

HELP NEWS

The Monthly Newsletter of Helping Employees Learn Prosperity (HELP)

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General Answers to advise you on your job & workplace
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November 2026

Welcome!

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Helping Employees Learn Prosperity (HELP) is an IRC 501 (c)(4) charitable non-profit, tax-exempt, non-partisan, independent employee affiliation.

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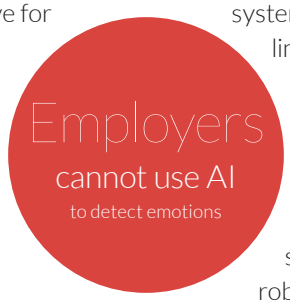
Governor Newsom Signs New Legislation into Law

September 30th was the deadline for Governor Newsom to sign a wave of new state legislation into law. Here are some of the key pieces of legislation affecting public employees that the Governor signed into law, along with one bill he vetoed.

Improved Bereavement Leave (SB 1149):

Amends the Fair Employment & Housing Act (FEHA) to add a "designated person" to the definition of "family member" for purposes of bereavement leave. Existing law makes it an unlawful employment practice for an employer to refuse to grant a request by any employee to take up to five days of bereavement leave upon the death of a family member. Existing law also allows employees to use sick leave and California Family Rights Act (CFRA) leave to care for a designated person. This bill expands the right to take time off for a designated person by allowing workers to now use bereavement leave when a designated person passes away. A "family member" is a spouse or a child, parent, sibling, grandparent, grandchild, domestic partner as defined in Gov't Code Section 12945.2, and now a "designated person." A "designated person" is any individual related to the employee by blood or whose association with the employee is the equivalent of a family relationship. For example, this could be a partner or significant other, a roommate, a neighbor, an extended relative (cousin, aunt/uncle), a friend, or a coworker or classmate. The employee does not have to

identify the person until they request bereavement leave (e.g., after the person has passed). An employer can limit an employee to one designated person per 12-month period for bereavement leave. The law does not require the employer to provide paid bereavement leave, but an employer must allow employees to use their own accrued leave or take unpaid time for bereavement leave for a designated person. Employer-paid bereavement is a common benefit in labor contracts, or MOUs. Your employee organization may want to add designated person to the list of family members under the MOU bereavement leave section during the next round of MOU negotiations to extend employer-paid bereavement leave to a designated person.



Use of AI in Workplace Surveillance (AB 1883):

Amends the Labor Code to prohibit an employer from using a workplace surveillance tool that uses artificial intelligence to collect neural data or recognize an individual's emotional state.

The bill defines "employer" to include all branches of state government, including all cities, counties, charter counties, municipalities, charter municipalities, cities and counties, special districts, transit districts, community college districts, school districts, the University of California, California State University, or any other state or local governmental entity. The bill also defines "Artificial Intelligence," "Neural Data," and "Workplace Surveillance Tool."

The bill does not prohibit an employer from using a workplace surveillance tool to ensure safety, and it exempts an employer's use of a workplace surveillance tool in specified operations where the use of a workplace surveillance tool is reasonably necessary to comply with a federal statute, federal regulation, or binding federal contract relating to the development of aircraft for use in the national airspace or the development of products or services for national security, military, space, or defense purposes. The bill does not preempt any local ordinance that provides equal or greater protection to employees. The bill also authorizes the Labor Commissioner or a public prosecutor to enforce the bill's provisions and subjects an employer who violates the bill's provisions to a civil penalty of up to $500 per violation.

Use of Automated Decision Systems in Employment Decisions (SB 947):

Amends the Labor Code and is known as the "No Robo Bosses Act of 2026." Beginning on July 1, 2027, the bill prohibits employers from using an "automated decision system" (ADS) to perform certain functions and limits how an ADS may be used. It also prohibits an employer from relying solely on an ADS output to make a disciplinary, termination, or deactivation decision, and directs that a human reviewer conduct an independent investigation and compile corroborating or supporting information for the decision. Corroborating or supporting information may include supervisory or managerial evaluations, personnel files, work product of workers, peer reviews, and witness interviews. This could also include relevant online customer reviews. The bill also prohibits an employer from using an ADS to prevent compliance with or to violate any federal, state, or local labor, occupational health and safety, employment, or civil rights laws or regulations.

