



*California State Legislature*  
*Senate Committee on*

***LABOR AND INDUSTRIAL RELATIONS***



**Senator Mark DeSaulnier**

**Legislative Summary 2009-2010**

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# *Labor Standards Enforcement*

**AB 179 – Portantino**  
**Wages: temporary workers**

*Returned to Secretary of Senate pursuant to Joint Rule 56*

This bill would have exempted hospice employers, home health employers, and home care employers from the requirement that they pay their temporary employees weekly.

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**AB 236 – Swanson**  
**Employment: car washes**

*Chapter 224, Statutes of 2009*

This bill extends provisions relating to the employment practices of car washes and would specify that neither a new motor vehicle dealer nor an automotive repair dealer, as defined, is an employer for purposes of these regulatory provisions.

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**AB 335 – Fuentes**  
**Employment contracts**

*Vetoed*

This bill would have established a rebuttable presumption that a choice of law or choice of forum provision in an employment agreement or other employment policy material provided is void if it would (1) require an employee or job applicant to arbitrate or litigate outside of California, a claim that arose from employment or conduct occurring in California; or (2) deprive the employee or job applicant of the protection of California law for such a claim.

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**AB 395 – Fuentes**  
**Employment: apprenticeship programs**

*Chapter 438, Statutes of 2009*

This bill provides that an awarding body of a public works contract that implements an approved labor compliance program, may, upon mutual agreement with the Division of Apprenticeship Standards within the Department of Industrial Relations (DIR), assist in the enforcement of prevailing rate wage laws and other requirements relating to apprenticeship standards of that labor compliance program.

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**AB 402 – Davis**  
**Employment: entertainment work permits**

*Vetoed*

This bill would have required applicants for an Entertainment Work Permit (EWP) for minors to pay a \$50 fee in order to fund the administration of the Entertainment Work Permits and the enforcement of the working conditions of minors in the entertainment industry.

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**AB 482 – Mendoza**  
**Employment: credit reports**

*Vetoed*

This bill would have prohibit an employer, with the exception of certain financial institutions, from obtaining a consumer credit report for employment purposes unless the information is (1) substantially job-related, meaning that the position of the person for whom the report is sought has access to money, other assets, or trade secrets or other confidential information, and (2) the position of the person for whom the report is sought is a position in the state Department of Justice, a managerial position, that of a sworn peace officer or other law enforcement position, or a position for which the information contained in the report is required to be disclosed by law or to be obtained by the employer.

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**AB 485 – Carter**  
**Civil Air Patrol: California Wing: employment leave**

*Chapter 242, Statutes of 2009*

This bill requires employers to provide unpaid leave for employees who are volunteer members of the California Wing of the Civil Air Patrol when they respond to an authorized emergency operational mission, as well as prohibit employer discrimination against any employee who is a member of the Civil Air Patrol.

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**AB 527 – Fuentes**  
**Employee complaints: proceedings: payroll records**

*Vetoed*

This bill would have provided that if the Labor Commissioner finds that if one or more payroll records submitted for any pay period relating to any claim have been intentionally falsified, all payroll records relating to that claim shall be presumed false and disregarded.

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**AB 677 – Solorio**  
**Public works: prevailing wages**

*Vetoed*

This bill would have revised the definition of "public works," for the purpose of requiring the payment of prevailing rate of per diem wages, to include work performed under private contract in connection with the construction or maintenance of renewable energy generation capacity on property wholly or partially owned by a school or community college district or on public property specifically to serve a school or community college district.

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**AB 854 – Arambula**  
**Employment regulation and supervision: unpaid wages**

*Chapter 256, Statutes of 2009*

This bill creates additional licensing and registration requirements for farm labor contractors and garment manufacturers in order to appropriately address unpaid wage claims.

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**AB 943 – Mendoza**  
**Employment: credit reports**

*Vetoed*

This bill would have prohibit an employer, with the exception of certain financial institutions, from obtaining a consumer credit report for employment purposes unless the information is (1) substantially job-related, meaning that the position of the person for whom the report is sought has access to money, other assets, or confidential information, and (2) the position of the person for whom the report is sought is a position in the state Department of Justice, a managerial position, a position in a city, county, or both city and county, that of a sworn peace officer or other law enforcement position, or a position for which the information contained in the report is required to be disclosed by law or to be obtained by the employer.

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**AB 1288 – Fong**  
**Employment hiring practices: electronic employment verification**

*Vetoed*

The E-Verify Program of the United States Department of Homeland Security, in partnership with the United States Social Security Administration, enables participating employers to use the program, on a voluntary basis, to verify that the employees they hire are authorized to work in the United States. This bill would have created the Employment Acceleration Act of 2010 to

enact provisions of law related to the use by employers of specified federal electronic employment verification systems. This bill would have, except as required by federal law or as a condition of receiving federal funds, prohibit the state, a city, county, city and county, or special district from requiring an employer to use an electronic employment verification system.

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**AB 1319 – Krekorian  
Talent Services**

*Chapter 286, Statutes of 2009*

This bill prohibits advance-fee talent services, creates four distinct Fee Related Talent Services, expands bookkeeping requirements, and increases bonding requirements from \$10,000 to \$50,000.

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**AB 1562 – Swanson  
Employment: garnishment of wages**

*Vetoed*

This bill would have prohibit an employer from terminating an employee because garnishment of the employee's wages has been threatened or the employee's wages have been subjected to garnishment for the payment of 5 or fewer judgments at any one time.

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**AB 1563 – Swanson  
Employment: contracts or agreements for labor or services**

*Vetoed*

This bill would have codified an enforcement protocol for a provision of existing law dealing with financially-insufficient contracts for labor or services. Specifically, this bill would have required certain labor standards enforcement personnel to obtain and record specified factual information regarding labor contractors in the construction, farm labor, garment, janitorial, or security guard service industries where labor law violations may be occurring.

