



MARTENSON
HASBROUCK
& SIMON LLP



Brent Douglas

Martenson, Hasbrouck & Simon LLP

5800 Armada Drive Suite 101

Carlsbad, CA 92008

(760) 683.8499

bdouglas@martensonlaw.com

Arbitration Agreements

No-Rehire Covenants

Hairstyle Laws

Extension of Statutes of Limitations



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Arbitration Agreements – Assembly Bill 51 and Senate Bill 707

Bans mandatory arbitration agreements

Prohibits employers from requiring applicants or employees to enter into arbitration agreements as a condition of employment

This includes a ban on opt outs

Employers must pay certain fees and costs before an arbitration may proceed, and if the employer fails to pay such fees and costs within 30 days after they are due, then the employer is in material breach of the agreement, in default of arbitration and waives its right to compel arbitration.

Does not apply to agreements prior to January 1, 2020

Does not apply to post-dispute settlement agreements or severance agreements



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Hairstyle Laws - Senate Bill 188

Amends the definition of race to include traits historically associated with race

“Hair texture and protective hairstyles”

“Afros, braids, locks and twists”

Therefore, hiring, promotion, termination of employment, and other employment practices must not be made based on such hairstyle traits unless based on a bona fide occupational qualification or applicable security regulation

Employers should review workplace dress codes and grooming policies to ensure policies do not include language inconsistent with the new law



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No-Rehire Covenants – Assembly Bill 749

“No-rehire” clauses bar an exiting employee from seeking future employment with the employer or one of the employer’s related entities.

If the former employee applies for a job, the “no-rehire” clause allows the employer to reject the application, require the employee to withdraw the application, or – if accidentally hired – rescind the offer.

Banned after January 1, 2020



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Extensions of Statutes of Limitation - Assembly Bill 9

Formerly $1 + 1 = 2$

Now $3 + 1 = 4$

Extends the current period an employee has to file a verified complaint with the Department of Fair Employment and Housing (DFEH) for alleged FEHA violations – such as claims for unlawful discrimination, harassment and retaliation – from one year after the date on which the unlawful practice occurred to three years.

Employers should review record-retention policies and increase documentation of write-up, PIPs, and terminations



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Any Questions?

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