

CALIFORNIA

New Law Requires Separation Notices and Allows Electronic Unemployment and Tax Notices

On Sept. 30, 2023, California enacted a new law, [Assembly Bill \(AB\) 1355](#), that requires employers to immediately notify an employee, in writing, of any separation or other change in the employee's relationship with the employer. AB 1355 also establishes a five-year period within which employers may email certain notices if they obtain written opt-in statements from employees. The new law is effective **Jan. 1, 2024**.

Affected Notices and Existing Laws

Notices impacted by AB 1355 include one that employers must provide twice annually under California's existing Earned Income Credit Information Act. This law already allows the second of these two notice deliveries to be completed electronically, even without an employee's advance consent. However, the first time an employer delivers this notice, the law requires it to do so by hand or traditional mail. Similarly, California's unemployment law requires employers to hand-deliver or mail printed materials about benefit claims to each employee upon separation from employment. AB 1355 amends both of these laws so that employers may send the notices via email as long as an employee provides a written statement that the employee is opting in for electronic delivery.

Emailed Opt-in Statements

If an employee provides an opt-in statement to an employer via email or other electronic means, the statement must contain certain additional details before an employer may rely on it to justify sending certain notices electronically instead of in hard copy form. These include a full explanation of the employee's agreement to receive electronic notices and information about how the employee may revoke the consent.

Important Dates

Sept. 30, 2023

California enacted a new law that requires written notice of any employment relationship change and allows certain unemployment and tax notices to be emailed if an employee provides written consent.

Jan. 1, 2024

The new law is effective on this date. Employers must begin providing written notice of any employment changes, and employees may begin opting in for electronic benefit and tax credit notices.

Jan. 1, 2029

The new electronic notice provisions expire on this date.

As of Jan. 1, 2024, employees may opt in to receive certain unemployment and tax notices electronically.

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