

SENATE COMMITTEE ON LABOR & INDUSTRIAL RELATIONS

LEGISLATIVE SUMMARY 2013-2014



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APPRENTICESHIP & JOB TRAINING

AB 2744 – Assembly Committee on Labor and Employment

Public works: apprenticeship program.

Chapter 297, Statutes of 2014

This bill makes conforming changes to reflect a recent merger of duties within the Division of Labor Standards Enforcement (DLSE) and more fully integrate enforcement of apprenticeship standards within the enforcement mechanisms already available to address other violations of the requirements for contractors and subcontractors on public works projects under existing law.

MEAL & REST PERIODS

SB 435 – Padilla

Compensation: rest and rest or recovery periods.

Chapter 719, Statutes of 2013

This bill prohibits any employer from requiring an employee to work during any applicable meal, rest, or recovery period mandated by applicable statute or applicable regulation, standard, or order of the Industrial Welfare Commission, the Occupational Safety and Health Standards Board, or the Division of Occupational Safety and Health.

SB 1360 – Padilla

Compensation: meal and rest or recovery periods.

Chapter 72, Statutes of 2014

This bill clarifies that a legally mandated rest or recovery period is counted as hours worked and, therefore, shall not result in any deductions from an employee's wages.

AB 37 – Perea

Employment: meal periods.

Placed on the Senate Inactive File

This bill would have required that, if the Unemployment Fund indicates a negative balance, EDD must include in the annual report to the Legislature what the estimated cost impact on employers from the changes in the Federal Unemployment Tax Act (FUTA) tax credit and the estimated amount the state is expected to pay in interest charges on any outstanding loan to the federal government.

LABOR STANDARDS ENFORCEMENT

AB 241 – Ammiano

Domestic work employees: labor standards.

Chapter 374, Statutes of 2013

This bill creates the Domestic Worker Bill of Rights which, until January 1, 2017, requires overtime for any domestic worker, as defined, for work beyond 9 hours in a workday or 45 hours in a workweek. This bill also requires that the Governor convenes a committee, composed of personal attendants or their representatives and the employers of personal attendants or their representatives, which shall study and report to the Governor on the effects the Domestic Worker Bill of Rights has on personal attendants and their employers.

AB 1680 – Wilk

Child Performer Services Permit.

Chapter 232, Statutes of 2014

This bill requires any person with a valid Child Performer Services Permit to include the permit number on advertising in print or electronic media, including, but not limited to, Internet Web sites, or in any other medium of advertising

OCCUPATIONAL SAFETY AND HEALTH

SB 256 – Lieu

Trampoline courts: safety inspection.

Held in the Assembly Committee on Appropriations

This bill would have created a safety program for the inspection of trampoline parks by the Division of Occupational Safety and Health (DOSH).

SB 438 – Hancock

Refineries: turnarounds.

Held in the Assembly Committee on Appropriations

This bill would have required refinery employers to annually report their schedule for “turnarounds,” defined as any instance of an industrial plant or unit being partially or totally taken offstream or offline for the purposes of maintenance, overhaul, repair, or inspection, to Cal/OSHA by September 15 as well as require refinery employers to provide Cal/OSHA with documentation on refinery safety and infrastructure.

SB 1299 – Padilla

Workplace violence prevention plans: hospitals.

Chapter 842, Statutes of 2014

This bill requires the Occupational Safety and Health Standards Board, no later than July 1, 2016, to adopt standards developed by the Division of Occupational Safety and Health that require specified types of hospitals to adopt a workplace violence prevention plan as a part of the hospital’s injury and illness prevention plan to protect health care workers and other facility personnel from aggressive and violent behavior.

SB 1300 – Hancock

Refineries: turnarounds.

Chapter 519, Statutes of 2014

This bill requires every petroleum refinery employer to, every September 15, submit to the Division of Occupational Safety and Health a full schedule for the following calendar year of planned turnarounds, meaning a planned, periodic shutdown of a refinery process unit or plant to perform maintenance, overhaul, and repair operations and to inspect, test, and replace process materials and equipment, as specified.

AB 326 – Morrell

Occupational safety and health: reporting requirements.

Chapter 91, Statutes of 2014

This bill requires that the immediate reporting of an employer to the Division of Occupational Safety and Health (DOSH) of a serious injury, illness, or death, be made by telephone or e-mail, deleting the reference to telegraph.

AB 972 – Calderon

Electrical corporations: underground electrical facilities: worker safety.

Returned to Secretary of Senate

This bill would have required the Public Utilities Commission to adopt, on or before January 1, 2016, a rule regulating work performed in underground electrical facilities by, or on behalf of, an electrical corporation that includes the prohibition of work on energized underground electrical equipment.

AB 1165 – Skinner

Occupational safety and health: violations.

Vetoed

This bill would have required that the Division of Occupational Safety and Health (DOSH) only stay the abatement of a serious, willful or repeat violation if the employer has a high likelihood of successfully contesting the violation and that staying the abatement does not adversely impact the health or safety of employees.

AB 1202 – Skinner

Occupational safety and health standards: hazardous drugs.

Chapter 678, Statutes of 2013

This bill requires the Occupational Safety and Health Standards Board (OSHSB) to create an occupational safety and health standard for the handling of antineoplastic drugs in health care facilities.

AB 1576 – Hall

Occupational safety and health: adult films.