As with AB 1883, the bill defines employers broadly to include all branches of state government, including all cities, counties, charter counties, municipalities, charter municipalities, cities and counties, special districts, transit districts, the University of California (upon agreement by the regents), California State University, community college districts, school districts, or any other governmental entity. The bill also defines "ADS Output," "Artificial Intelligence," "Automated Decision System," and "Employee Data."

The bill authorizes an employee to request, and requires an employer to provide, a description of the employee's own data primarily used by an ADS to make a disciplinary or termination decision. To safeguard privacy rights, the bill says that when an employer is required to provide a description of employee data, that description shall be provided in a manner that anonymizes an individual's personal information.

The bill requires an employer to provide the affected employee with a written "Postuse Notice" if it primarily

relied upon an ADS to make a disciplinary or termination decision.

The "Postuse Notice" shall be:

1. Written in plain language as a separate, stand-alone communication.
2. In the language in which routine communications and other information are provided to employees.
3. Provided via a simple and easy-to-use method, including an email, hyperlink, or other written format.

The "Postuse Notice" shall contain the following information:

1. That the employer primarily relied upon an ADS to make a disciplinary or termination decision with respect to the employee.
2. That a human reviewed the decision and corroborated the ADS output.
3. Contact information for a human that the employee may contact for more information about the decision and the employee's right to access a description of the employee's own data used by the ADS when an employer has primarily used an ADS to make a disciplinary or termination decision.
4. That the employer is prohibited from retaliating against the employee for exercising their rights.

The bill prohibits an employer from discharging, threatening to discharge, demoting, suspending, or in any manner discriminating or retaliating against an employee for asserting their rights under the bill.

The bill provides for similar enforcement and similar exemptions as AB 1883 above. As with AB 1883, this bill does not preempt any local ordinance that provides equal or greater protection to employees. However, it exempts parties covered by a collective bargaining agreement if "the agreement explicitly waives this part in clear and unambiguous terms, expressly provides for the wages or earning, working conditions, and other terms and conditions of work, and provides protection from algorithmic management."

<u>Public Employee New Employee Orientations (AB 187):</u>

Existing law generally grants public employees the right to join employee organizations and to be represented by those organizations in their employment relations. Existing law requires public employers to provide exclusive employee representatives with access to new employee orientations. Existing law entitles an exclusive representative, if the public employer has not conducted an in-person new employee orientation within 30 days of a newly hired employee's start date, and the new employee is working in person, to schedule an in-person meeting at the worksite during employment hours, during which newly hired employees are required to have the opportunity to attend and be relieved of other duties for the purpose of attending the meeting. These in-person meeting requirements were scheduled to be repealed as of June 30, 2027.

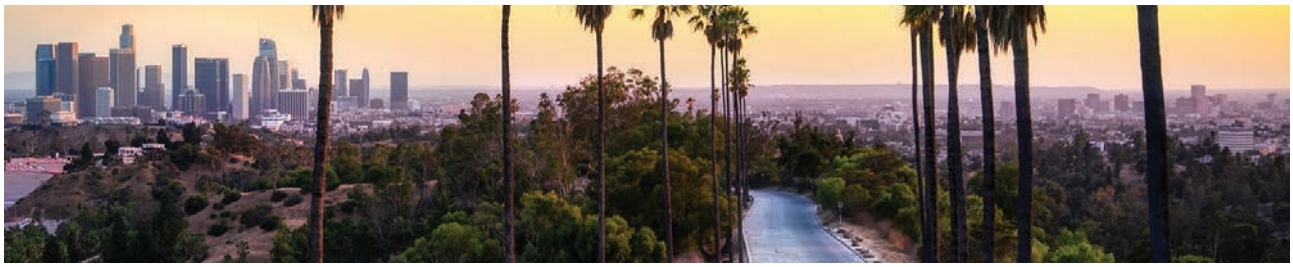
This bill removed the repeal for the in-person meeting requirements, thereby making those requirements operate indefinitely. Under this bill, such an in-person meeting would satisfy the requirements of existing law for the purpose of providing mandatory access to the employees' new employee orientation and onboarding process.