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**AB 1881 – Monning  
Recovery of wages: liquidated damages**

*Vetoed*

This bill would have doubled the liquidated damages that can be awarded to an individual when his or her employer pays less than the minimum wage.

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**AB 2032 – Davis**  
**Employment: entertainment work permits**

*Vetoed*

This bill would have required applicants for an Entertainment Work Permit (EWP) for minors to pay a fee, not to exceed \$50, in order to fund the administration of the Entertainment Work Permits and the enforcement of the working conditions of minors in the entertainment industry.

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**AB 2187 – Arambula**  
**Employment: payment of wages**

*Vetoed*

This bill would have increased criminal penalties for an employer who willfully fails to pay wages due to an employee who resigns or is discharged. Specifically, this bill would have established a misdemeanor penalty for an employer or person who willfully fails to pay within 90 days of the date wages are due, all wages due to an employee who has been discharged or who has quit. However, the bill specified that these provisions would not have applied if the employee's entitlement to unpaid wages was disputed by the employer in a civil action or proceeding by the Labor Commissioner unless a final judgment is entered with respect to that dispute in favor of the employee.

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**AB 2340 – Monning**  
**Employee's right to bereavement leave**

*Vetoed*

Existing law provides employees with the right to take time off work without discharge or discrimination for a number of reasons. This bill would have added the right to inquire about, request, and take time off for bereavement leave. Specifically, this bill would have given employees in California the right to take three days of unpaid time off in the event of the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner. This bill would have granted employees the right to reinstatement and to recover actual damages if the employee is discriminated against for the exercise of rights pursuant to this requirement.

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**AB 2468 – De Leon**  
**Lactation accommodation: workplace designation**

*Vetoed*

This bill would have created a special designation for employers who exceed Labor Code requirements for providing a healthy environment for mothers who wish to express breast milk.

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**AB 2772 – Assembly Committee on Labor and Employment  
Labor Commissioner: appeals**

*Chapter 102, Statutes of 2010*

Existing law authorizes the Labor Commissioner to investigate employee complaints and hold administrative hearings to decide disputes over unpaid wages and other issues between employers and employees. Existing law also permits a party who loses at an administrative hearing conducted by the Labor Commissioner to file an appeal in superior court; however, an employer filing an appeal must post a bond with the court in the amount of the judgment rendered in the administrative hearing. With this bill, the law now expressly states that as a condition to filing an appeal of an administrative judgment, an employer must *first* post a bond with the reviewing court.

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**ABX2 5 – Gaines  
Employment: alternative workweek schedules**

*Vetoed*

This bill provides that when an employer proposes an alternative schedule, the employer can propose a menu of work schedule options which may include a regular schedule of 8-hour days, and that the employees who adopt a menu of alternative workweek schedules may, with employer consent, move from one schedule option to another on a weekly basis. *This bill was not heard by the Senate Labor and Industrial Relations Committee.*

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**SB 45 – Padilla  
Public works: payment of prevailing wages: violations**

*Vetoed*

This would have established a permanent debarment for contractors in repeated violation of specified public works law. Specifically, this bill would have provided that whenever a contractor or subcontractor is found by the Labor Commissioner (LC) to be in violation of public works laws with intent to defraud for a second violation, the entity is ineligible from bidding on or being awarded a public works contract, or performing work as a subcontractor on a public works contract, and thereby removing such contractors from competition with law-abiding contractors.

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**SB 187 – Benoit**

**Employment: working hours**

*Returned to the Secretary of the Senate pursuant to Joint Rule 56*

This bill would have allowed an employee to request to work up to 10 hours per day within a 40-hour workweek, and relieved the employer of the obligation to pay overtime compensation if the employee works less than 10 hours in a workday or 40 hours during a workweek.

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**SB 404 – Benoit**

**Employment: information for employees**

*Returned to Secretary of Senate pursuant to Joint Rule 56*

Existing law requires an employer to provide its employees with specified information regarding their wages either semimonthly or at the time of each wage payment. This bill would have clarified that an employer's obligation to provide wage information when paying an employee may be satisfied by putting the information on a detachable part or a separate page from the check.

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**SB 789 - Steinberg**

**Labor representatives: elections**

*Vetoed*

This bill would have established an alternative election procedure by which agricultural employees could decide whether to select a particular labor organization to represent them for collective bargaining purposes if more than 50 percent of the employees in the bargaining unit petitioned for representation.

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**SB 903 – Wright**

**Penalty collections: limitations**

*Vetoed*

Under existing law, an action by the Division of Labor Standards Enforcement within the Department of Industrial Relations for collection of a statutory penalty or fee must be commenced within one year after the penalty or fee became final. This bill would have extended the time period within which the division may commence a collection action, as defined, from one year to 3 years from the date the penalty or fee became final. In addition, this bill specified that it would apply to penalty assessments or fees that became final on or after the effective date of the act adding these requirements.

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**SB 989 – Hollingsworth  
Labor Code Private Attorneys General Act of 2004**

*Held at Assembly Desk*

Under the existing Labor Code Private Attorneys General Act of 2004, aggrieved employees are allowed to bring a civil action to recover penalties for violations of the Labor Code if the Labor and Workforce Development Agency or its departments, divisions, commissions, boards, agencies, or employees do not do so. This bill would have required a party seeking court approval of the settlement of a civil action brought under the Private Attorneys General Act, to serve a copy of the court's final approval order and settlement agreement to the Labor and Workforce Development Agency within 20 days after the order is granted final approval and the settlement has become final.