Held in the Senate Committee on Appropriations

This bill would have required that an adult film employer's exposure control plan, as set out in the Bloodborne Pathogen standard, also document each time an employee performing in an adult film used personal protective equipment, that each employee performing in an adult film was tested for sexually transmitted infections, and any additional information as required by the Division of Occupational Safety and Health.

AB 1634 – Skinner

Occupational safety and health: violations.

Chapter 497, Statutes of 2014

This bill would prohibit DOSH from reducing penalties or granting credits against penalties for abating violations of the Occupation Safety and Health Act unless the employer has documented the abatement of the hazard under the penalty of perjury and also prohibit OSHAB from staying a requirement to abate the occupational hazards cited by a serious violation and affirmed by a decision or order unless the employer can prove that such an abatement will not adversely impact the health and safety of the employees.

AB 1746 – Alejo

Occupational safety and health standards: hazardous drugs.

Chapter 156, Statutes of 2014

This bill requires that issues relating to whether an injured worker suffered injury while employed by an illegally uninsured employer be resolved at an expedited hearing before the Workers' Compensation Appeals Board (WCAB).

AB 2146 – Skinner

Occupational safety: firefighters: personal protective equipment.

Chapter 811, Statutes of 2014

This bill requires the Department of Industrial Relations (DIR) by January 1, 2016, to convene an advisory committee to evaluate whether changes are needed to align industry safety order with the applicable and most recently promulgated standards of the National Fire Protection Association.

WORKFORCE DEVELOPMENT & WORKFORCE INVESTMENT BOARD

SB 118 – Lieu

Unemployment insurance: education and workforce investment systems.

Chapter 562, Statutes of 2013

This bill directs state workforce development resources towards in-demand and emerging industries, requires annual studies that identify skills-gaps and industries with a competitive economic advantage, and requires the establishment of eligibility criteria for training providers to direct training resources.

AB 114 – Salas

Proposition 39: implementation: workforce development.

Ordered to the Senate Inactive File

This bill would have appropriated \$3,000,000 from the Clean Energy Job Creation Fund (Proposition 39) to the California Workforce Investment Board to develop and implement a competitive grant program for eligible community-based and other training workforce organizations preparing disadvantaged youth or veterans for employment.

AB 285 – Brown

Microenterprises: economic development.

Vetoed

This bill would have revised the definition of “microenterprise,” and adds to, and recasts, provisions requiring the California Workforce Investment Board (CWIB) to develop guidelines for targeting resources to high-wage industry sectors and implementing entrepreneurial and self-employment training programs.

AB 684 – Medina

Workforce training: general educational development test preparation: grants.

Held in Senate Appropriations

This bill would have added an uncodified section of law to authorize the California Workforce Investment Board (CWIB) to provide grants, from state and federal funds available for this purpose, to accredited institutions that provide instruction to persons who are preparing for the general educational development test.

AB 1797 – Rodriguez

California Workforce Investment Board.

Chapter 157, Statutes of 2014

This bill requires the California Workforce Investment Board (CWIB), in consultation with the Division of Apprenticeship Standards (DAS), to conduct specified activities related to expanding job training and employment for allied health professions, as defined.

1. Requires the CWIB, in consultation with the DAS, to do the following:
 - A. Identify opportunities for "earn and learn" job training opportunities that meet the industry's workforce demands and that are in high-wage, high-demand jobs.
 - B. Identify and develop specific requirements and qualifications for entry into "earn and learn" job training models.
 - C. Establish standards for "earn and learn" job training programs that are outcome oriented and accountable, including a measurement of participants completing the program with an industry-recognized credential certifying that he/she is ready to enter the specific allied health profession for which he/she has been trained.

Develop means to identify, assess, and prepare a pool of qualified candidates seeking to enter "earn and learn" job training models.

AB 1910 – Gray

California Workforce Investment Board: San Joaquin Valley Regional Planning and Preparedness Act of 2014.

Vetoed

This bill would have established the San Joaquin Valley Regional Economic Planning and Preparedness Council (SJVREPPC) to develop an oil and natural gas workforce strategic initiative to meet the workforce needs of the San Joaquin Valley's expanding energy economy. The SJVREPPC is comprised of current California Workforce Investment Board (CWIB) members. Other state agencies, higher education institutions, and industry representatives, as well as philanthropic and nongovernmental groups may serve as consultants to the SJVREPPC. The SJVREPPC is required to report annually on the status and outcome of its activities.

AB 2148 – Mullin

Workforce development: annual workforce metrics dashboard.

Chapter 385, Statutes of 2014

This bill requires that the California Workforce Investment Board assist the Governor in the development of an annual workforce metrics dashboard that measures the state's investments in workforce development to better understand their impact on the labor market.

UNEMPLOYMENT INSURANCE, STATE DISABILITY INSURANCE & EDD

SB 723 – Correa

Veterans.

Vetoed

This bill would have required that the Employment Development Department and the Department of Consumer Affairs jointly present a report to the Legislature containing best practices by state governments around the nation in facilitating the credentialing of veterans by using their documented military education and experience.

SB 770 – Jackson

Unemployment compensation: disability benefits: paid family leave.

Chapter 350, Statutes of 2013

This bill broadens the definition of family within the Paid Family Leave (PFL) program to allow workers to receive the partial wage replacement benefits while taking care of seriously ill siblings, grandparents, grandchildren, and parents-in-law.

SB 1131 – Walters

Income tax: withholding: limited liability company.

Chapter 122, Statutes of 2014

This bill conforms Personal Income Tax (PIT) withholding with Unemployment Insurance (UI) and Disability Insurance (DI) withholdings for members of Limited Liability Companies (LLCs).

