



FENWICK & WEST LLP

Weekly Employment Brief

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New California Law Requires Employers To Reasonably Accommodate Breastfeeding

Governor Davis recently signed Assembly Bill 1025, which requires employers to reasonably accommodate employees who wish to breastfeed their babies. The new law, which takes effect on January 1, 2002, requires employers to provide a reasonable amount of break time to employees who wish to breastfeed. The law generally requires that the break coincide with the employee's regular paid break, and requires employers to provide a reasonable place for the breastfeeding to occur (the law specifically states that the place cannot be a toilet stall). If it is not possible to schedule the breastfeeding to coincide with the employee's regular paid break, then the employer will be required to provide an additional break for breastfeeding that is unpaid. The new law applies to all employers, except the law exempts any employer that can prove that the new law's requirements would seriously disrupt the employer's operations. The California Labor Commissioner is authorized to investigate compliance with the new law and to issue citations for \$100 for violation.

New California Law Expands Rights Of Employees Who Have Domestic Partners

Governor Davis recently signed Assembly Bill 25, which expands rights enjoyed by persons involved in domestic partnerships. The new law, which takes effect January 1, 2002, generally provides that an employer must allow an employee to use up to half of his or her yearly accrued sick time to care for an ill domestic partner, or an ill child of

a domestic partner. Previously, the law required employers to allow such use of sick time only to care for an ill child, parent, or spouse. In addition, Assembly Bill 25 amends California's Unemployment Compensation law by providing that an employee has "good cause" to leave his or her job for the purpose of accompanying his or her domestic partner in a move to a geographic place from which it is impractical to commute and to which a transfer by the employer is not available. If an employee resigns from his or her job for "good cause," the employee is not disqualified from receiving unemployment compensation.

Governor Davis Vetoes Proposed Computer Privacy Law and Proposed Amendments To Sick Leave and Sexual Harassment Laws

Governor Davis vetoed laws including:

- Senate Bill 147, which would have prohibited monitoring of employees' computer communications (including e-mails) without warning employees in advance (he had vetoed similar laws in past years);
- Senate Bill 1197, which would have restricted an employer's ability to enforce absence control policies when sick time is used to care for a child, spouse or parent;
- Senate Bill 208, which would have made an exception to a California State Department of Consumer Affairs ruling which said that someone must hold a private investigator's license to conduct third party investigations (except for attorneys). The new law would have made an

exception for human resources professionals
investigating workplace harassment complaints.

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