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**SB 1121 – Florez  
Overtime wages: agricultural workers**

*Vetoed*

This bill would have required that agricultural employees are eligible for overtime after the 8<sup>th</sup> hour in a workday and ensured the provision of meal periods.

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**SB 1180 - Dutton  
Right to work: labor organizations**

*Senate Hearing Canceled at Request of Author*

This bill would have restricted agreements between employers and labor organizations on the deduction of fees and union dues for representation and contract negotiation.

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**SB 1230 – DeSaulnier  
Employment: posting requirements**

*Vetoed*

This bill would have required California employers to post information related to slavery and human trafficking, including information regarding two toll-free anti-human trafficking hotlines that provide services in support of the elimination of slavery and human trafficking. Specifically, this bill would have required the posting of the National Human Trafficking Resource Center Hotline and the California Coalition to Abolish Slavery and Trafficking hotline.

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**SB 1267 – Aanestad**  
**Labor violations: penalties: exceptions**

*Returned to Secretary of Senate pursuant to Joint Rule 62(a)*

This bill would have allowed an employer to receive a waiver of penalties due for violating wage deduction statements and record keeping requirements, penalties for employing a minor and penalties for not carrying workers' compensation insurance, if the employer employs 15 or fewer employees, has not previously violated the specified requirement, and provides the Labor Commissioner proof of compliance with the requirements in law within 48 hours of issuance of a citation.

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**SB 1304 – DeSaulnier**  
**Employment: leave and benefits**

*Chapter 646, Statutes of 2010*

This bill requires employers provide paid leave for employees who volunteer to donate bone marrow or organ tissue, as well as prohibit employer discrimination against any employee who utilizes this leave.

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**SB 1335 – Cox**  
**Employment: working hours**

*Returned to Secretary of Senate pursuant to Joint Rule 62(a)*

This bill would have enacted the Workplace Flexibility Act of 2010 which would have permitted an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays of up to 10 hours per day within a 40-hour workweek, and would have allowed an employer to implement this schedule without any obligation to pay overtime compensation. The bill specified that the employee or employer may discontinue the employee-selected flexible work schedule at any time by giving written notice to the other party. In addition, the bill specified that these provisions would not apply to any employee covered by a valid collective bargaining agreement or employed by the state, a city, county, city and county, district, municipality, or other public, quasi-public, or municipal corporation, or any political subdivision of this state. *The contents of this bill are identical to SBX8 66 (Cox) heard before this Committee on February 24, 2010.*

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**SB 1370 – Ducheny**  
**Employment contract requirements**

*Vetoed*

This bill would have required that employees who are paid by commission are provided with a written contract on the terms and conditions of employment.

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**SB 1474 – Steinberg**  
**Labor representatives: elections**

*Vetoed*

This bill would have required the Agricultural Labor Relations Board (ALRB) to issue a bargaining order compelling an employer to negotiate with a labor organization if the employer engaged in misconduct which prevented a free and uncoerced secret ballot election for labor representation.

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**SBX8 66 – Cox**  
**Employment: working hours**

*Returned to Secretary of Senate pursuant to Joint Rule 62(a)*

This bill would have enacted the Workplace Flexibility Act of 2010 which would have permitted an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays of up to 10 hours per day within a 40-hour workweek, and would have allowed an employer to implement this schedule without any obligation to pay overtime compensation. The bill specified that the employee or employer may discontinue the employee-selected flexible work schedule at any time by giving written notice to the other party. In addition, the bill specified that these provisions would not apply to any employee covered by a valid collective bargaining agreement or employed by the state, a city, county, city and county, district, municipality, or other public, quasi-public, or municipal corporation, or any political subdivision of this state. *The contents of this bill are identical to SB 1335 (Cox) heard before this Committee on April 19, 2010.*

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# *Meal and Rest Periods*

**AB 569 – Emmerson**  
**Meal periods: exceptions**

*Chapter 662, Statutes of 2010*

This bill exempts commercial drivers, private security officers, employees in the construction industry, and employees who work for Gas companies, electric companies, and publicly owned utilities from existing meal period statutes if the employees are covered by a collective bargaining agreement with certain provisions.

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**SB 287 – Calderon**  
**Meal periods**

*Returned to the Secretary of the Senate pursuant to Joint Rule 56*

This bill would have extended the time in which an employee can take a meal period, redefined the employer’s responsibility for providing his or her employees a meal period, codified and expanded qualifying circumstances for on-duty meal period agreements, and restrict the ability of employees to revoke on-duty meal period agreements.

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**SB 380 – Dutton**  
**Meal periods**

*Returned to the Secretary of the Senate pursuant to Joint Rule 56*

This bill would have extended the time in which an employee can take a meal period, redefined the employer’s responsibility for providing his or her employees a meal period, codified and expanded qualifying circumstances for on-duty meal period agreements, removed the ability of employees to revoke on-duty meal period agreements, and decreased the statute of limitations for failing to provide a meal period.

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**SB 665 – Cedillo**  
**Employment: meal periods**

*Returned to the Secretary of Senate pursuant to Joint Rule 56*

This bill would have allowed an employer of a registered security officer to provide on-duty meal periods if the officer was covered by a valid collective bargaining agreement containing

specified terms, or if the employee had a written on-duty meal period agreement with his or her employer containing specified terms.

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**SB 807 – Benoit**  
**Employment: meal and rest periods**

*Returned to the Secretary of Senate pursuant to Joint Rule 56*

This bill would have extended the time period within which an employee can take a meal period, redefined the employer’s responsibility for providing his or her employees a meal period, and decreased the statute of limitations for failing to provide a meal period.