SB 1141 – Hancock

Unemployment insurance: use of information.

Chapter 751, Statutes of 2013

This bill requires the Director of Employment Development to permit the use of any information in his or her possession to enable the Department of Corrections and Rehabilitation to obtain quarterly wage data of former inmates who have been incarcerated within the prison system in order to assess the impact of rehabilitation services or the lack of these services on the employment and earnings of these former inmates.

SB 1314 – Monning

Unemployment insurance benefits: determination: appeals.

Chapter 399, Statutes of 2014

This bill extends the deadline for claimants and employers to appeal for unemployment benefits eligibility, as specified, to an administrative law judge (ALJ) and to the California Unemployment Insurance Appeals Board (CUIAB) from 20 to 30 days.

AB 35 – Hernandez

Deferred action for childhood arrivals.

Chapter 571, Statutes of 2013

This bill requires prohibits anyone other than immigration consultants, attorneys, notaries public, and organizations accredited by the U.S. Board of Immigration Appeals from charging for providing services associated with the filing of an application under the federal Deferred Action for Childhood Arrivals program, and also makes individuals granted deferred action and given employment authorization under the federal Deferred Action for Childhood Arrivals program eligible to receive unemployment compensation benefits.

AB 576 – V. Manuel Perez

Revenue Recovery and Collaborative Enforcement Team Act: pilot program.

Chapter 614, Statutes of 2013

This bill creates the Revenue Recovery and Collaborative Enforcement Team, made up of the Franchise Tax Board (FTB), the Department of Justice (DOJ), Board of Equalization (BOE), and Employment Development Department (EDD), as a pilot project to combat criminal tax evasion.

AB 908 – Bonilla

Unemployment insurance: use of information.

Chapter 553, Statutes of 2013

This bill allows the Employment Development Department (EDD) to share information, as specified, with the Department of Motor Vehicles (DMV) in order to assist identity theft investigations

AB 1268 – John A. Perez

Unemployment insurance: veterans' unemployment: Veterans Workforce Development and Employment Office.

Placed on the Senate Inactive File

This bill would have established the Veterans Workforce Development and Employment Office (Office) within the Labor and Workforce Development Agency (LWDA) for the purpose of coordinating veterans' workforce services.

AB 1392 – Assembly Committee on Insurance

Unemployment Insurance: work sharing plans.

Chapter 141, Statutes of 2013

This bill conforms state law to new federal requirements for the Work Sharing Program (Program), as specified. Including requiring that the employer identify, in the application for participation in the Program, the usual weekly hours of work for employees in the affected unit and the specific percentage by which their hours will be reduced, provides that the percentage of reduction of hours for which a work sharing plan may be approved shall not be less than 10% (existing law) or more than 60%, along with other provisions.

AB 1543 – Holden

Employment: mass layoffs, relocations, and terminations.

Placed on the Senate Inactive File

This bill would have required the Employment Development Department (EDD), upon receipt of the written notice of a mass layoff, relocation, or termination, to forward a copy of the notice to the Governor’s Office of Business and Economic Development (GO-BIZ); and requires EDD and GO-BIZ to each post the notice on their Internet Web sites.

AB 1556 – Perea

Unemployment Insurance.

Chapter 377, Statutes of 2014

This bill makes a number of reforms to the policies and practices in the administration of the UI program. Specifically, this bill:

1. Requires EDD to translate key documents and publications for both the UI program and State Disability Insurance program into the seven most commonly used languages among participants in each program.

2. Requires EDD to translate website content providing information regarding the process of applying for and receiving UI benefits into the seven additional languages most commonly used by applicants/claimants.

3. Requires the Director of EDD to periodically review the UI program to identify policies and practices which result in delayed benefit payments, increased EDD workload, and provide little or no value in identifying or preventing fraud or abuse in the program.

- The Director of EDD shall report to the Legislature the results of the first review on or before July 1, 2015.

4. Prohibits the EDD from automatically scheduling an individual for a redetermination of eligibility (and halting benefit payments) for any week in which he/she is participating in a training or education program and has notified EDD of such program.

- However, if EDD determines that commencement of, or ongoing participation in, this training or education program conflicts with eligibility requirements for UI benefits, EDD may schedule and conduct a determination of eligibility.

5. Requires an individual, to maintain his/her eligibility, to file continued claims during a continuous period of unemployment, submit a continued claim not more than 14 days from the end of the last week ending date, or not more than 14 days from the date EDD issued that continued claim.

6. Prohibits an unemployed individual to be disqualified for unemployment compensation benefits solely on the basis that the continued claim was submitted 15 to 21 days from the end of the last week ending date showing on the continued claim, or 15 to 21 days from the date EDD issued that continued claim, whichever is later.

AB 2362 – Grove

Unemployment insurance benefits: disqualifications: convictions.

Failed Passage in the Senate Committee on Labor and Industrial Relations

This bill would have suspended a recipient’s unemployment or disability insurance benefits if the recipient is charged with forgery, grand theft, fraudulent insurance claim, or mail fraud.

AB 2378 – Perea

Workers’ compensation: temporary disability payments.

Vetoed

This bill would nullify a court decision and provide that specified peace officers and firefighters are eligible for up to three years of tax-free disability leave in the event of disability due to an occupational injury.

WORKERS' COMPENSATION

SB 146 – Lara

Workers' compensation: medical treatment: billing.

