

AMENDMENTS TO ASSEMBLY BILL NO. 3123

Amendment 1

In the title, in line 1, strike out "Section 116555 of the Health and Safety Code," strike out line 2 and insert:

Section 246.5 of, and to add Section 230.9 to, the Labor Code, relating to employment.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 230.9 is added to the Labor Code, to read:

230.9. An employer shall not discharge or in any manner discriminate or retaliate against an employee for complying with an isolation or quarantine order issued by a public health official due to a public health emergency.

SEC. 2. Section 246.5 of the Labor Code is amended to read:

246.5. (a) Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.

(2) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1.

(3) If the employer's place of business is closed by order of a public health official due to a public health emergency, or if the employee is providing care or assistance to their child, whose school or daycare provider is closed by order of a public health official due to a public health emergency.

(b) An employer shall not require as a condition of using paid sick days that the employee search for or find a replacement worker to cover the days during which the employee uses paid sick days.

(c) (1) An employer shall not deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner discriminates against an employee within 30 days of any of the following:

(A) The filing of a complaint by the employee with the Labor Commissioner or alleging a violation of this article.

(B) The cooperation of an employee with an investigation or prosecution of an alleged violation of this article.



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Substantive

(C) Opposition by the employee to a policy, practice, or act that is prohibited by this article.

Amendment 3

On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

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