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**SB 908 – Wyland**  
**Meal and rest periods: exceptions**

*Returned to the Secretary of the Senate pursuant to Joint Rule 56*

This bill would have exempted employers in the armored car industry from providing meal periods and from being liable for unpaid wages for failing to provide a meal period.

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**SB 990 – Dutton**  
**Meal periods**

*Returned to the Secretary of the Senate pursuant to Joint Rule 56*

This bill would have extended the time in which an employee can take a meal period, redefined the employer’s responsibility for providing his or her employees a meal period, codified and expanded qualifying circumstances for on-duty meal period agreements, removed the ability of employees to revoke on-duty meal period agreements, and decreased the statute of limitations for failing to provide a meal period.

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**SB X8 70 – Dutton**  
**Meal Periods**

*Returned to the Secretary of Senate pursuant to Joint Rule 62(a)*

This bill would have extended the time in which an employee can take a meal period, redefined the employer’s responsibility for providing his or her employees a meal period, codified and expanded qualifying circumstances for on-duty meal period agreements, removed the ability of employees to revoke on-duty meal period agreements, and decreased the statute of limitations for failing to provide a meal period.

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# *Occupational Safety and Health*

## **AB 838 – Swanson Occupational safety and health**

*Vetoed*

This bill would have required the Occupational Safety and Health Standards Board to adopt indoor heat standards by July 1, 2011

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## **AB 1561 – Assembly Committee on Labor and Employment Occupational safety and health: citation outcome analysis**

*Vetoed*

This bill would have required the Division of Occupational Safety and Health (DOSH) to collaborate with the Occupational Safety and Health Appeals Board (OSHAB) to prepare an annual report analyzing the outcomes of citations and other notifications to employers, as specified. In addition, this bill would have specified that a place of employment may be deemed dangerous because a particular machine, device, apparatus, or piece of equipment, as well as a condition or practice in a place of employment, constitutes an imminent hazard to employees.

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## **AB 2774 – Swanson Occupational safety and health**

*Chapter 692, Statutes of 2010*

This bill has established a rebuttable presumption that a “serious violation” exists in a place of employment if the Division of Occupational Safety and Health (DOSH) can demonstrate that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. This would delete the current process in law which specifies that DOSH must show that there is a “substantial probability” that death or serious physical harm will result from a violation in order for it to be classified as “serious.” In addition, this bill has established new procedures and standards for an investigation and the determination by the Division of a serious violation by an employer which causes harm or exposes an employee to the risk of harm. Among other things, the employer now has the opportunity to provide information and an explanation as to why the employer believes a serious violation does not exist. This process provides an opportunity for dialogue and an exchange of information between DOSH and the employer during an investigation and prior to the issuance of a citation.

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**SB 284 – Cox**  
**Safety in employment: ski resorts**

*Returned to Secretary of Senate pursuant to Joint Rule 56*

This bill would have required additional measures in order to promote the safe operation of ski resort facilities. Specifically, this bill would have required the Division of Occupational Safety and Health to utilize the most current safety standards when inspecting aerial passenger tramways operated at ski resorts. This bill would have also required ski resorts to file an annual safety plan with the division, make the safety plan available on demand, report to the division within 24 hours any fatalities involving patrons at the resort, and standardize safety signage and equipment padding in use at the resort.

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**SB 478 – Wolk**  
**Employment safety: manlifts**

*Chapter 196, Statutes of 2009*

This bill requires that an elevator company disclose its status as a certified qualified conveyance company prior to bidding on a project or contracting for services. The disclosure is required to be written and located in a conspicuous place on the bid documents or contract in at least 10 point type. In addition, this bill allows the owner or operator of an agricultural facility to designate a competent non-certified employee to perform routine maintenance, repair and inspect manlifts at agricultural facilities.

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# *Unemployment Insurance and State Disability Insurance*

## **AB 381 – Block**

### **Unemployment compensation disability benefits: academic employees**

#### *Chapter 437, Statutes of 2009*

This bill allows community college districts to elect to provide State Disability Insurance (SDI) coverage to academic employees who are permanent, part-time, or temporary; and, to management, confidential, and employees who are not part of a bargaining unit. The bill, however, stipulates that the election would not be contingent upon coverage of other employees of the community college district employer.

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## **AB 2055 – De La Torre**

### **Unemployment insurance: benefits: eligibility: reserve accounts: domestic partners**

#### *Chapter 590, Statutes of 2010*

This bill permits EDD to award Unemployment Insurance benefits to a person for whom a registered domestic partnership is imminent and must move due to a partner's relocation.

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## **AB 2058 – Block**

### **Unemployment insurance: retraining benefits**

#### *Chapter 591, Statutes of 2010*

This bill modified the requirements for participation in the state's retraining benefits program in order to allow unemployed individuals to receive Unemployment Insurance (UI) benefits while enrolled in a training program on a full-time basis. Specifically, this bill established the California Training Benefits Program, which, among other things, would revise those eligibility requirements to, instead, specify that an unemployed individual who qualifies for unemployment compensation benefits, extended duration benefits, or federal-state extended benefits or any federally funded unemployment compensation benefits, and applies for the program shall be deemed to *automatically be eligible* for the program during a period of training or retraining. This bill also requires the Employment Development Department, not later than September 1, 2016, to prepare and submit to the Governor and the Legislature a report evaluating the effectiveness of the program, containing data and information as prescribed.

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**AB 2188 – Bradford**  
**Unemployment compensation: disability benefits: electronic payments**

*Chapter 378, Statutes of 2010*

This bill removes the requirement that the Employment Development Department pay all Disability Insurance benefits by check, permitting the Employment Development Department to contract with a vendor to deliver Disability Insurance benefits through direct deposit and debit card.