Chapter 129, Statutes of 2013

This bill removes the requirement of the inclusion of a copy of a prescription for pharmaceutical services in a request for payment in the workers' compensation system.

SB 258 – Lieu

Workers' compensation.

Vetoed

This bill would have required that all members of the Workers' Compensation Appeals Board be attorneys at law, clarified existing lien assignment language, and made additional technical changes to existing workers' compensation provisions.

SB 375 – Senate Committee on Labor and Industrial Relations

Workers' compensation: liens

Chapter 287, Statutes of 2013

This bill makes a technical code reference amendment to correctly reference medical information for lien claim filing requirement exemptions.

SB 487 – Calderon

Workers’ compensation insurance: Self-Insured Group Security Fund.

Returned to Secretary of Senate Pursuant to Joint Rule 56

This bill would have created a separate security fund for Self-Insured Groups (SIGs) for the purposes of securing workers’ compensation liability.

SB 626 – Beall

Workers’ Compensation.

Hearing Canceled at Request of Author

This bill would have reversed several key provisions of the 2012 workers’ compensation reform, including the Independent Medical Review process.

SB 1234 – Block

Workers’ compensation.

Held Under Submission in the Senate Committee on Appropriations

This bill would have extended “4850” leave to certain peace officers including, but not limited to park rangers, housing authority patrol officers, as well as various school and transit police.

SB 1373 – Walters

Workers’ compensation: self-insure.

Returned to Secretary of Senate Pursuant to Joint Rule 56

This bill would have, for the purposes of workers’ compensation, repealed the prohibition on professional employer organization, a leasing employer, a temporary services employer, or any

employer which the Director of Industrial Relations determines is in the business of providing employees to other employers from receiving a certificate to self-insure.

AB 454 – Dickinson

Workers’ compensation benefits: prevailing wages.

Vetoed

This bill would have permitted the Workers’ Compensation Appeals Board (WCAB) to make prevailing wage determinations for the purposes of fixing appropriate indemnity benefit payments.

AB 607 – Perea

Workers’ compensation: dependent children.

Chapter 786, Statutes of 2013

This bill requires that dependent children receive workers’ compensation death benefits, irrespective of if the surviving spouse is totally dependent.

AB 1035 – Perez

Workers’ Compensation: firefighters and peace officers.

Chapter 15, Statutes of 2014

This bill extends the timelines for a dependent to file for workers’ compensation death benefits if the deceased worker died of Cancer, Tuberculosis, Methicillin-Resistant Staphylococcus aureus (MRSA) skin infections, or a bloodborne infectious disease from 240 weeks from the date of injury to 420 weeks from date of injury. This extension sunsets on January 1, 2019.

AB 1309 – Perea

Workers' compensation: professional athletes.

Chapter 653, Statutes of 2013

This bill creates restrictions on the ability of professional athletes who play outside of California to file in California for workers' compensation benefits.

Specifically, AB 1309:

- 1) Provides that, with respect to cumulative trauma or occupational injury, a professional athlete working for an out of state team and hired outside of California is temporarily within California and not covered by California's workers' compensation system if:
 - a) The employer furnished workers' compensation coverage under the laws of another state;
 - b) That workers' compensation coverage covers the professional athlete's work performed in California.
- 2) Specifies that, if the above conditions are met, the laws of the other state shall be the exclusive workers' compensation remedy for injuries to the professional athlete while in this state.
- 3) Defines "professional athlete" as an athlete employed at either the minor league or major league level in the sports of football, basketball, baseball, hockey, and soccer.
- 4) Defines "temporarily within this state" as an athlete who performs fewer than 20% of his or her duty days in California.

AB 1309 provides an exemption to the above limitation if the professional athlete performs 20% or more of his or her duty days in California or for a California-based team and has worked for fewer than seven seasons for any team or teams other than California teams.

AB 1309 applies to all pending claims filed on or after September 15, 2013.

AB 1309 also declares the intent of the bill to only apply to professional athletes and clarifies the impact of AB 1309 specific precedential decisions regarding workers' compensation benefits and professional athletes.

AB 1373 – Perez

Workers' compensation: firefighters and peace officers.

Vetoed

This bill would have extended the timelines for a dependent to file for workers' compensation death benefits if the deceased worker died of Cancer, Tuberculosis, Methicillin-Resistant Staphylococcus aureus (MRSA) skin infections, or a bloodborne infectious disease from 240 weeks from the date of injury to 480 weeks from date of injury.

AB 1376 – Hernandez

Workers' Compensation: firefighters and peace officers.

Chapter 15, Statutes of 2014

This bill extends the deadline for medical interpreters to be certified in order to provide interpretive services in the workers' compensation system to March 1, 2014.

AB 2052 – Gonzalez

Workers’ compensation.

Vetoed

This bill would have expanded existing workers’ compensation presumptions to include all classes of full-time California peace officers.

AB 2378 – Perea

Workers’ compensation: temporary disability payments.

Vetoed

This bill would nullify a court decision and provide that specified peace officers and firefighters are eligible for up to three years of tax-free disability leave in the event of disability due to an occupational injury.

AB 2616 – Skinner

Worker’s compensation: hospital employers: compensation.

Vetoed

This bill would have extended the presumption that methicillin-resistant *Staphylococcus aureus* (MRSA) infections are presumed to be job related to certain hospital employees in an acute care hospital.

LEAVE: FAMILY, MEDICAL & OTHER

SB 288 – Lieu

Employment protections: time off.

