

California State Senate

CAPITOL OFFICE
STATE CAPITOL, ROOM 305
SACRAMENTO, CA 95814
TEL (916) 651-4016
FAX (916) 651-4916

SENATOR.GROVE@SENATE.CA.GOV

SENATOR
SHANNON GROVE
SENATE REPUBLICAN LEADER
SIXTEENTH SENATE DISTRICT

DISTRICT OFFICES
5701 TRUXTUN AVE., SUITE 150
BAKERSFIELD, CA 93309
TEL (661) 323-0443
FAX (661) 323-0446

7248 JOSHUA LANE
YUCCA VALLEY, CA 92284
TEL (760) 228-3136
FAX (760) 228-2462



September 18, 2019

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Recommended Veto of AB 1478 (Carrillo)

Dear Governor Newsom:

I respectfully write to request your veto of AB 1478, which creates a new private right of action that employees may bring against an employer alleging termination, discrimination, or retaliation due to their status as a victim of domestic violence, sexual assault, or stalking who has taken time off from work to seek any relief, such as a restraining order, and which authorizes the court to award attorney's fees to a prevailing employee, but not to a prevailing employer, in addition to reinstatement, damages for back pay, front pay and emotional distress.

First, this measure is absolutely unnecessary and duplicative, as under current law employees can already resolve any Labor Code Section 230 violation with the Division of Labor Standards Enforcement (DLSE) through an administrative hearing. Alternatively, they can file a PAGA claim for the same violations. Furthermore, there is zero evidence that such complaints cannot be efficiently handled through the DLSE. This begs the question as to what this bill is really about.

Second, by unnecessarily creating a new private right of action with one-sided employee only attorneys' fees, this bill appears intended to increase the opportunities and provide more venues for plaintiffs' attorneys to sue employers and extract exorbitant attorneys' fees. Essentially, it would incentivize litigation by increasing the opportunities for litigation and the potential awards for such litigation.

Finally, under this measure an aggrieved employees would be authorized—and even encouraged by their attorney—to initially bypass the usual PAGA process in order to receive 100% of penalties (under PAGA, 25% of penalties are awarded to the employee while the other 75% of penalties are allocated to the Labor, Workforce, Development

Agency (LWDA). This would contravene the intent of PAGA, which, among other things, was supposed to supplement the LWDA's enforcement of Labor Code violations at a time when the backlog was growing.

For these reasons, I respectfully request your veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Grove". The signature is written in a cursive style with a large initial "S".

Shannon Grove
Senate Republican Leader