

Senate Committee on Labor and Industrial Relations

Legislative Summary 2017-2018



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Apprenticeship & Job Training

SB 789 – Newman & Atkins

California Apprenticeship Council: report

Gut and Amended

Held in Assembly Natural Resources Committee

This bill would have expanded on the currently required annual report filed by the Division of Apprenticeship Standards and the California Apprenticeship Council to additionally include any apprenticeship standards and regulations that were proposed or adopted in the previous year. This measure was gut and amended to address an issue dealing with the California Environmental Quality Act.

AB 235 – O'Donnell

Apprenticeship and preapprenticeship

Chapter 704, Statutes of 2018

This bill 1) authorizes a two-pronged process for the approval of apprenticeship programs, maintaining the current process for building trades and firefighting apprenticeship programs, and establishing a separate path for programs in newly emerging areas of apprenticeship; 2) creates the new Interagency Advisory Committee on Apprenticeship to focus on the approval and oversight of apprenticeship programs in non-building trades and non-firefighting industries; 3) creates pre-apprenticeship provisions to formally recognize these programs as a pathway to apprenticeship; and 4) makes other Labor Code and Education Code conforming changes to implement these new policies.

AB 579 – Flora

Apprenticeship: fire protection: firefighter preapprenticeship program.

Chapter 344, Statutes of 2017

This bill requires the Division of Apprenticeship Standards (DAS) and California Firefighter Joint Apprenticeship Committee (CAL-JAC) to develop a statewide firefighter pre-apprenticeship program to aid local fire agencies in recruiting candidates from underrepresented groups in the State.

AB 581 – McCarty
Apprenticeships on public works projects.

Chapter 553, Statutes of 2017

This bill classifies any apprenticeship training program that is unable to demonstrate properly how grant funds were used or any program found misusing grant funds as ineligible to receive any future grants from the California Apprenticeship Council. This bill also requires that these apprenticeship programs keep adequate records for the Division of Apprenticeship Standards (DAS) to verify that grant funds were used solely for training purposes and gives DAS the power to rescind the registration of the violating apprenticeship program.

AB 1111 – E. Garcia
Removing Barriers to Employment Act: Breaking Barriers to Employment Initiative.

Chapter 824, Statutes of 2017

This bill establishes the Breaking Barriers to Employment Initiative grant program to provide individuals with barriers to employment with services to aid them in workforce preparation, training and education.

AB 1425 – Kalra
Apprentices.

Ordered to Inactive File

This bill would have increased the penalty from a monetary fine to a yearlong ban for contractors who fail to notify local apprenticeship programs of contract award information necessary to ensure compliance with the required apprentice ratio on the worksite

AB 3231 – Gray
Employment: public works: apprenticeship.

Chapter 682, Statutes of 2018

This bill makes two separate modifications to California law governing the construction trades. First, this bill empowers a Joint Labor-Management Committee (JLMC) to seek a court order requiring a public works contractor or subcontractor to provide certified payroll records. Second, this bill requires the California Apprenticeship Council (CAC) and Chief of the Division of Apprenticeship Standards (DAS) to include, in its annual report to the Legislature, any apprenticeship standards that were proposed or adopted in the previous year.

Meal and Rest Periods

SB 1188 – Stone

Domestic workers: overtime: sleep hours.

Failed passage in Senate Labor Committee

This bill would have permitted live-in domestic workers to enter into a written agreement with their employer to deduct a regularly scheduled sleep period from their hours worked.

SB 1404 – Stone

Pharmacists: exemption from overtime regulations.

Senate Labor Committee Hearing Canceled at Request of Author

This bill would have exempted pharmacists participating in postgraduate education, research, or pharmacy clinical services from overtime, meal and rest periods, and other protections found in the Industrial Welfare Commission wage orders.

AB 263 – Rodriguez

Emergency medical services workers: rights and working conditions.

Re-referred to Senate Rules Committee

This bill would have codified specific meal period and rest period provisions for emergency medical services employees.

AB 2605 – Gibson

Rest breaks: petroleum facilities: safety-sensitive positions.

Chapter 584, Statutes of 2018

This bill exempts safety sensitive personnel at petroleum refineries from the “on duty” rest period requirements of a recent court case, provided that the personnel are covered by a valid collective bargaining agreement, as specified, until January 1, 2021.

