

GOVERNOR VETOS “FAMILIAL STATUS” BILL

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Employment Law Reporter, Ervin Cohen & Jessup LLP

Following significant lobbying by business groups, Governor Schwarzenegger vetoed SB 836, a Senate bill that would have added “familial status” as a new protected category to the Fair Employment and Housing Act. The bill will now be sent back to the Legislature. It is unclear at this time whether there are enough votes to overcome the Governor’s veto. The Governor’s veto protects California employers from having to contend with the application of a confusing new category to consider in making employment decisions. However, employers would be ill-advised to ignore familial or caregiver status altogether. As the EEOC made clear in its recent Guidance, existing laws offer significant protection to persons who have caregiver responsibilities (See June 2007 *Employment Law Reporter*).

The veto does serve to illustrate that the lobbying process in California works as well for employers as it does for organized labor. Employers should take heart in the fact that businesses were able to mobilize in a relatively short period of time and exert the pressure required to obtain the veto. This is not an easy task; unlike labor unions that maintain a lobbying presence in Sacramento, most California businesses have no political voice. These businesses can, however, be heard. In this regard, any employer that would like to have an impact on legislation should begin by contacting legal counsel to outline an appropriate strategy to achieve the desired result.

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