Chapter 756, Statutes of 2013

This bill allows victims of serious crimes to take protected leave from their employment in order to appear in court.

SB 527 – Block

Workers' compensation: public employees: leaves of absences.

Chapter 66, Statutes of 2013

This bill would, extend “4850 Leave” to full-time lifeguards employed by the City of San Diego.

AB 11 – Logue

Employees: reserve peace officers and emergency rescue personnel.

Chapter 120, Statutes of 2013

This bill requires an employer employing 50 or more employees to allow an employee who performs duty as a reserve peace officer or emergency rescue personnel to take temporary leaves of absence, for up to 14 days in a calendar year, to engage in fire, law enforcement, or emergency rescue training.

AB 1522 – Gonzalez

Employment: paid sick days.

Chapter 317, Statutes of 2014

This bill enacts the Healthy Workplaces, Healthy Families Act of 2014, which requires employers to provide paid sick days to employees who work 30 or more days within a year from commencement of employment. Specifically this bill includes, among other provisions:

1. Provides that, an employee who, on or after July 1, 2015, works for 30 or more days in a within a year from commencement of employment is entitled to paid sick days.
2. Specifies that paid sick days accrue at a rate of no less than one hour for every 30 hours worked, and may be used beginning on the 90th day of employment.
3. Provides that paid sick days may accrue and be carried over to the following year; however, employers may limit their use to 24 hours or three days in each year. No accrual or carry over is required if the full amount of leave is received at the beginning of each year, as specified.
4. Provides that “employer” includes any person employing another and includes the state, political subdivisions of the state, and municipalities.
5. Provides that an “employee” does not include:
 - An employee covered by a valid collective bargaining agreement that expressly provides for paid sick days or similar policy, as specified.
 - An employee in the construction industry covered by a valid collective bargaining agreement that was entered into before January 1, 2015 or waives the requirements of this bill, as specified.
 - A provider of in-home supportive services, as specified.
 - An individual employed by an air carrier as a flight deck or cabin crew member that is subject to specified provisions.
6. Requires an employer, upon oral or written request of an employee, to provide paid sick days for the diagnosis, care or treatment of an existing health condition of, or preventive care for, an employee or the employee’s family member; for an employee who is a victim of domestic violence, sexual assault, or stalking as specified.
7. Defines “family member” to include a child, as specified, a parent, as specified, a spouse, a registered domestic partner, a grandparent, a grandchild, or a sibling.

8. Does not require an employer to provide compensation to an employee for accrued, unused paid sick days upon termination, resignation, retirement, or other separation from employment, except if an employee is rehired by the same employer within one year from the date of separation, any previously accrued, unused paid sick days shall be reinstated.

AB 1562 – Gomez

Employment: leave.

Held in Senate Appropriations

This bill would have amended existing law governing unpaid family and medical leave with respect to public or private school employees, as specified. Specifically, this bill:

1) Provided that for eligibility purposes, during the previous 12-month period, a public or private school employee must have served at least 60 percent of the hours of service that an employee who is employed full time is required to perform in a school year, in addition to other existing requirements.

Provided that an existing provision of law that allows an employer to refuse to reinstate an employee returning from leave under certain circumstances does not apply to public or private school employees.

AB 2536 – Mullin

Employees: emergency rescue personnel.

Chapter 343, Statutes of 2014

This bill expands the definition of emergency rescue personnel who receive job protected leave to perform an emergency duty to include an officer, employee, or member of a disaster medical response team sponsored or requested by the state. This bill also requires an employee who is a health care provider to notify his/her employer at the time the employee becomes designated as emergency rescue personnel and time of deployment.

FARM LABOR CONTRACTORS, LABOR CONTRACTING & AGRICULTURAL LABOR RELATIONS

SB 25 – Steinberg

Agricultural labor relations: dispute resolution.

Vetoed

This bill would have provided that the mandatory mediation of a union contract must be implemented while appealed, and that any stay by a court of a contract's mediation can only be awarded if the employer demonstrates by clear and convincing evidence that he or she will be irreparably harmed and has demonstrated a likelihood of success on appeal.

SB 168 – Monning

Farm labor contractors: successors: wages and penalties.

Chapter 715, Statutes of 2013

This bill holds a successor to any farm labor contractor business liable for owed wages or penalties to former employees if certain criteria are met. This bill also provides that a farm labor contractor that has operated with a valid license for at least the preceding three years shall have an affirmative defense to liability for using substantially the same workforce, if certain conditions are met.

SB 516 – Steinberg

Foreign labor contractors: registration.

Vetoed

This bill would have required foreign labor contractors to register with the Labor Commissioner, as well as follow additional contractual and bonding requirements.

SB 1087 – Monning

Farm labor contractors.

Chapter 750, Statutes of 2014

This bill strengthens Farm Labor Contractor standards by, among other things, increasing bonding requirements and raising licensure fees for Farm Labor Contractor licensure enforcement, and this bill also prohibits Farm Labor Contractors who engage in sexual harassment from being issued a Farm Labor Contractor’s license or renewing the license.

SB 1106 – Berryhill

Agricultural labor relations: certified labor organizations: reports.

Hearing Canceled at Request of Author

This bill would have required a certified agricultural labor organization to submit an annual report to the ALRB listing the names of employers with whom negotiations under this part are in progress but not yet completed.

AB 1897 – Hernandez

Labor contracting: client liability.