<u>One Veto – Enhanced Public Employee Retirement Benefits (AB 1383):</u>

AB 1383 would have increased pensions

Assembly Member Tina McKinnor of Inglewood introduced legislation on February 21, 2025, that would have amended state law to provide better pension benefits for public employees. The bill – AB 1383 – was tabled by the Assembly Appropriations Committee during the 2025 legislative session. It was reconsidered earlier this calendar year and made it to Governor Newsom's desk for signature. However, Governor Newsom vetoed the bill on September 20, 2026. The legislation was supported by the California Professional Firefighters, a union that represents approximately 35,000 firefighters. If signed into law, the legislation would have marked the first significant expansion of pension benefits since the Public Employees' Pension Reform Act (PEPRA) became law in 2013.

AB 1383 primarily would have affected safety members by establishing new retirement formulas of 2.5% at age 55, 2.7% at age 55, or 3% at age 55. Public agencies would



have been required to place new safety employees hired after the law takes effect into one of those three formulas. Current safety employees would have been placed into the formula that is closest to their current formula, for service performed after the law takes effect.

The bill authorized a public employer and a recognized employee organization to negotiate a prospective increase to the retirement benefit formulas, consistent with the formulas permitted under the act. It was not clear if this would have included higher benefit formulas for all members, or just for safety members.

AB 1383 also included some amendments that would have improved benefits for non-safety employees. For example, the legislation would have allowed an employer and an employee organization to collectively bargain a memorandum of understanding where the employer pays a portion of the employee's contribution. Currently, PEPRA requires new members to pay 50% of the normal cost rate and requires most Classic members to pay their full member contribution rate. In the 2000s, many employees paid nothing towards their pensions. At that time, CalPERS was "superfunded." Employee organizations negotiated to have the employer pay the full cost – both the employer and member contributions. That changed in the Great Recession and accelerated once PEPRA took effect. Classic members now pay their own membership contributions (7% or 8% for most non-safety employees), and new members pay 50% of their normal cost (about 7%).

The legislation also would have adjusted pensionable compensation limits. The cap under current law is about $186,000 per year for new members. The legislation would have lifted that to $280,000 per year, a figure that would then be adjusted annually in accordance with a defined benefit limitation established under Federal law with respect to tax exempt qualified trusts. This would initially increase the amount of pensionable earnings by about $100,000 and cost more than $300 million annually in new payroll expenses, according to a legislative analysis. This change would have affected both safety and non-safety members.

In his veto message, Governor Newsom said the bill "would partially reverse some of PEPRA's reforms and significantly increase state and local government costs. Moreover, by widening the retirement benefit gap between safety members and non-safety members, this measure invites future changes that would expose our retirement system to additional risk. PEPRA was a necessary reform born of a crisis exacerbated by past policy decisions. I still recall – before PEPRA's passage in 2012 – the alarming forecasts, the fierce criticism of public employees, and the growing pressure to eliminate defined benefit plans altogether. This is an era of California history I do not want to repeat. I fear that undoing PEPRA's reforms, even partially, risks us doing exactly that. For these reasons, I cannot sign this bill."

Other Bills:

Other noteworthy bills signed by the Governor include:

• Use of AI in the Practice of Law (SB 574): Requires an attorney who uses generative AI to assist in the practice of law to, among other things, not enter confidential, personal identifying, and other nonpublic information into a generative AI system. Requires an attorney to take reasonable steps to verify the accuracy of generative AI outputs and to correct any erroneous or hallucinated output in any material used by the attorney.

• Technological Displacement Employment Notice (SB 951): Revises the Cal/WARN Act to also require an employer giving notice of a mass layoff, relocation, or

News Release - CPI Data

The U.S. Department of Labor, Bureau of Labor Statistics, publishes monthly consumer price index figures that look back over a rolling 12-month period to measure inflation.