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**AB 2364 – Nava**  
**Unemployment insurance: benefits: good cause to leave work**

*Chapter 678, Statutes of 2010*

This bill permits the Employment Development Department to award Unemployment Insurance benefits to workers who leave their jobs to protect family members from domestic violence.

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**AB 2433 – Ruskin**  
**Unemployment insurance: use of information for tax purposes**

*Chapter 139, Statutes of 2010*

This bill gives the Board of Equalization access to Employment Development Department payroll and employer information in order to appropriately assess and refund certain fees and combat the underground economy.

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**AB 2538 – Niello**  
**Unemployment insurance: eligibility for benefits: notification**

*Chapter 392, Statutes of 2010*

This bill removes and clarifies certain out-of-date sections of the Unemployment Insurance Code.

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**AB 2570 – Ma**  
**Unemployment insurance: professional employer organizations**

*Held Under Submission by Senate Appropriations Committee*

This bill would have permitted Professional Employer Organizations (PEOs) to be the sole employing unit for the purposes of unemployment insurance laws, allowing PEOs to provide certain specified services for client employers.

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**AB 2770 – Monning**  
**Unemployment insurance: use of information for tax purposes**

*Vetoed*

This bill would have required the Employment Development Department, and other governmental entities, create a set of standards that could trigger a recommendation for a tax audit or investigation of working conditions as part of a pilot program for underground economy enforcement in the swimming pool and spa construction industry.

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**ABX3 23 – Coto**  
**Unemployment Insurance: extended benefits**

*Chapter 22, Statutes of 2009-10 Third Extraordinary Session*

ABX3 23 established eligibility for an additional 20 weeks of federally-funded extended UI benefits for otherwise eligible recipients. This bill allowed the state to qualify for up to \$3.2 billion in federal funds for additional weeks of unemployment benefits for unemployed workers by conforming to the federal stimulus legislation.

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**ABX3 29 – Coto**  
**Unemployment Insurance**

*Chapter 23, Statutes of 2009-10 Third Extraordinary Session*

ABX3 29 created an alternative base period for the payment of unemployment insurance wages and approved new unemployment insurance hearing and notification procedures to be implemented by the Employment Development Department.

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**SB 222 – Ducheny**  
**Unemployment compensation: wages**

*Returned to Secretary of the Senate pursuant to Joint Rule 56*

Existing law excludes from the definition of “wages,” for purposes of the Unemployment Insurance program, remuneration in excess of \$7,000 paid to an individual by an employer during any calendar year. This bill would have revised this provision to exclude remuneration in excess of \$21,000.

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**SB 968 – Negrete McLeod**  
**Unemployment insurance: training and retraining benefits**

*Held under submission by Assembly Appropriations Committee*

This bill would have established the California Training Benefits Program, which, among other things, would have deleted existing requirements for determining potential eligibility for training or retraining, and instead would have specified that an unemployed individual who is able to work is eligible to receive training and retraining benefits if he or she certifies on the unemployment insurance claim form that he or she is enrolled in a training program that meets criteria specified by the bill, and a responsible person connected with the training or retraining program certifies that the individual is enrolled and is satisfactorily pursuing the training or retraining program.

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**SB 1211 – Romero**  
**Unemployment insurance: benefits eligibility: overpayments: elected officials**

*Chapter 222, Statutes of 2010*

Under existing law, any person who receives an overpayment of unemployment compensation benefits is liable for the amount overpaid. This bill requires the Director of the Employment Development Department (EDD) to find an overpayment of unemployment benefits where the individual who received them was an elected official whose claim was based solely on income received as an elected official. This bill permits the director, in addition to filing a civil action against the liable person for the overpayment amount, to initiate summary judgment proceedings against such a person to recover these overpayment amounts, as provided.

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**SB 1244 – Walters**  
**Employment: taxes and contributions: limited liability company**

*Chapter 522, Statutes of 2010*

This bill conforms the Unemployment Insurance Code to existing federal regulations on Limited Liability Companies (LLCs).

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**SB 1438 – DeSaulnier**  
**Unemployment insurance**

*Returned to Secretary of Senate pursuant to Joint Rule 56*

This bill would have required the Employment Development Department, in partnership with the Bureau of State Audits, to suspend unemployment insurance regulations that inhibited unemployment insurance benefit delivery for 30 days, and provided a process for the suspension of unemployment insurance regulations to be extended, as specified.

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**SB 1472 – Leno**  
**Unemployment insurance: shared work**

*Vetoed*

Existing law permits the payment of a reduced amount of unemployment compensation benefits to an individual who participates in a shared work unemployment insurance benefit program, administered by the Employment Development Department, pursuant to an approved employer plan. This bill would have required the department to develop and implement an outreach plan designed to provide information and inform employers in the state of the shared work program. The bill would have required the plan to include outreach to statewide and local chambers of commerce, employer advisory councils, and small business advisory councils.

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**SB 1495 – Senate Committee on Labor and Industrial Relations**  
**Unemployment insurance: use of information for tax purposes**

*Bill was never heard*

Existing law authorizes the Director of Employment Development to permit the use of information in his or her possession for specified purposes, including, among other things, to enable various government agencies and local governments to maintain information and collect moneys, fines, and fees owed by applicants for, or recipients of, unemployment compensation benefits. This bill would have additionally authorized the director to release specified employment tax information, in his or her possession to the State Board of Equalization that would have assisted in the administration of tax programs. *This bill was not heard by the Senate Labor and Industrial Relations Committee.*

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# *Workers' Compensation*

**AB 361 – B. Lowenthal**  
**Workers' compensation: treatment utilization**

*Chapter 436, Statutes of 2009*

This bill provides that, regardless of whether an employer has established a medical provider network or entered into a contract with a health care organization, an employer that authorizes medical treatment shall not rescind or modify the authorization for the portion of the medical treatment that has already been provided, including, but not limited to, the employer's subsequent determination that the physician who treated the employee was not eligible to treat that injured employee. This bill specifies when an employer is authorized to rescind or modify an authorization for treatments or services that have not already been provided.