AB 2610 – Aguiar-Curry

Employees: meal periods.

Chapter 148, Statutes of 2018

This bill permits commercial drivers transporting commercial feed to a consumer in a rural area be permitted to commence a meal period after 6 hours, as specified.

Labor Standards & Enforcement

SB 490 – Bradford

Wages: Barbering and Cosmetology Act: licensees.

Chapter 831, Statutes of 2017

This bill clarifies that beauty salon employees may be paid by commission for both the sale of products and services if specified requirements are met.

SB 524 – Vidak

Employment: violations: good faith defense.

Held in Senate Labor Committee

This bill would have provided employers with a defense against prosecution for alleged violations of certain labor laws, so long as those employers attempted to follow relevant guidance issued to them in an opinion letter by the Division of Labor Standards Enforcement.

SB 1252 – Pan

Wages: records: inspection and copying.

Chapter 464, Statutes of 2018

This bill updates existing law by giving workers the right to inspect or receive a copy of the payment information records kept by their employers.

SB 1284 – Jackson

Employers: annual report: pay data.

Held Under Submission by the Assembly Appropriations Committee

This bill would have required that employers with 100 or employees provide the Department of Industrial Relations and the Department of Fair Employment and Housing with employee pay data, as specified.

SB 1298 – Skinner

The Increasing Access to Employment Act.

Held in Senate Appropriations Committee

This bill would have prohibited the Department of Justice from releasing criminal information to specified employers about a job applicant whose convictions were expunged or dismissed at least 7 years prior to applying for a job.

SB 1402 – Lara**Labor contracting: customer liability.***Chapter 702, Statutes of 2018*

This bill requires joint and several liability for customers who contract with port drayage services who have unpaid wage, tax and workers' compensation liability.

SB 1412 – Bradford**Applicants for employment: criminal history.***Chapter 987, Statutes of 2018*

This bill places additional requirements on employers to encourage the consideration of only relevant past convictions when screening job applicants using a criminal background check.

SB 1428 – McGuire**Minors: employment: work permits.***Chapter 420, Statutes of 2018*

This bill provides that at-risk youth should not be denied access to a work permit to participate in a government-administered employment and training program based on the minor's grades, grade point average, or school attendance.

AB 168 – Eggman**Employers: salary information***Chapter 688, Statutes of 2017*

This bill prohibits all employers, including the Legislature, the state, and local governments, from seeking salary history information about an applicant for employment and requires an employer to provide the pay scale for a position to an applicant upon reasonable request. Additionally, this bill specifies that nothing prohibits an applicant from voluntarily disclosing salary history information to a prospective employer and allows the employer to consider that information in determining the salary for that applicant.

AB 1099 – Gonzalez Fletcher**Compensation: gratuities.***Senate Labor and Industrial Relations Hearing canceled at the request of author*

This bill would have required entities as specified, which permit a patron to pay for services performed by a worker by debit or credit card, to also accept a debit or credit card for payment of gratuity.

AB 1283 – Rodriguez**Mutual aid: reimbursements: volunteer firefighters.***Ordered to Senate Inactive File*

As originally introduced, this bill would have required a nonprofit or public fire department that receives federal, state, or local reimbursement for personnel costs associated with firefighting, to pay volunteer firefighters an amount equal to 20% of the annual compensation that would otherwise be required to hire a permanent employee for the same services. AB 1283 was later amended to add new requirements regarding how reimbursements are passed through to volunteer firefighters operating under an agreement to respond to a mutual aid request and would have limited the amount of mutual aid response that volunteers may perform under these agreements.

AB 1565 – Thurmond**Labor-related liabilities: direct contractor.***Gut and Amended**Chapter 528, Statutes of 2018*

As originally introduced, this bill concretize in statute a federal regulation on overtime pay for executive, administrative, or professional employees. This bill was later amended and makes technical and clarifying changes to the recently created joint liability provisions for construction contractors and subcontractors (see AB 1701 (Thurmond) for more information).

