



## Senator Angelique V. Ashby, 8<sup>th</sup> Senate District

### SB 731 – Return to Office Employee Notification Act

*Requires employers to give sufficient notice to employees for return to office policies.*

#### SUMMARY

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SB 731 would require employers to provide at least 30 days' notice to employees who work remotely before requiring them to return to in-person work. The bill also requires employers to disclose an employee's right to request a reasonable accommodation for disabilities through the Fair Employment and Housing Act.

#### BACKGROUND

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Employers across California are mandating employees return to the workplace after more than two years of allowing them to work from home during the pandemic. Ninety percent of companies said they will require employees to return to the office at least part of the week.<sup>1</sup>

Returning to the workplace after an extended period of remote work can be a significant change for employees. Overall, having adequate notice of returning to the workplace would help employees logistically prepare for the change, leading to a smoother transition. It can also provide employees with a sense of security and stability, knowing well in advance when they will be expected to return to the workplace and coordinate their lives to return to in-person work.

#### THE PROBLEM

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**Childcare arrangements:** Returning to the workplace may require making new childcare and school schedule arrangements for employees with children. Sufficient notice would allow them to plan, make necessary arrangements, and ensure that their childcare needs are adequately addressed for working parents.

**Transportation arrangements:** Employees who work remotely may now have to accommodate travel through public transportation, a shared vehicle, or new commuting times. Advance notice of returning to in-person work would allow them to coordinate transportation to and from work accordingly.

**Disability arrangements:** Some employees may need to explore alternative work arrangements, such as requesting continued remote work through disability accommodations, adjusting their work hours, or finding alternative work options. Having a clear notice that informs employees of their right to request remote work as a reasonable accommodation would help ensure that workers with disabilities are aware of their options and can access the support they need.

The employment rate for people with disabilities has improved dramatically. By late 2022, it stood at a mere 5 percent, due in large part to telework opportunities during the Covid-19 pandemic. As many employers soon migrate back to in-person work, opportunities for employees with disabilities to work remotely may begin to recede. While SB 731 gives all employees time to make whatever arrangements are necessary to adjust back to in-person work, the bill ensures that workers with disabilities have sufficient time to submit a request for continued remote work as a reasonable accommodation.

#### THE SOLUTION

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SB 731 would mandate employers to provide at least 30 days' notice to employees who work remotely before requiring them to return to in-person work. This notice period aims to give employees the necessary time and flexibility to effectively manage their work and family responsibilities or explore alternative work arrangements.

Many employees who have been working remotely during the pandemic may have established routines and arrangements to manage their work and family responsibilities. Returning to in-person work may require adjustments to childcare, eldercare, or other family obligations. A 30-day notice period provides employees with the flexibility to make necessary arrangements, ensuring that their work and family responsibilities are effectively managed by their transition while ensuring our disabled labor force are aware of their rights to work accommodations.

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<sup>1</sup> <https://www.hrdiver.com/news/report-9-in-10-companies-will-require-return-to-office-by-2023/633055/>

## **SUPPORT**

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- Disability Rights California
- California Employment Lawyers Association
- Consumer Attorneys of California
- The Arc – Advocates for People with Intellectual & Developmental Disabilities
- United Cerebral Palsy California Collaboration
- National Association of Social Workers
- The California Faculty Association
- Association of California State Employees with Disabilities

## **FOR MORE INFORMATION**

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