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**AB 586 – Ma**  
**Workers' compensation: employees of the City and County of San Francisco:**  
**leaves of absence**

*Chapter 74, Statutes of 2010*

This bill corrects an inadvertent drafting error that excluded San Francisco deputy sheriffs, probation officers, institutional police, and certain members of the District Attorney's office from receiving Labor Code Section 4850 workers' compensation benefits for work-related injuries or illnesses.

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**AB 933 – Fong**  
**Workers' Compensation: medical treatment**

*Vetoed*

This bill would have modified workers' compensation requirements pertaining to licensed physicians who conduct utilization review and requirements for approval of a medical provider network. Specifically, this bill would have required the physicians performing utilization reviews to be licensed by California state law. In addition, this bill would have modified the definition of a psychologist, for workers' compensation purposes, to include only psychologists licensed in California.

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**AB 1093 – Yamada  
Workers' Compensation**

*Chapter 272, Statutes of 2009*

This bill requires that, for purposes of determining whether to grant or deny a workers' compensation claim, no personal relationship or personal connection shall be deemed to exist if a third party injured or killed an employee solely because of the employee's race, religious creed, color, national origin, age, gender, disability, sex, or sexual orientation.

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**AB 1227 – Feuer  
Workers Compensation**

*Chapter 389, Statutes of 2009*

This bill allows full-time peace officers who are injured on the job to take a "leave of absence" of up to one year with full pay in lieu of temporary disability payments, also known as "4850 time". This bill also excludes San Francisco deputy sheriffs, probation officers, institutional police, and certain members of the District Attorney's office from receiving this leave.

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**AB 1696 – B. Berryhill  
Death benefits: payment duration**

*Chapter 361, Statutes of 2010*

This bill extends workers' compensation death benefits until the youngest child attains 19 years of age if the child is still attending high school and is receiving the benefits as a child of certain public employees killed in the performance of duty.

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**AB 2253 - Coto  
Workers' compensation: cancer presumption**

*Chapter 672, Statutes of 2010*

This bill lengthens the maximum statute of limitations for a workers' compensation cancer presumption for peace officers and firefighters from 5 years to 10 years.

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**AB 2305 – Knight  
Contractors: workers' compensation insurance coverage**

*Chapter 423, Statutes of 2010*

This bill extends sunset provision to a pilot program that requires roofing contractors to maintain workers' compensation coverage, and also extends specific enforcement and data reporting requirements.

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**AB 2397 – Solorio**  
**Workers' compensation: public employees: leaves of absence**

*Vetoed*

This bill would have permitted law enforcement employees to extend paid leave of absence due to temporary disability by up to an additional year by mutual agreement with their employer through the collective bargaining process.

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**AB 2779 – Solorio**  
**Workers' Compensation: compound medicine**

*Placed on the Senate Inactive File*

This bill would have required that compounded medications can only be reimbursed through the workers' compensation system if they are medically necessary and that the cost of the ingredient does not exceed the Medi-Cal fee schedule.

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**AB 2780 – Solorio**  
**Workers' compensation: individually identifiable information**

*Chapter 611, Statutes of 2010*

This bill authorizes the State Department of Health Care Services, until January 1, 2017, to obtain and use individually identifiable information provided by the Department of Industrial Relations for the purposes of seeking recovery of Medi-Cal costs incurred by the state for treatment provided to injured workers that should have been incurred by employers and insurance carriers pursuant to workers' compensation coverage.

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**SB 3 – Cedillo**  
**Workers' compensation: permanent disability benefits**

*Without further action*

This bill would have provided, for injuries occurring on or after January 1, 2011, a supplemental job displacement benefit (SJDB) in the form of a voucher for up to \$6,000 to cover reeducation and skills enhancement expenses. The SJDB would have expired two years after the day the voucher is furnished to the employee or five years after the date of injury, whichever is later.

This bill would have exempt employers who make an offer of reemployment or continued employment, as specified, from providing vouchers.

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**SB 145 – DeSaulnier  
Workers’ Compensation**

*Vetoed*

This bill would have barred the consideration of race, national origin, gender, sex, genetic characteristics, and certain other factors in the delivery of workers’ compensation benefits and the determination of an apportionment of the causes of an industrial disability.

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**SB 186 – DeSaulnier  
Workers’ compensation: medical treatment: predesignation of physician**

*Chapter 565, Statutes of 2010*

This bill removed the December 31, 2009, sunset date on the law that authorizes an employee to predesignate his or her personal treating physician as the treating physician in the event of a workplace injury. This bill has preserved in law a workers right to designate their treating physician in the event of a work-related injury.

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**SB 313 – DeSaulnier  
Workers’ compensation: penalty assessments**

*Chapter 640, Statutes of 2009*

This bill increases the per-employee penalty for employers who fail to secure workers’ compensation coverage for their employees. Specifically, this bill increases the penalty assessment from \$1,000 to \$1,500 per employee employed during the period the employer was uninsured. This bill also restructures the laws governing penalties to be assessed on employers that do not comply with the law mandating that every employer provide, either through insurance or an approved self-insurance program, workers’ compensation benefits for its employees.

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**SB 403 – Benoit  
Workers’ compensation: lien claims**

*Returned to Secretary of Senate pursuant to Joint Rule 56*

This bill would have prohibit a lien claim for expenses, incurred by or on behalf of the injured employee, for medical and hospital treatment from being filed more than one year from the date the health provider, or the health provider’s agent, was sent an explanation of benefits (EOB) or

explanation of review (EOR) paying a bill pursuant to the official medical fee schedule, as specified, or a preferred provider organization (PPO) agreement. This bill would have applied to all injuries, without regard to whether the injury occurs before, on or after the operative date of March 1, 2010.

