

AMENDED IN SENATE AUGUST 14, 2008

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JUNE 28, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 437

Introduced by Assembly Member Jones

(Principal coauthors: Assembly Members Berg, Brownley, and Leno)

(Principal coauthors: Senators Kuehl and Migden)

(Coauthor: Assembly Member Laird)

February 16, 2007

An act to add Section 355.5 to the Code of Civil Procedure, relating to ~~employment discrimination~~ *statutes of limitation*.

LEGISLATIVE COUNSEL'S DIGEST

AB 437, as amended, Jones. ~~Employment: discrimination.~~ *Statutes of limitation.*

Existing law contains provisions that define unlawful discrimination and employment practices and establish procedures for an employee who has suffered discrimination or other unlawful practices, as defined, to file a complaint with the Fair Employment and Housing Department, or under certain circumstances, to bring a civil action against his or her employer.

This bill would ~~specify when a cause of action for unlawful discrimination or unlawful employment practice with respect to compensation accrues for determining whether a complaint was filed~~

~~within statutory deadlines state the intent of the Legislature to clarify the meaning and effect of state laws regarding statutes of limitation by rejecting the interpretation given to federal law by a specified United States Supreme Court case.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 355.5 is added to the Code of Civil
2 Procedure, to read:

3 ~~355.5.—(a) For the purpose of filing a claim or complaint for~~
4 ~~any unlawful employment practice with respect to compensation,~~
5 ~~including, but not limited to, discrimination claims and Labor Code~~
6 ~~violations, a cause of action accrues when any of the following~~
7 ~~occurs:~~

8 (1) ~~A compensation decision or other practice is adopted.~~

9 (2) ~~An individual becomes subject to a compensation decision~~
10 ~~or other practice.~~

11 (3) ~~An individual is affected by the application of a~~
12 ~~compensation decision or other practice, including each time when~~
13 ~~wages, benefits, or other compensation is paid, resulting in whole~~
14 ~~or in part from the compensation decision or other practice.~~

15 (b) ~~When an administrative complaint is filed, a complainant~~
16 ~~may challenge similar or related instances of unlawful employment~~
17 ~~practices occurring after the administrative complaint has been~~
18 ~~filed without the necessity of filing another administrative~~
19 ~~complaint.~~

20 (e)

21 355.5. It is the intent of the Legislature ~~in enacting this section~~
22 to construe and clarify the meaning and effect of existing *state law*
23 ~~and to reject regarding statutes of limitation by rejecting the~~
24 interpretation given to federal law by the United States Supreme
25 Court in *Ledbetter v. Goodyear Tire & Rubber Co.* (2007) 127 S.
26 Ct. 2162.