

Two Important Stragglers Among California's New Labor Laws

Article By:

Anthony J Oncidi

Cole D. Lewis

Last week, [we blogged about the avalanche of new labor laws that California employers will face in 2020](#). Here are two late additions to the list — just in time for Halloween!:

AB 61 (Ting, D-San Francisco) grants employers and coworkers the right to petition a court to issue a **gun violence restraining order**, which prevents an individual who presents a threat to him/herself or others from “having in [his or her] custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.” To be a qualifying coworker under this bill, the coworker must have had “substantial and regular” interactions with the subject of the petition for at least one year, and the employer must give permission to the coworker to obtain the restraining order.

AB 749 (Stone, D-Scotts Valley) prohibits the use of what has become nearly ubiquitous **no re-hire provisions** in settlement agreements of employment disputes unless the employer has a legitimate nondiscriminatory or nonretaliatory reason for terminating or refusing to rehire the person or that person has committed sexual harassment or assault (based upon a good-faith determination by the employer). The prohibition only applies to “aggrieved persons,” which is defined as a person who has *filed a claim* against the person’s employer in court, before an administrative agency, in an alternative dispute resolution forum, or through the employer’s internal complaint process. Thus, employers may still include no re-hire provisions in severance or settlement agreements that are negotiated in response to demand letters or unfiled claims (as defined).

© 2025 Proskauer Rose LLP.

National Law Review, Volume IX, Number 294

Source URL: <https://natlawreview.com/article/two-important-stragglers-among-california-s-new-labor-laws>