3.7% - CPI for All Urban Consumers (CPI-U) Nationally (Sep)

3.2% - CPI-U for the West Region (from Aug)

3.7% - CPI-U for the Los Angeles Area (from Sep)

3.4% - CPI-U for San Francisco Bay Area (from Aug)

3.6- CPI-U for the Riverside Area (from Sep)

4.7% - CPI-U for San Diego Area (from Sep)

termination caused in whole or in substantial part by an artificial intelligence (AI) system or other automated technology replacing or automating employment positions to include certain information in the notice, including the job functions performed by workers that will be automated by AI or other automated technology. Requires the department to publish a summary of the notices received on its website and to post quarterly a statewide summary of technological displacements reported. Requires the department, on or before January 1, 2028, to submit a report to the Legislature on AI's effects on business hiring practices, including its impact on industries and occupations at the state and regional level.



• Workplace Surveillance (AB 1331): Generally, limits the use of workplace surveillance tools by employers, including by prohibiting an employer from monitoring or surveilling employees in a bathroom located in the workplace. Provides an employee with the right to leave behind workplace surveillance tools that are on their person or in their possession when entering a bathroom.

• Damages Against Public Entities (SB 577): Shortens the amount of time a victim of childhood sexual assault that occurred before January 1, 2024, would have to file a civil lawsuit to 22 years from the date the plaintiff attains the age of majority or within 3 years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual assault, whichever period expires later.

• Civil Claims Against Public Entities and Employees (AB 2529): Requires a claim against a public entity or public employee to include a declaration that, upon information and belief, the contents of the claim are true and correct.

• Public Employment and Retirement (SB 1444): Existing law, the Public Employees' Retirement Law, permits a member of the Public Employees' Retirement System to elect from among several optional settlements for the purpose of structuring the member's retirement allowance. Existing law requires a member to make an election, revocation, or change of election within 30 calendar days after the making of the first payment on account of any retirement allowance or, in the event of a change of retirement status after retirement, within 30 calendar days after making the first payment on account of that change in retirement status. This bill extends the timeframe for those actions to within 60 calendar days after making the first payment.

• Public Employees' Retirement System (SB 1038): Requires the CalPERS Board, before initiating an audit, to list specific information about the audit on its website and provide written notice to the affected contracting agency, state employer, or school employer, including each school district represented by a school employer. Specifies the distribution of the notice, the final audit report, and a list of members affected by the final audit report, between the board, a state employer, school employer, or contracting agency, and any exclusive representative.

• Public Retirement Systems Development Projects Labor Standards (AB 1439): Requests that the University of California, Berkeley, Labor Center conduct an independent study to analyze the extent of labor standards protections in California real estate and infrastructure development projects funded through the real asset portfolios of CalPERS and CalSTRS. The study and a report of its findings should be completed and provided to the Legislature and the Department of Finance by January 1, 2028.

• Holidays – Farmworkers Day (AB 2156): Designates March 31 as Farmworkers Day under the list of state holidays rather than Cesar Chavez Day.

• Holidays – Farmworkers Day (SB 1394): Designates April 10, instead of March 31, as Farmworkers Day for community colleges and public schools.

• Transportation Network Company Drivers Labor Relations Act (AB 2682): Establishes collective bargaining rights for transportation network company drivers and allows the Public Employment Relations Board to adjudicate unfair practice complaints.

• Assault and Battery Against Utility Workers (SB 1330): Makes an assault or battery committed against a utility worker who is engaged in the performance of their duties

punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both that fine and imprisonment.

• Emergency Personnel Training Requirements – Opioid Overdose Reversals (AB 2150): Employers operating in the state that require CPR certification training of its employees must also require those employees to take an online video module training on the use of naloxone to increase the rate of opioid overdose reversals.

• Combating Hate Speech in the Workplace (AB 1803): Beginning January 1, 2028, requires employers to include anti-hate speech training as a mandatory component of their existing workplace harassment prevention training. According to the bill's sponsor, Assemblymember Josh Lowenthal, the need for this training is urgent because reported hate crimes in California rose by nearly 160% over the last decade. The California Civil Rights Department estimates that 2.6 million Californians experienced at least one act of hate between 2022 and 2023, and over one in three of those victims reported it happening at a business location.

• Workplace Violence Restraining Orders (AB 2179): Beginning on January 1, 2028, allows any party or witness petitioning for a workplace violence restraining order to appear remotely at a hearing and would prohibit any fee for appearing remotely, and requires courts to allow filings related to such protective orders to be submitted electronically.

