This bill would subject an employer or employment agency who violates the above provisions to civil penalties that increase as the number of violations increase. This bill would not create a private cause of action.

Opponents argue this bill could severely restrict employers from inquiring about the individual's most recent employer, including dates of employment and reasons for the separation of employment.

This bill is one of many similar bills throughout the country, including bills approved in New Jersey and Oregon. Protection for the unemployed was also included President Obama's 2011 federal jobs bill.

Adds Chapter 3.95 (commencing with section 1045) to Part 3 of Division 2 of the Labor Code. Adds section 10285.6 to the Public Contract Code.

Introduced January 5, 2012. Sent to enrollment on August 30, 2012.

## **Employer Use of Social Media**

### **AB 1844 Campos**

This bill would prohibit an employer from requiring or requesting an employee or applicant for employment to (1) disclose a user name or account password to access a personal social media account, (2) access personal social media in the employer's presence, or (3) divulge any personal social media. However, the bill would permit an employer to request that an employee divulge personal social media reasonably believed to be relevant to an investigation of allegations of employee misconduct or employee violation of applicable laws and regulations, as long as the social media is used solely for that on a related investigation or proceeding. The above provisions do not restrict an employer from requesting or requiring an employee disclose username, password, or other method of accessing an employer-issued electronic device.

Illinois and Maryland have enacted different forms of social media password protections, and legislation is still pending in many other states.

Adds Chapter 2.5 (commencing with section 980) to Part 3 of Division 2 of the Labor Code.

Introduced February 22, 2012. Sent to enrollment on August 29, 2012.

## **Social Media Privacy: Postsecondary Education**

### **SB 1349 Yee**

Similar to AB 1844, this bill would prohibit public and private postsecondary educational institutions, and their employees and representatives, from requiring or requesting a student, prospective student, or student group to disclose, access, or divulge personal social media passwords or information. The bill would not affect the institution's existing rights and obligations to protect against and investigate alleged student misconduct or violations of applicable laws and regulations. The bill would prohibit the institution from threatening a student, prospective student, or student group with or taking specified pecuniary actions for refusing to comply with a request or demand that violates that prohibition. Finally, the bill would require a private nonprofit or for-profit postsecondary educational institution to post its social media privacy policy on the institution's Internet Web site.

Adds Chapter 2.5 (commencing with Section 99120) to Part 65 of Division 14 of Title 3 of the Education Code.

Introduced February 24, 2012. Enrolled and presented to the Governor on August 24, 2012.

## **FEHA: Breastfeeding**

### **AB 2386 Alle**

FEHA currently defines "sex" to include gender, pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. This bill would provide that the term "sex" also includes breastfeeding or medical conditions related to breastfeeding. This bill states that its provisions are intended to be declaratory of existing law.

Amends Section 12926 of the Labor Code.

Introduced February 24, 2012. Sent to enrollment on August 30, 2012.

## **Personnel Records: Inspection Procedures, Time, and Penalties**

### **AB 2674 Swanson**

Labor Code section 1198.5 currently provides an employee the right to inspect, within a reasonable time after a request, his or her personnel records that the employer maintains relating to the employee's performance or to any grievance concerning the employee. This bill would require the employer to make the personnel records available for inspection, or provide a copy, to the current or former employee or employee's representative within 30 calendar days of the employer's receipt of the employee's written request. The employee and employer may agree in writing to a date longer than 30 days, but not to exceed 35 days, from the employer's receipt of the employee's request. The bill requires the employee to make the request to inspect or copy in writing, but provides that it may be on an employer-provided form and that the employer may designate the person to whom a request must be made. The employer may redact the name of any nonsupervisory employee contained in the personnel records prior to inspection or copying.