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**SB 764 – Negrete McLeod**  
**Workers’ compensation: health care organizations**

*Returned to Secretary of Senate pursuant to Joint Rule 56*

This bill would have deleted the requirement that each application for certification as a workers’ compensation health care organization (HCO) be accompanied by a fee, sufficient to cover the actual costs of processing the application. In addition, this bill would have deleted the description of necessary information that must be reported by various plans, insurers, administrators or other entities as determined by the Administrative Director of the Division of Workers’ Compensation. Lastly, this bill would have conformed provisions relating to services provided by HCOs to those applicable to employers who have not entered into a contract with an HCO for the provision of medical services.

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**SB 773 – Florez**  
**Workers’ compensation: disability benefits**

*Returned to Secretary of Senate pursuant to Joint Rule 56*

This bill would have declared the Legislatures intent to enact legislation that would have adjusted the amount of permanent partial disability benefits paid to injured workers in order to ensure that the benefits are fair, adequate, and more favorably aligned when compared with permanent partial disability benefits paid to workers in other states. Specifically, this bill would have provided for increased permanent partial disability benefits for injuries occurring on or after January 1, 2010 by revising the formula for computing permanent disability payments for injuries causing permanent disability.

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**SB 1213 – Cedillo**  
**Electronic access to claims information**

*Held under submission by Senate Appropriations Committee*

This bill would have required the Division of Workers’ Compensation within the Department of Industrial Relations to provide a party to a claim for workers’ compensation benefits with single sign-on portal, real time electronic programmatic access, at no charge, to the party’s data contained within the Electronic Adjudication Management System (EAMS). This bill would have also made several findings and declarations pertaining to the benefits of technological advancements and government transparency.

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## *Workforce Development*

**AB 3 – V. Manuel Perez  
Workforce Development:  
Renewable Energy Workforce Readiness Initiative: local workforce investment boards**

*Vetoed*

This bill would have required the California Workforce Investment Board, in consultation with the Green Collar Jobs Council (GCJC), to establish a Renewable Energy Workforce Readiness Initiative to ensure green collar career placement and advancement opportunities within California's renewable energy generation. Among other things, this bill would have required that the initiative provide guidance to local workforce investment boards on how to establish comprehensive green collar job assessment, training, and placement programs that reflect the local and regional economies.

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**AB 271 – Solorio  
California YouthBuild Program: funding and designation**

*Chapter 95, Statutes of 2009*

This bill conforms the California YouthBuild Program to federal YouthBuild Transfer Act in order to avoid future problems with compliance and grant eligibility.

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**AB 857 – Galgiani  
Workforce Development: one-stop career center systems**

*Held under submission by Senate Appropriations Committee*

This bill would have required the Employment Development Department, on or before July 1, 2010, to provide in-person unemployment benefit assistance in at least one comprehensive state one-stop career center in each workforce area, as prescribed. The bill would have required the department to ensure that customer service personnel at those career centers be trained regarding the policy laws and regulations governing eligibility, claims processing, and procedures for the payment of unemployment compensation benefits.

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**AB 1213 – Skinner  
Employment of persons with disabilities:  
California Governor's Committee on Employment of People with Disabilities**

*Vetoed*

Existing law requires the Governor to establish the California Governor's Committee on Employment of People with Disabilities, requires the committee to be established in the Labor and Workforce Development Agency, and requires the state agencies to create a sustainable, comprehensive strategy to accomplish various goals aimed at bringing persons with disabilities into employment. This bill would have added the Superintendent of Public Instruction as a member of the California Governor's Committee on Employment of People with Disabilities.

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**AB 1320 – Fong**  
**Workforce development: Lifelong Learning Accounts Initiative Program**

*Held on Senate Appropriations suspense file*

This bill would have created the Lifelong Learning Accounts Initiative Program for the purpose of providing grants to employers and employees to establish individual lifelong learning accounts, as defined, for the deposit of funds to be used by those employees and employers for purposes related to lifelong education and training. However, the bill specified that its requirements shall only be implemented if the Director of Finance makes a written determination that there are sufficient funds from sources other than the General Fund available for that purpose.

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**AB 1378 – V. Manuel Perez**  
**Veterans services: federal Workforce Investment Act: funding criteria**

*Re-referred to Senate Rules Committee pursuant to Senate Rule 29.10(c)*

This bill would have deleted an existing requirement that an entity or its subcontractors demonstrate that the majority of the entity's federal Workforce Investment Act resources are dedicated to serving the needs of veterans and their families, and instead would have required these entities to demonstrate the ability to create, utilize, and participate in local partnerships, including those with local workforce investment boards, educational agencies, training organizations, and other key stake holders to leverage resources and provide a full array of workforce services for serving the needs of veterans and their families.

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**AB 1394 – Bass**  
**California Workforce Investment Board: Green Collar Jobs Council**

*Vetoed*

This bill would have authorized the California Workforce Investment Board (CWIB) to accept any revenues, moneys, grants, goods or services from federal and state entities, philanthropic

organization, and other sources, to be used for the purposes relating to the administration and implementation of the strategic initiative. In addition, this bill would have required the Green Collar Jobs Council to consult with appropriate state and local agencies to identify opportunities to coordinate the award of grant and green workforce training funds received by the state under the federal American Recovery and Reinvestment Act of 2009 or any other funding sources.