Chapter 728, Statutes of 2014

This bill establishes specified liability for client employers that obtain workers from third-party labor contractors, as specified. Specifically, this bill:

1. Defines “client employer” as a business entity that obtains or is provided workers to perform labor within its usual course of business from a labor contractor.
2. Specifies “client employer” does not include any of the following:

- A. A business entity with a workforce of less than 25 workers, including those hired directly by the client employer and those obtained from, or provided by, any labor contractor.
 - B. A business entity with five or fewer workers supplied by a labor contractor or labor contractors to the client employer at any given time.
 - C. The state or any political subdivision of the state, including any city, county, city and county, or special district.
3. Defines “labor” as labor, work, or service whether rendered or performed under contract, subcontract, partnership, station plan, or other agreement if the labor to be paid for is performed personally by the person demanding payment.
4. Defines “labor contractor” as an individual or entity that supplies, either with or without a contract, a client employer with workers to perform labor within the client employer’s usual course of business. This does not include:
- A. A bona fide nonprofit, community-based organization that provides services to workers.
 - B. A bona fide labor organization or apprenticeship program.
 - C. A motion picture payroll services company.
5. Defines “usual course of business” as the regular and customary work of a business, performed within or upon the premises or worksite of the client employer.
6. States that a client employer shall share with a labor contractor all civil legal responsibility and civil liability for all workers supplied by that labor contractor for both of the following:
- A. Payment of wages.
 - B. Failure to secure valid workers’ compensation coverage.

AB 2575 – Campos

Agricultural Labor Relations Board: annual report.

Hearing Canceled at Request of Author

This bill would have required that the Agricultural Labor Relations Board’s annual report be submitted to the Legislature and the Governor no later than 45 days after the close of the fiscal year.

PUBLIC WORKS & PREVAILING WAGE

SB 7 – Steinberg and Canella

Public works: charter cities.

Chapter 794, Statutes of 2013

This bill prohibits a charter city from receiving or using state funds for a construction project if the city has a provision or ordinance authorizing a contractor to not comply with prevailing wage requirements on any public works contract.

SB 266 – Lieu

Prevailing wages.

Chapter 916, Statutes of 2014

This bill clarifies the procedure for providing notice of completion or acceptance of a public work to the Labor Commissioner.

SB 377 – Lieu

Public works: project determinations: wage and penalty assessments.

Chapter 780, Statutes of 2013

This bill provides that the period of service for wage and penalty assessments for prevailing wage violations shall be tolled for the period of time required by DIR to determine whether a project is a public work. The bill also states that DIR shall make such a determination in 60 days depending on the complexity of the request.

SB 615 – Galgiani

Public works: prevailing wages

Vetoed

This bill would have required the payment of prevailing wages for any work done under private contract on a hospital or health care facility project that is paid for in whole, or in part, with the proceeds of conduit revenue bonds.

SB 776 – Corbett

Public works: prevailing wage rates: employer payment credits.

Chapter 169, Statutes of 2013

This bill would prohibit credit from being granted against the obligation to pay prevailing wages for employer payments made to monitor and enforce public works laws, unless it is done through a program or committee established with both labor and management involvement.

SB 1435 – Nielson

Public works: prevailing wage rates: employer payment credits.

Returned to the Secretary of the Senate Pursuant to Joint Rule 65

This bill would have required the Employment Development Department (EDD) to review, at least once each year, the information in its unemployment insurance base wage file, to identify if multiple names are associated with a single social security number, and, when EDD discovers 3 or more names associated with a single social security number, to inform the Department of Justice of this as a potential incidence of identity theft.

AB 26 – Bonilla

Construction: prevailing wage.

Chapter 864, Statutes of 2014

This bill clarifies that work performed during the post-construction phase of construction on a public works project and any task relating to the collecting or sorting of refuse or recyclable metals performed at a public works jobsite is part of the public works project and therefore subject to the payment of the prevailing wage.

AB 302 – Chau

Public works: public subsidies.

Vetoed

This bill would have provided a statutory definition for a “de minimis” public subsidy that does not trigger the requirements of prevailing wage law. Specifically, this bill defines “de minimis” to mean a public subsidy that is both less than \$25,000 and less than 1% of the total project cost and will not apply to a project that was advertised for bid, or a contract that was awarded, before January 1, 2014.

AB 1140 – Daly

Public works: prevailing wages.

Vetoed

This bill would have allowed the director of the Department of Industrial Relations to update a prevailing wage determination for a project whose initial determination may have lapsed, and also would have approved an additional review procedure, authorizing an entity to seek review of a prevailing wage determination to ensure the most accurate rate is being paid on a project.

AB 1336 – Frazier

Prevailing wages: payroll records.

Chapter 792, Statutes of 2013

This bill extends the deadline from 180 days to 18 months, as specified, for the Labor Commissioner to serve a civil wage and penalty assessment against a public work contractor or subcontractor, or both. This bill also extends the deadline from 180 days to 18 months, as specified, for a joint labor-management committee to bring an action against an employer that fails to pay the prevailing wage to its employees.

AB 1870 – Alejo

Public works: prevailing wage: multiemployer apprenticeship programs grants.

Chapter 890, Statutes of 2014

This bill makes changes to existing law related to the distribution of training contributions by the CAC to approved apprenticeship programs. Specifically, this bill provides that if there are two or more approved multiemployer apprenticeship programs serving the same craft or trade and county for which the training contributions were made to the CAC, the grant shall be divided among those programs based on the number of apprentices from that county registered in each program.