• Workplace Violence Protective Orders (AB 1961): Authorizes an employer to seek a workplace violence restraining order on behalf of all employees at the employer's workplace or a location at which a group of employees perform their primary job duties if harassment, unlawful violence, or a credible threat of violence, is directed at that workplace or location.

• Unlawful Immigration-Related Practices (AB 2495): Amends the Labor Code to expand the prohibition on employers from coercing, intimidating, or retaliating against workers who exercise rights under any local, state, or federal statute or regulation (previously limited mostly to the state Labor Code or local ordinances). Protects workers, regardless of their actual immigration status, including U.S. citizens or lawful residents, who are targeted because an employer perceives or assumes they lack legal status. Bans direct or implied threats (such as threatening to call immigration authorities, filing false government/police reports, misusing E-Verify, or demanding unrequired work-verification documents) meant to dissuade employees from reporting wage theft, safety violations, or harassment.

• Family Temporary Disability Insurance Program – Covered Active Duty (AB 2054): Expands the definition of "covered active duty" to additionally include duty during training, deployment other than deployment to a foreign country, and, with respect to a member of the reserve components of the Armed Forces of the United States, a call or order to state active duty.

California addresses discrimination & inclusion

• Sex Discrimination Scope (AB 2563): Requires, under all state laws, that any provision that prohibits discrimination because of sex, gender, or similar protected characteristic, to be interpreted to prohibit sex discrimination. Defines "sex discrimination" to include discrimination based on any specified actual or perceived characteristics or actions, including based on degree of conformity to sex or gender stereotypes.

• Diversity, Equity, and Inclusion (SCR 89): Affirms the Legislature's commitment to Diversity, Equity, and Inclusion (DEI) and encourages local, state, and federal policymakers to adopt and uphold DEI principles.

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Questions & Answers about Your Job

Each month we receive dozens of questions about your rights on the job.
The following are some GENERAL answers.
If you have a specific problem, talk to your professional staff.

Question: Our policy provides a small $85 per diem for meals when traveling outside the County for official business. This is supposed to cover the whole day. The per diem is $64 for first and last days of travel. The per diem is $23 for travel within the County that exceeds 4 hours. These amounts seem low to me (around $30 per meal). That does not allow for a lot of options unless I pay out of pocket especially when considering tax and tip. Is there a standard amount that most public agencies provide? How does my employer's policy compare?

Answer: There is no standard per-diem rate for all public agencies. Meal reimbursement rates vary based on the agency's policy, MOU, and geographic location. Some public employers tie their travel allowances directly to the U.S. General Services Administration (GSA) per diem schedules or the California Department of Human Resources (CalHR) travel rules. A per diem is usually a set amount for meals and incidental expenses. If an employee spends more than the allowed amount, they generally pay the difference, unless the agency's policy or MOU provides otherwise.

The GSA meal and incidental expense figure for most of



California is $86 per day (with first/last travel days calculated at $64.50). The lunch rate is $23. In San Francisco, the amount is higher at $92 per day (with first/last travel days calculated at $69). The lunch rate is $38. CalHR meal allowances have historically been lower when itemized (roughly $13 for breakfast, $15 for lunch, $26 for dinner, amounting to $54/a day total).

At $85/a day for standard full days, $64/a day for travel days, and $23 allowance for intra-county travel over 4 hours, your employer's baseline rate matches the standard GSA tier for the region.

If you believe the current rates do not reasonably cover meal costs while traveling for work, let your employee organization know. They can raise the issue with the employer for possible discussion during the next MOU negotiations. Per-diem rates vary by agency, and employee organizations can seek to have outdated rates reviewed or increased during negotiations. It may be better to tie rates in the policy to the GSA figures so that the policy does not need to be routinely revised to account for any annual increase in GSA figures.