The bill specifies the location for provision of the records, and authorizes the employer to, for an employee who was terminated for violation of law or an employment-related policy, to make the records available at a location a reasonable driving distance from the former employee's residence or to mail the records to the employee. The employer is only required under this bill to comply with one request per year by a former employee, and only 50 requests per month by representative(s) of employees. These provisions do not apply during the pendency of a lawsuit an employee files relating to a personnel matter against his or her employer. The above provisions do not apply to an employee covered by a valid collective bargaining agreement that provides for hours, wages, and working conditions, a procedure for copying and inspection of personnel records, and a regular rate of pay not less than 30 percent more than state minimum wage.

The bill's changes to section 1198.5 would also require employers to maintain a copy of the employee's personnel records for a minimum three years after termination of the employee's employment.

An employer who does not timely comply with the above inspection and copying requirements is liable to the employee or the Labor Commissioner for penalty of \$750, plus injunctive relief and attorneys' fees. The bill specifically allows impossibility of performance as an affirmative defense to an alleged violation of this provision. These penalty provisions mirror those of section 226.

Finally, this bill clarifies that an itemized wage statement "copy", for purposes of Labor Code section 226's requirement that an employer to keep a copy of the statement on file for at least 3 years at the place of employment or at a central location within the State of California, can include a computer-generated record rather than an actual duplicate copy.

This bill contains amendments that are contingent upon the approval, and order of approval, of this bill, AB 1744, and AB 1255. Those contingent amendments are the changes noted under the summaries of those bills.

Amends sections 226 and 1198.5 of the Labor Code.

Introduced March 5, 2012. Sent to enrollment on August 29, 2012.

## **Temporary Services Employers: Itemized Wage Statements and Wage Theft Notice**

### **AB 1744 Lowenthal**

This bill would require, in addition to existing requirements in Labor Code section 226 for itemized wage statements, on and after July 1, 2013, that the itemized statement issued by temporary services employers include the rate of pay and the total hours worked for each temporary services assignment.

This bill would require temporary services employers to include in the mandatory Labor Code section 2810.5 Wage Theft Notice the name, the physical address of the main office, the mailing address if different from the physical address of the main office, and the telephone number of the legal entity for whom the employee will perform work, and any other information the Labor Commissioner deems material and necessary.

The bill excludes from the above requirements a security services company that is licensed by the Department of Consumer

Affairs and that solely provides security services.

This bill contains amendments that are contingent upon the approval, and order of approval, of this bill, AB 2674, and AB 1255. Those contingent amendments are the changes noted under the summaries of those bills.

Amends Sections 226 and 2810.5 of the Labor Code. Adds Section 226.1 to the Labor Code.

Introduced February 17, 2012. Sent to enrollment on August 31, 2012.

### **Itemized Wage Statements: Injury**

#### **SB 1255 Wright**

This bill would define what constitutes an injury for purposes of a violation of Labor Code section 226's itemized wage statements requirements. Specifically, the bill would provide that an employee is deemed to suffer injury if the employer fails to provide a wage statement, or fails to provide accurate and complete information and the employee cannot promptly without reference to other documents or information determine the following from the wage statement alone: (1) gross or net wages paid during the pay period, (2) deductions, (3) the employer's name and address, (4) the employee's name, and (5) the employee's last 4 digits (only) of his or her social security number or employee identification number. The bill further provides that a "knowing and intentional failure" does not include an isolated and unintentional payroll error due to a clerical or inadvertent mistake. The bill authorizes the fact finder to consider, in reviewing for compliance with these provisions, whether the employer, prior to an alleged violation, has adopted and is in compliance with a set of policies, procedures, and practices that fully comply with section 226.

This bill contains amendments that are contingent upon the approval, and order of approval, of this bill, AB 1744, and AB 2674.

Amends Section 226 of the Labor Code.

Introduced February 23, 2012. Enrolled and presented to Governor on September 6, 2012.

### **Written Commission Agreements: Temporary Payment Exemption**

#### **AB 2675 Swanson**

AB 1396, discussed above under Signed Bills, will require, as of January 1, 2013, that an employer who enters into an employment contract with an employee involving commissions as a method of payment must put the employment contract in writing and set forth the method by which the commissions will be computed and paid.