AB 1654 – Rubio**Labor Code Private Attorneys General Act of 2004: construction industry.***Gut and Amended**Chapter 529, Statutes of 2018*

As originally introduced, this bill dealt with water conservation in California. This bill was later amended and exempts workers in the construction industry from the ability to pursue a civil action for an alleged violation of Labor Law protections if the worker is covered by a collective bargaining agreement, as specified.

AB 1701 – Thurmond**Labor-related liabilities: original contractor.***Chapter 804, Statutes of 2017*

This bill holds general contractors and subcontractors jointly liable for unpaid wages, including fringe benefits, and authorizes civil actions to enforce the joint liability.

AB 2282 – Eggman
Salary history information

Chapter 127, Statutes of 2018

This bill makes clarifying changes to prohibit use of prior salary to justify any disparity in compensation. This bill also clarifies that an employer may make a compensation decision based on a current employee's existing salary, so long as the wage differential resulting from that compensation decision is justified by other specified factors in current law. This bill also specifies that these prohibitions do not forbid an employer from asking the applicant about his or her salary expectations for the position being applied for.

AB 2314 – Ting, Gonzalez Fletcher
Private employment: domestic workers

Vetoed

This bill would have required that the Department of Industrial Relations' (DIR's) Division of Labor Standards Enforcement (DLSE) create a Domestic Work Enforcement Pilot Program, in collaboration with qualified organizations, to provide resources, education, and training regarding labor standards in the domestic work industry for both employees and employers.

AB 2388 – Chu
Employment: minors.

Chapter 261, Statutes of 2018.

This bill clarifies that employers do not have to obtain permission from the Labor Commissioner to employ minors in digital exhibitions, provided the minor is not compensated, the exhibition is limited to one hour and an admission fee is not charged for attendance.

AB 2496 – Gonzalez Fletcher
Janitorial employees: employment status: burden of proof.

Vetoed

This bill would have created a rebuttable presumption that a worker in the janitorial field is an employee, and therefore is due the same protections and privileges as other employees.

AB 3018 – Low

State contracts: skilled and trained workforce.

Chapter 882, Statutes of 2018

This bill imposes a fine on a contractor or subcontractor that fails to use a skilled and trained workforce, as defined, for a contract that is required to utilize a skilled and trained workforce and prevents an entity that is found to be noncompliant with skilled and trained workforce requirements from bidding or participating on public works projects for 1 to 3 years.

Occupational Safety & Health

SB 258 – Lara

Cleaning Product Right to Know Act of 2017.

Chapter 830, Statutes of 2017

This bill creates the Cleaning Product Right To Know Act of 2017 (Act), which requires manufacturers of cleaning products to disclose specified chemical ingredients on a product label and on the manufacturers Web site.

SB 772 – Leyva

Occupational safety and health: regulations

Placed on the Assembly Inactive File

This bill would have exempted any occupational safety and health standard and order from the currently required standardized regulatory impact analysis before final adoption, amendment or repeal of a regulation. Specifically, this bill would have exempt any occupational safety and health standard and order from the standardized regulatory impact analysis requirement for major regulations contained in Government Code Section 11346.3(c).

AB 55 – Thurmond

Hazardous materials management: stationary sources

Chapter 608, Statutes of 2017

This bill requires an owner or operator of a stationery source who claims an exemption for a “skilled and trained workforce” requirement in existing law, to file with the unified program agency a complete copy of the exempted contract and a 2nd copy of the contract that has been redacted only to the extent necessary to protect sensitive information, as specified, to be made available for public inspection. This bill also extends the timeframe under which a worker must meet specified training hours to be classified as a “skilled journeyman.”

AB 402 – Thurmond

Occupational safety and health standards: plume.

Vetoed

This bill would have required the Division of Occupational Safety and Health to convene an advisory committee to develop a regulation regarding the protection of health care personnel and patients from exposure to vaporized human tissue, defined in this bill as “plume”.

AB 676 – Limon**Child care and development: occupational health and safety training.***Held Under Submission by the Senate Appropriations Committee*

This bill would have required the Commission on Health and Safety and Workers' Compensation create a health and safety training program for early education providers.

