AB 987 has passed out of the Assembly, Ayes 76/ Noes 0 it is now in the Senate. On June 9 it passed the Senate Judiciary by 7 Ayes and 0 Noes.

At the beginning of this year our office was approached by the California Employment Lawyers Association and asked us to help author a bill that would clarify that an employee has the right to request an accommodation without fear of retaliation. This has now become AB 987, sponsored by Assemblymember Marc Levine.

In October of 2013, the Second District Court of Appeal in Rope v. Auto-Chlor System of Washington, Inc. held that a request for reasonable accommodation is not protected activity under the Fair Employment and Housing Act (FEHA) and therefore does not give rise to a retaliation claim if an employer terminates an employee for requesting an accommodation. As a result of the Rope decision, courts have dismissed cases where an employee was fired or otherwise discriminated against in retaliation for making a request for reasonable accommodation for a disability or religion. The Rope decision stands in direct conflict with longstanding federal disability and religious discrimination laws, which do protect and employee’s right to request reasonable accommodation. Without clarifying that under the FEHA a request for reasonable accommodation is protected activity, and employer can freely terminate an employee who requests a reasonable accommodation, and the employee will have no legal recourse to claim retaliation.

This bill would simply clarify that an employee has the right to request an accommodation without fear of retaliation.

I you would like to help protect people of faith in the work place you can contact the Appropriations Committee members and ask them to support AB 987.

Appropriations Committee Members:
Senator Ricardo Lara (Chair)  senator.lara@senate.ca.gov
Sample wording for email

“As a California resident I am writing this letter to ask you to support AB 987. As you know, California law has long taken an expansive view of civil rights and employment discrimination, providing greater protection to workers than that afforded in Federal law. However, as a result of an appellate court decision, California law no longer adequately protects workers who seek accommodations against retaliation, whether for religion or disability.

AB 987 is intended to be declarative of existing law -- that when workers seek accommodation, employers cannot take adverse employment actions, such as terminating them simply for asking for an accommodation.

This is a critical issue for our Seventh-day Adventist constituents. Because of our observance of the Seventh-day Sabbath, many Adventist church members request scheduling accommodations, and too often, such requests are met with hostility. AB 987 will provide much needed relief for our church members, and clarification to employers about their legal obligations.

Thank you for your anticipated consideration of my position, and for your public service.”

Update on AB 357

We appreciate all of the help with AB 357. At this point it has been moved to the inactive file and may come back next session.

Thank you as always for continuing to fight for the religious freedom of all people everywhere. We can make a difference!

Please send this information out to all of your contacts.

Let's get the word out.

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