

The 12 days of California Labor & Employment Series – Day 9 “Expansion of Scope of Military Service Discrimination”

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It's the end of the year and while everyone is busy, employers in California should be aware of new laws and regulations that go into effect on January 1, 2018. In the spirit of the season, we are using the next “12 days of the holidays” to blog about one California law a day and that law's impact on California employers. On the ninth day of Christmas, my Labor and Employment attorney gave to me – nine drummers drumming and AB 1710.

Prior to AB 1710, existing law prohibited discrimination against a service member with respect to his/her employment. AB 1710 expands that law by prohibiting discrimination against service members as it relates to “terms, conditions, or privileges of employment.” This law applies to individuals and both private and public sector employers.

Like other discrimination claims in California, employees with grievances must first file a complaint through the Department of Fair Employment & Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC). Employers who discriminate against military personnel may be subject to criminal or civil penalties, including actual damages and reasonable attorney's fees.

It is recommended that employers ensure their human resource staff are trained in their obligations to comply with anti-discrimination laws as it relates to military service members.

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