This bill would exempt from this requirement temporary, variable incentive payments that increase, but do not decrease, payment under the written contract.

Amends Section 2751 of the Labor Code.

Introduced March 5, 2012. Sent to enrollment August 29, 2012

### **Wage and Hour: Compensation Agreements**

#### **AB 2103 Ammiano**

California law generally requires the payment of overtime to nonexempt employees for hours worked over 8 in a day, 40 in a workweek, and on the seventh consecutive day of work. This calculation is simple for nonexempt employees paid an hourly wage, but not for nonexempt employees paid a fixed salary. Existing law therefore specifies, for purposes of computing the overtime rate of compensation, that a nonexempt full-time salaried employee's regular "hourly" rate of pay is 1/40th of the

employee's weekly salary.

This bill provides that payment of a fixed salary to a nonexempt employee includes compensation only for the employee's regular, non-overtime hours. The bill effectively invalidates any private agreement to the contrary. In other words, parties who enter into "explicit mutual wage agreements" may only, through those agreements, provide for regular compensation, not overtime compensation. The stated intent of the bill is to overturn *Arechiga v. Dolores Press* (2011) 192 Cal.App.4th 567, in which the Court of Appeal held an "explicit mutual wage agreement", between an employer and employee that provided a fixed salary for 66 hours of work each week, complied with California overtime laws and that no further overtime compensation was owed to the employee.

Amends section 515 of the Labor Code.

Introduced February 23, 2012. Enrolled and presented to the Governor on August 20, 2012.

## **Wage Garnishments**

### **AB 1775 Wieckowski**

This bill would increase the amount of wages protected from garnishment in California. Under existing law, California mirrors federal requirements in Section 1673(a) of Title 15 of the United States Code. Those requirements are tied, in part, to the federal minimum wage, which is less than the California minimum wage. Under existing law, the maximum amount of disposable earnings of an individual judgment debtor exempt from the levy of an earnings withholding order (for any workweek subject to the garnishment) could not exceed \$217.50 per week (i.e. 30 x \$7.25, the federal minimum wage). This bill will exempt more wages from garnishment; the limit has been raised to \$320 per week (i.e. 40 x \$8.00, the California minimum wage). Wages exceeding \$320 per week may be garnished up to a limit of 25% of the debtor's disposable income. Employers should take care to use the new threshold and keep in mind that they may be served with orders which are not up to date.

Amends Section 706.050 of the Code of Civil Procedure.

Introduced February 17, 2012. Enrolled and presented to the Governor on August 30, 2012.

## **Criminal Background Checks**

### **AB 2343 Torres**

Existing law provides for some employers to submit fingerprints to the California Department of Justice ("DOJ") and receive back a summary report including: date of birth, physical description, dates of arrest, arresting agencies and booking numbers, charges, dispositions, and similar data. Existing law requires the California DOJ to furnish this information in response to a request from certain employers who need the information to fulfill employment, certification, or licensing prerequisites (examples: law enforcement, community care facilities). The California DOJ currently supplements the initial fingerprint report by sending notices of any subsequent arrests for employers who so request.

This bill will permit the California DOJ to include the disposition of any subsequent arrest in the supplemental notices. This is a positive development for employers who use the California DOJ fingerprint report process because it was often difficult and time-consuming to determine whether the subsequent arrest had resulted in a conviction and therefore could be the basis of an adverse employment action under Labor Code Section 432.7. Starting in 2014, the FBI will include updated dispositions in its fingerprint reports, and this bill will allow the California DOJ process to include that disposition information obtained from the FBI in its own reports. In essence AB 2343 enables the California DOJ to take advantage of the FBI's process improvements and pass more detailed information on to employers.

This bill also imposes a new obligation on all employers who use the California DOJ process. Specifically, it will require those employers to expeditiously furnish a copy of the fingerprint report or subsequent arrest report if the information in the report is a basis for an adverse employment, licensing, or certification decision.