AB 2272 – Gray

Public works: prevailing wage.

Chapter 900, Statutes of 2014

This bill establishes that infrastructure projected funded by the California Advanced Services Fund (CASF) are “public works” projects and specifies that the Public Utilities Commission is not the “awarding body” or “body awarding the contract.”

MINIMUM WAGE, WAGES & WORK HOURS

SB 390 – Wright

Employee wage withholdings: failure to remit.

Chapter 718, Statutes of 2013

This bill empowers the Labor Commissioner or the Commissioner's agents to pursue non-remitted payroll taxes from employers.

SB 554 – Anderson

Employment: meal periods.

Hearing Canceled at the Request of Author

This bill would have created an exception to the 8 hour day for 24 hour residential care facilities.

SB 607 – Berryhill

Employment: working hours.

Failed Passage in the Senate Committee on Labor and Industrial Relations

This bill would have created an alternative to the existing alternative workweek election procedure that would allow an employee to request to work up to 10 hours per day within a 40-hour workweek without the payment of overtime compensation.

SB 935 – Leno

Minimum wage: annual adjustment.

Failed Passage in Assembly Committee on Labor and Employment

This bill approves a series of annual minimum wage increases between 2015 and 2017, and approves an annual adjustment based on the Consumer Price Index (CPI) to the minimum wage starting in 2018.

AB 10 – Alejo

Minimum wage: annual adjustment.

Chapter 351, Statutes of 2013

This bill increases the minimum wage, on and after July 1, 2014, to not less than \$9 per hour. This bill also increases the minimum wage, on and after January 1, 2016, to not less than \$10 per hour.

AB 442 – Nazarian

Employees: wages.

Chapter 735, Statutes of 2013

This bill extends the award of liquidated damages to those employees whose employer has been cited by the Labor Commissioner in violation of minimum wage laws. Specifically, this bill adds “liquidated damages” paid to the employee to the list of things that a person who the Labor Commissioner has determined to have paid or caused to be paid a wage less than the minimum wage is subject to.

AB 641 – Rendon

Childcare: family child care providers: bargaining representative.

Placed on the Senate Inactive File

This bill would have given licensed and unlicensed child care providers the right to form a single, statewide child care provider organization to negotiate collectively with the state, and also established the Family Child Care Advisory Committee to advise the Governor and any provider organization regarding issues related to the quality, affordability, and accessibility of child care offered through child care subsidy programs of the state.

AB 1723 – Nazarian

Employees: wages.

Chapter 886, Statutes of 2014

This bill provides in a citation by the Labor Commissioner for failure to pay minimum wage, an employer who fails to pay the minimum wage shall be subject to any applicable "waiting time" penalties under existing law in addition to existing civil penalties, restitution of wages, and liquidated damages.

AB 2074 – Hernandez

Recovery of wages: liquidated damages.

Chapter 211, Statutes of 2014

This bill provides that the statute of limitations for liquidated damages for failure to pay the minimum wage be the same length of time as the statute of limitations for actions to recover the unpaid wages.

AB 2743 – Assembly Committee on Labor and Employment

Employment: wages.

Chapter 210, Statutes of 2014

This bill permits unionized, regular short-term employees who work at a theatrical or concert venue from being able to pursue liquidated damages due to non-payment of wages after discharge.

AJR 36 – Gonzalez

Special Minimum Wage Certificate Program.

Placed on the Senate Inactive File

This bill would have urged the United States Congress to phase out the use of the Special Minimum Wage Certificate provision, and eventually repeal a section of the 1938 Fair Labor Standards Act.

PENALTIES & LIENS

AB 1384 – Assembly Committee on Labor and Employment

Garment manufacturing: civil penalties.

Chapter 308, Statutes of 2013

This bill establishes civil penalties for a garment manufacturer who fails to display specified information at the front entrance of the business, as required under existing law.

AB 1386 – Assembly Committee on Labor and Employment

Employment: employee complaints: final orders.

Chapter 750, Statutes of 2013

This bill streamlines the collection procedure for unpaid employee wage claims that are final. Specifically this bill states that as an alternative to a judgment lien, upon an order becoming final, a lien on real property may be created by the Labor Commissioner recording a certificate of lien, for amounts due under the final order and in favor of the employee or employees named in the order, with the county recorder of any county in which the employer's real property may be located, at the Labor Commissioner's discretion and depending upon information the Commissioner obtains concerning the employer's assets.

AB 2416 – Stone

Liens: laborers and employers.

Failed Passage on the Senate Floor

This bill would have allowed an employee request that the Labor Commissioner files a pre-judgment lien on an employer's real, personal property, or on the real property where a contracted employee conducted work, in order to assist the employee in collecting unpaid wages.

RETALIATION, ABUSIVE CONDUCT & DISCRIMINATION

SB 400 – Jackson

Employment protections: victims of domestic violence, sexual assault, or stalking.

Chapter 759, Statutes of 2013

This bill expanded the protections given to victims of domestic violence and sexual assault who take time off to obtain any relief (such as a temporary restraining order) to victims of stalking. This bill also prohibits an employer from discharging, retaliating or discrimination against an employee because of his/her known status as a victim of domestic violence, sexual assault, or stalking and requires an employer to provide reasonable accommodation for an employee who is a victim of domestic violence, sexual assault, or stalking.

SB 666 – Steinberg

Employment: retaliation.

