

California State Senate

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September 23, 2019

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

RE: Recommended Veto of AB 171 (Gonzalez)

Dear Governor Newsom:

I respectfully write to request your veto of Assembly Bill 171, which prohibits an employer from discharging, discriminating, or retaliating against an employee because of their status as a victim of sexual harassment.

This bill has several serious problems. First, it creates a presumption that an employer is retaliating against an employee if they take any adverse action against them within 90 days after they learn that they have been the victim of sexual harassment. Thus, even in situations where an employee harasses another employee or steals from the company and is then terminated, the employer would still be presumed to have retaliated against the employee because of their status as a victim of sexual harassment.

In addition, this bill would have this form of retaliation overseen by the Labor Commissioner, rather than the Department of Fair Employment and Housing (DFEH), which oversees all other issues regarding workplace discrimination and sexual harassment. This would create duplicative and potentially contradictory mandates between the Labor Commissioner and the Director of DFEH.

Lastly, this bill increases employers to additional liability under the Private Attorneys General Act. Litigation under this law is notoriously expensive and burdensome for California's businesses to deal with.

For these reasons, I respectfully request your veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Grove".

Shannon Grove
Senate Republican Leader