Amends Sections 11105 and 11105.2 of the Penal Code.

Signed by the Governor on September 7, 2012.

### **Contractors: Disclosures**

#### **AB 2389 Lowenthal**

Existing Business and Professional Code provisions prohibit false or misleading advertisement and the impersonation of a licensed individual. This bill creates a new section of the Civil Code which is a sort of “truth in labeling” requirement for logos on vehicles and uniforms where one company contracts with non-employee “contractors” for services rendered in consumer’s dwellings. This new law will prohibit a contractor that provides services that require entering the residence or place of lodging of a member of the public from utilizing a uniform that bears the name or logo of the contracting entity, unless each uniform meets certain disclosure requirements. Specifically, uniforms must clearly, conspicuously, and legibly state the contractor’s name and logo. In addition, the law will prohibit a contractor that provides the above services relating to public health or safety from using a vehicle that bears the name or logo of the contracting entity unless each vehicle also clearly, conspicuously, and legibly states the contractor’s name and logo. The new provisions do not apply if a contracting entity and a contractor are jointly and severally liable for any claims arising out of work performed pursuant to a contractual agreement.

While consumer protection was an obvious purpose, there is a subsidiary goal of educating consumers about outsourcing public services and the extent to which companies are subcontracting and outsourcing. The stated intent of Legislature is to increase consumer awareness of the state’s growing and sizeable contract workforce through the disclosures required by these provisions. The sponsors claim this bill will provide California consumers a clearer picture of the relationship between the workers who show up at the front door and the company that sent them there.

Adds Title 18 (commencing with Section 3273) to Part 4 of Division 3 of the Civil Code.

Introduced February 24, 2012. Sent to enrollment August 28, 2012.

### **Contractors: Sufficient Funds, Warehouse Workers**

#### **AB 1855 Torres**

This bill includes warehouse contractors in existing prohibitions on a person or entity from entering into a contract or agreement for labor or services with specified types of contractors if the person or entity knows or should know that the contract or agreement does not include funds sufficient to allow the contractor to comply with all applicable local, state, and federal laws or regulations governing the labor or services to be provided.

This bill would require that upon the request of the Labor Commissioner, the person entering into the written agreement or contract to provide to the Labor Commissioner a copy of the provisions of the contract or agreement, and any other documentation. The bill would exempt any documents received by the Labor Commissioner pursuant to this requirement from the California Public Records Act.

Amends Section 2810 of the Labor Code.

Introduced February 22, 2012. Enrolled and presented to the Governor August 31, 2012.

### **Workers’ Compensation Reform**

#### **SB 863 De Leon**

SB 863 addresses issues with liens, shortens the medical-legal process, implements an independent medical review system and streamlines the permanent disability schedule. According to the Department of Industrial Relations, these changes are

expected to provide \$740 million a year in new benefits for permanently disabled workers, starting next year, while reducing overall medical and compensation costs by 4 percent.

Although the bill has not yet been signed, its approval is all but certain, as the Governor was responsible for its passage through the Legislature. In an August 31 news release, Governor Brown commended the Legislature for “an extraordinary workers’ compensation reform bill that helps injured workers and averts an imminent crisis of skyrocketing rates. Again, Republicans have joined Democrats to work together—perhaps, a portent of good things to come.”

Amends Sections 11435.30 and 11435.35 of the Government Code, Sections 62.5, 139.2, 3201.5, 3201.7, 3700.1, 3701, 3701.3, 3701.5, 3701.7, 3701.8, 3702, 3702.2, 3702.5, 3702.8, 3702.10, 3742, 3744, 3745, 3746, 4061, 4062, 4062.2, 4062.3, 4063, 4064, 4453, 4600, 4603.2, 4603.4, 4604, 4604.5, 4605, 4610, 4610.1, 4616, 4616.1, 4616.2, 4616.3, 4616.7, 4620, 4622, 4650, 4658, 4658.5, 4658.6, 4660, 4701, 4903, 4903.1, 4903.4, 4903.5, 4903.6, 4904, 4905, 4907, 5307.1, 5307.7, 5402, 5502, 5703, 5710, and 5811 of the Labor Code. Adds Sections 139.32, 139.48, 139.5, 3701.9, 4603.3, 4603.6, 4610.5, 4610.6, 4658.7, 4660.1, 4903.05, 4903.06, 4903.07, 4903.8, 5307.8, and 5307.9. Adds and repeals Section 3702.4 of the Labor Code. Repeals Sections 4066 and 5318 of the Labor Code.