Chapter 577, Statutes of 2013

This bill provides that business licenses and membership to the State Bar are subject to suspension or revocation, with a specified exception, if the licensee has been determined by the Labor Commissioner or the court to have reported or threatened to report a worker's immigration status due the employee exercising his or her employment rights.

AB 25 – Campos

Employment: social media.

Held at Senate Desk

This bill would have prohibited a public employer from requiring or requesting an employee or applicant for employment to disclose a username or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media, except law enforcement agencies, as specified.

AB 218 – Dickinson

Employment applications: criminal history.

Chapter 699, Statutes of 2013

This bill prohibits a state or local agency from asking an applicant for employment to disclose information concerning a criminal conviction until the agency has determined that he/she meets the minimum employment qualifications for the job.

AB 263 – Hernandez

Employment: retaliation: immigration-related practices.

Chapter 732, Statutes of 2013

This bill prohibits an employer or any other person or entity from engaging in unfair immigration-related practices, as defined, for the purpose of retaliation against any person who exercises any rights under the Labor Code, authorizes a civil action by an employee or other person who is the subject of an unfair immigration-related practice, and authorizes a court to order the appropriate government agencies to suspend certain business licenses held by the violating party for prescribed periods based on the number of violations.

AB 2053 – Gonzalez

Employment discrimination or harassment: education and training: abusive conduct.

Chapter 306, Statutes of 2014

This bill requires existing training and education regarding sexual harassment to also include the prevention of “abusive conduct” as a component of its programs. This bill defines “abusive conduct” to mean conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or

undermining of a person's work performance and specifies that a single act shall not constitute abusive conduct, unless especially severe or egregious.

AB 2271 – Calderon

Employment: discrimination: status as unemployed.

Vetoed

This bill would have prohibited an employer from discriminating against prospective job applicants on the basis of the applicant's employment status. This bill would have provided that an employer, employment agency, or person operating an Internet job posting Web site who discriminates against unemployed job applicants is subject to civil penalties enforceable by the Labor Commissioner.

CAR WASHES

AB 1387 – Hernandez

Car washes.

Chapter 751, Statutes of 2013

This bill eliminates the sunset date on existing law regulating the car washing and polishing industry. Also, this bill increases the surety bond from \$15,000 to \$150,000 and provides a specified exemption for employers with a valid collective bargaining agreement.

OTHER LEGISLATION: WITHDRAWN FROM COMMITTEE AND 29.10'S

SB 232 – Monning

Private employment: public transit employees.

As originally introduced, this bill would have required a ten percent bid preference for bidders who agree to retain the employees of the prior contractor of subcontractor on all on public transit contracts awarded by the State of California. SB 232 was later amended to address the military cemetery at Fort Ord.

SB 270 – Padilla

Underground economy: enforcement actions.

As originally introduced, this bill would have directed agencies participating in the Joint Enforcement Strike Force (JESF) to coordinate their law enforcement activities to combat the underground economy. SB 270 was later amended to address single-use carry out bags.

SB 556 – Corbett

Agency: ostensible.

As originally introduced, this bill would have provided, under specified circumstances, that a person or entity that enters into a contract or agreement for labor or services with a contractor is liable for any damages caused by the contractor or the contractor's employee for work performed under the contract. SB 556 was later amended to address identification of healthcare professionals.

SB 558 – Lieu

Unemployment insurance: Employment Development Department.

As originally introduced, this bill would have permitted the Employment Development Department to accept an electronic request from an employee for the employee's wage information. SB 558 was later amended to address subpoenas and journalists.

SB 718 – Yee

Hospitals: workplace violence prevention plan.

As originally introduced, this bill would have required that hospitals adopt a Workplace Violence Prevention Plan to protect health care workers and others from aggressive or violent behavior at their facilities. SB 718 was later amended to address tax credits for aircraft programs.

SB 761 – DeSaulnier

Personal income taxes: voluntary contributions: School Supplies for Homeless Children Fund.

Chapter 365, Statutes of 2014

This bill in its original form would have made it unlawful for an employer or agent of an employer to discharge or in any manner discriminate against an individual because he or she has applied for or used family temporary disability insurance benefits. The bill was amended out of Unemployment Insurance Code into Revenue and Taxation Code, relating to the allocation of money transferred to the School Supplies for Homeless Children Fund.

SB 1315 – Monning

Medi-Cal: providers.

Chapter 129, Statutes of 2013

This bill as originally introduced pertained to the overpayment of unemployment insurance. The bill was amended out of Unemployment Insurance Code into Welfare and Institutions Code pertaining to Medi-Cal health care providers.

AB 155 – Alejo

Employment: payroll records: right to inspect.

As originally introduced, this bill would have clarified the right of current and former employees to access their employment records. AB 155 was later amended to address water storage in Monterey County.

AB 1383 – Hernandez

District-based municipal elections.

Referred to Senate Rules Committee

This bill as originally introduced would allow localities to enforce employment protections in a manner more stringent than the state if they so choose. This bill was amended out of Labor Code and into Elections Code where it pertains to municipal elections.

AB 1393 – Perea

Workers' compensation: studies.

As originally introduced, this bill would have repealed several out-of-date workers' compensation study requirements. AB 1393 was later amended to address the mortgage debt forgiveness.

AB 2750 – Hernandez

Dentistry.

Referred and Held in Senate Rules Committee

This bill as originally introduced would have required a car wash employer to provide written notice to a successor employer regarding the requirements of existing law prior to the sale or other transfer of the business. This bill was amended out of Labor Code and into Business and Professions Code.