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**AB 1559 – Assembly Committee on Labor and Employment  
Workforce development: summer youth job training**

*Vetoed*

This bill would have codified federal guidelines for the California Workforce Investment Board (CWIB) and local workforce investment boards on summer youth programs for the use of American Recovery and Reinvestment Act (ARRA) funds.

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**AB 1567 – Committee on Veterans Affairs  
Employment training panel: 3-year plan: training programs: veterans**

*Vetoed*

Existing law establishes the Employment Training Panel (ETP) in the Employment Development Department (EDD), and prescribes the membership and functions and duties of the ETP with regard to the development and implementation of specified employment training programs. Existing law requires the ETP, among other things, to establish a three-year plan, as specified, that is required to be updated annually, as provided. This bill would have additionally required that the ETP's three-year plan include employment training goals, objectives, and strategies that may be implemented to support target populations in need of employment training, including military veterans.

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**AB 1827 – Arambula  
Workforce development: one-stop career centers**

*Held under submission by Senate Appropriations Committee*

This bill would have required the Employment Development Department, on or before July 1, 2011, to provide in-person unemployment benefit assistance in at least one comprehensive one-stop career center in each workforce area, as defined. Specifically, this bill would have required the department to ensure that customer service personnel at those career centers are fully trained regarding the policy, laws, and regulations governing eligibility, claims processing, and procedures for the payment of unemployment compensation benefits. Additionally, the bill would have required the department to reallocate existing resources, including staff and equipment, and work with one-stop career center partners in order to accommodate customer

service personnel that will implement this assistance. The provisions of this bill would have stayed in effect through December 31, 2014.

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**AB 2349 – Fong**  
**Workforce development: Youth at Work Program.**

*Held Under Submission by Senate Appropriations Committee*

This bill would have created a “Youth at Work” Program that would, with the consent of the Director of Finance, allow the California Workforce Investment Board (CWIB) and local workforce investment boards to implement summer job training programs for at-risk youth.

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**AB 2696 – Bass**  
**California Workforce Investment Board: Green Collar Jobs Council**

*Chapter 396, Statutes of 2010*

This bill revises the duties of the Green Collar Jobs Council (GCJC), within the California Workforce Investment Board, and authorizes the board to accept any revenues, moneys, grants, goods, or services from federal and state entities, philanthropic organizations, and other sources, to be used for purposes relating to the administration and implementation of the strategic initiative. The bill authorizes the Employment Development Department, upon appropriation by the Legislature, to expend those moneys and revenues for purposes related to the administration and implementation of the strategic initiative and for the award of workforce training grants implementing this initiative. In addition, this bill requires that the GCJC consult with appropriate state and local agencies to identify opportunities to coordinate the award of grant and green workforce training funds received by the state under the American Recovery and Reinvestment Act of 2009 or any other funding sources.

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**AB 2726 – B. Lowenthal**  
**Employment Development Department: one-stop career centers: training: apprenticeship**

*Vetoed*

The federal Workforce Investment Act of 1998 (WIA) provides for workforce investment activities, including activities in which states may participate. This bill would have allowed apprenticeship programs approved by the Division of Apprenticeship Standards (DAS) to be counted as job placement and would have directed the state and local Workforce Investment Boards to ensure that programs and services funded by WIA and directed to apprenticeable occupations, including pre-apprenticeship training, work in coordination with one or more state-approved apprenticeship program, when an applicable program is available within the geographic area.

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**SB 410 – Ducheny  
California Workforce Investment Act:  
federal funding**

*Vetoed*

This bill would have required that job training be the priority for the American Recovery and Reinvestment Act funds going to local workforce investment boards, expanded the definition of training programs to apprenticeship and pre-apprenticeship programs, and required additional reporting requirements to track the use of these funds.

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**SB 956 – Romero  
Workforce development: California School Paraprofessional Teacher Training  
Program**

*Assembly Hearing Canceled at Request of Author*

This bill would have required that the Employment Development Department, upon appropriation by the Legislature, allocated \$5 million on a competitive basis to school districts, county offices of education, or charter schools to retrain laid-off and out-of-field teachers to meet subject competency requirements.

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**SB 1397 – Corbett  
Apprenticeship oversight**

*Vetoed*

This bill would have changed the approval and auditing procedures for the state's apprenticeship programs, as well as the membership requirements of the California Apprenticeship Council.

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***Other Legislation...  
withdrawn from committee and 29.10s:***

**AB 1235 – Hayashi  
Healing arts: peer review**

***Placed on the Senate Inactive File***

As originally introduced, this bill would have allowed an employer of a registered security officer to provide on-duty meal periods if the officer was covered by a valid collective bargaining agreement containing specified terms, or if the employee had a written on-duty meal period agreement with his or her employer containing specified terms. ***This bill was later amended into a health-related bill on a peer review process for physicians and surgeons.***

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**AB 2523 – Nava  
Apprenticeship: electricians**

***Re-referred to Committee on Rules pursuant to Senate Rule 29.10(c)***

This bill would have modified the education and training requirements for certification as an electrician to allow a state-approved apprenticeship training program to offer certification training. This bill would have also modified continuing education requirements for electricians, as specified. ***This bill was later amended into a health-related bill on congregate living health facilities.***

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**SB 156 – Wright  
Workers' compensation: fraud prevention and detection**

***Chapter 305, Statutes of 2010***

***Re-referred to the Committees on Banking Finance and Insurance and Judiciary***

As introduced, this bill would have authorized the Department of Insurance to convene meetings with insurers to discuss emerging trends and schemes involving insurance fraud and would provide that any person sharing information pursuant to that authorization would be protected from civil liability, as specified. In addition, this bill would have required employers to send an employee an explanation of benefits notice when the employer pays for certain medical treatments or services as a result of the employee's workers' compensation claim, and would