Question: **I will be taking Paid Family Leave (PFL) to bond with my new child who is due next week. I pay into SDI and plan to take Paid Family Leave after the baby is born to bond with my new baby. I have been in contact with HR regarding this leave, and HR is telling me that if I do not burn some of my leave bank (either sick, vacation, or comp), I will be in an unpaid status. With an unpaid status, the employer will not contribute their portion to my medical premium. Is that correct? If I have money that is owed for medical or any other deductions, will they send me an invoice in the mail? How do I pay my portion?**

Answer: First, congratulations on your growing family! Paid Family Leave (PFL) is a great benefit through the California State Disability Insurance (SDI) program. PFL provides partial wage replacement benefits while you take time off to bond with a new child.

Receiving PFL benefits does not necessarily mean that you remain in a paid status with your employer, or that the employer must continue to pay their portion of your health insurance premiums. Whether your employer must contribute their portion toward medical depends on whether your leave is covered by the Family and Medical Leave Act ("FMLA") or the California Family Rights Act ("CFRA"). Both laws provide up to 12 weeks of job-protected leave for baby-bonding. You must have worked for your employer for at least 12 months and have worked more than 1,250 hours over the past year to qualify.

If you are covered by FMLA/CFRA, the employer must maintain group health insurance coverage under the same

conditions as if you continued to work. If your SDI-PFL leave is FMLA/CFRA designated, the employer cannot cut off their share of your medical premiums simply because you are receiving PFL benefits or because you are in an unpaid status with your employer. Keep in mind that SDI-PFL is up to 8 weeks. If you are eligible for FMLA/CFRA and have not used any of the 12 weeks in the last year, your entire SDI-PFL leave will be job protected. However, if your leave is not covered by FMLA/CFRA, or if you have or will have exhausted your 12-weeks before or during your SDI-PFL leave, you may have to cover the employer's share of your medical insurance premiums.

If you choose to use your own accrued leave, or you otherwise remain in a paid status during your SDI-PFL leave, then your employer will continue to deduct your portion of the medical insurance from your wages. If you remain in a paid status with your employer, they should also continue to make the employer contribution towards your medical insurance, regardless of whether the SDI-PFL leave is FMLA/CFRA designated.

However, if you choose an unpaid status, or there are insufficient leave accruals available to deduct the cost for your medical insurance while you are on SDI-PFL leave, you may be required to pay your share directly to your employer. If your SDI-PFL leave is not covered by FMLA/CFRA, and you choose unpaid status, you will also have to pay your employer's share of medical directly too.

Ask HR to confirm if you will be on FMLA/CFRA leave during your absence and to clarify their exact remittance schedule to ensure there is no lapse in covering the premiums. Your employer should provide instructions regarding payment of medical premiums or other deductions during your leave period. Ask HR to tell you exactly how to pay for any costs for health insurance premiums. You might request that any shortfall be deducted from your future wages once you return to paid status. You might also ask to set up direct-pay arrangements or mail a check with a monthly invoice for what you owe, along with any other voluntary payroll deductions.

Also check your MOU and employer policies. In the last few years, some employee organizations successfully negotiated employer-paid parental leave benefits into the MOU or a separate employer policy. The MOU or employer policy may also say that the employer will "integrate" with SDI so that the employee receives full pay while on baby-bonding leave.

Question: **My coworker is wearing Meta Glasses at work. It bothers me. I do not feel comfortable around her. I feel like I am being constantly recorded. I do not want videos of me posted to social media. Can management prohibit wearing Meta Glasses at work?**

Answer: You are not alone. Many employees do not want to be surveilled at work, either by the employer, by co-workers, or by members of the public. Yes, as a personnel policy, the employer can generally regulate or prohibit the use of smart glasses and other personal surveillance technology at work. Furthermore, California Penal Code Section 632 generally prohibits recording communication and interactions without the consent of all parties in spaces where there is a reasonable expectation of privacy.

Employees who have concerns about being recorded by their co-workers should report these instances to their management and Human Resources. Identify the device that is being used, by whom, the dates in question, the locations, and if sensitive information was shared, surveilled, or recorded.

Avoid making accusations of unlawful recording or violation of employer policy without concrete evidence. Simply report what occurred and leave it to the employer to investigate and, when necessary, take appropriate corrective action. If the conduct continues, be sure to continue to report it. If you report it, and the behavior continues, contact your employee organization leaders and professional staff for guidance. ...



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