Introduced February 18, 2011. Enrolled and presented to the Governor on September 7, 2012.

### **Agricultural Employee Safety**

#### **AB 2346 Butler**

This bill would prescribe duties on employers to reduce the risk of heat illness among agricultural employees. The bill would impose civil penalties, and create a private right of action, for violations of these requirements.

Amends Section 6330 of the Labor Code.

Introduced February 24, 2012. Enrolled and presented to Governor on August 29, 2012.

### **Domestic Workers’ Rights**

#### **AB 889 Ammiano and V. Manuel Perez**

This bill would require the Department of Industrial Relations, by January 1, 2014, to adopt regulations governing the working conditions of domestic work employees.

Adds Part 4.5 (commencing with Section 1450) to Division 2 of, the Labor Code.

Introduced February 17, 2011. Sent to enrollment August 30, 2012.

### **Disability Access: Liability**

#### **SB 1186 Dutton and Steinberg**

This bill would give businesses a safe harbor from lawsuits based on violations of the California equivalent of the federal Americans with Disabilities Act. The ADA allows only injunctive relief while California law provides \$4,000 as a statutory penalty per occurrence of a violation.

As currently drafted, this bill would reduce a defendant’s minimum liability for statutory damages under the Unruh and Disabled Persons Acts from \$4,000 to \$1,000 for each offense if the defendant has corrected all construction-related violations that are the basis of the claim within 60 days of being served with the complaint and the area is new construction since 2008 that was inspected and approved by the local building department or was CASp-inspected. Alternatively, the bill would reduce minimum liability from \$4,000 to \$2,000 for each offense if the defendant is a small business and has corrected all construction-related violations that are the basis of the claim within 30 days of being served with the complaint.

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Also of note is a provision that requires a court, where the plaintiff alleges multiple claims for the same alleged violation on different occasions, to consider the reasonableness of the plaintiff's need to repeatedly visit the public accommodation in light of the plaintiff's obligation to mitigate damages. The bill specifically states this provision is intended to address misuse of the Unruh and Disabled Persons Acts by lawyers and plaintiffs who allege the same barrier deterred the plaintiff on repeated occasions from visiting the public accommodation, for the purpose of stacking statutory liability and intimidating defendants into settlements.

Adds section 55.4 to the Civil Code. Amends section 4452 of the Government Code.

Introduced February 22, 2012. Enrolled and presented to the Governor on September 7, 2012.

### Civil Procedure: Depositions

#### AB 1875 Gatto

This bill would limit a deposition of any person to seven hours of total testimony, bringing in line with federal procedures. **However, this bill expressly does not apply to any case brought by an employee or applicant for employment against an employer for acts or omissions arising out of or relating to the employment relationship.** Other exceptions to this requirement are for expert witnesses, persons most knowledgeable, complex cases, and as otherwise provided by court order or the parties' stipulation. The bill would require the court to allow additional time if necessary to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.

Adds Section 2025.290 to the Code of Civil Procedure.

Introduced February 22, 2012. To enrollment on August 29, 2012.

## 2012 Legislative Calendar

Sept. 30 —Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 1 —Bills enacted on or before this date take effect January 1, 2013 (Art. IV, Sec. 8(c)).

Nov. 6 —General Election.

Nov. 22–23 —Thanksgiving Holiday.

Nov. 30 —Adjournment sine die at midnight (Art. IV, Sec. 3(a)).

## Direct comments and questions to:

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