AB 708 – Quirk-Silva**Occupational safety and health: accidents: responding agency notifications***Hearing in Senate Appropriations canceled at the request of author*

This bill would have revised existing reporting requirements to require that whenever a state, county, or local fire or police agency is called to an accident involving an employee at a worksite, the responding agency must immediately notify the nearest Cal/OSHA office by telephone if the accident involves an employee in which death or loss of limb occurs; and if the accident involves a serious injury or illness, other than death or loss of limb, the agency must notify the nearest Cal/OSHA office by telephone or electronic means within 24 hours.

AB 978 – Limon**Employment safety: injury and illness prevention program***Vetoed*

This bill would have required an employer who receives a written request for a complete paper copy, or an electronic copy, of the written Injury and Illness Prevention Plan (IIPP) from a current employee, or his or her authorized representative, as specified, to comply with the request as soon as practicable, but no later than 10 business days from the date a request is received.

AB 1761 – Muratsuchi**Employee safety: hotel workers.***Held in Senate Appropriations Committee*

This bill would have required hotel employers, as defined, to provide their employees who work alone in guestrooms with a panic button to be used in case of emergency, as well as develop protocols and training to respond to the activation of a panic button.

AB 2334 – Thurmond

Occupational injuries and illness: employer reporting requirements: electronic submission.

Chapter 538, Statutes of 2018

This bill clarifies that the occurrence of a violation of an occupational safety and health order continues until the violation is corrected, the Division of Occupational Safety and Health discovers the violation, or the duty to comply with the requirement is no longer applicable.

AB 2963 – Kalra

Worker safety: blood lead levels: reporting

Vetoed

This bill would have required the Department of Public Health (DPH) to report to the Division of Occupational Safety and Health (Cal/OSHA) any instance where a worker's blood lead level (BLL) is at or above 25 micrograms per deciliter ($\mu\text{g/dL}$). This bill requires this report to constitute a complaint from a government agency representative charging a serious violation of existing law, as specified.

Workforce Development

SB 1470 – Stern

Jobs for California Graduates Program.

Gut and Amended

Held in committee and under submission

As originally introduced, this bill would have required that local affiliates of the Jobs for California Graduates Program consult with local workforce development boards on efforts where they can cooperate. SB 1470 was later amended to create the Commission on the Future of Work to address issues related to automation.

AB 916 – Quirk-Silva

Income taxes: California work opportunity tax credit.

Gut and Amended

Held in Senate Appropriations Committee

As originally introduced, this bill would have required local workforce development boards to identify and promote various sector strategies, programs, and training models for “new ways of working”. AB 916 was later amended to enact a state Work Opportunity Tax Credit (WOTC), which would have allowed employers to claim the WOTC against federal income taxes based on a percentage of qualified wages paid to an individual who is a member of a targeted disadvantaged group.

AB 1149 – Arambula

Workforce investment boards: funding.

Chapter 324, Statutes of 2017

This bill allows Local Workforce Development Boards (LWDBs) to classify funds spent providing supportive services to those served by the federal Workforce Innovation and Opportunity Act (WIOA) as “leveraged funds” that satisfy mandated spending requirements for workforce training.

AB 1336 – Mullins

California Workforce Development Board.

Chapter 211, Statutes of 2017

This bill tasks the California Workforce Development Board (CWDB) with determining approaches to measure the labor market impact of relevant workforce development programs, provided that the approach methodologies are statistically rigorous, while also authorizing the CWDB or its designee to receive associated data from designated partners to collect and report participating program outcomes.

AB 2420 – Quirk-Silva
Workforce development: soft skills training

Chapter 216, Statutes of 2018

This bill authorizes the Employment Training Panel (ETP) to include “soft skills” in the type of job-related basic and literacy skills training for which a training contract may be provided. The bill defines “soft skills” as behaviors and competencies to allow people to navigate professional environments, work well with colleagues, and perform up to standards for professional success

AB 2915 – Caballero
Workforce development boards: mutual disaster aid assistance: memorandum of understanding

Chapter 722, Statutes of 2018

This bill requires the California Workforce Development Board to develop, in conjunction with the Employment Development Department and with input from local workforce development boards, a policy regarding mutual aid agreements between local boards to enable them to effectively respond to disasters.

Unemployment Insurance, State Disability Insurance & EDD

SB 1251 – McGuire

California Training Benefits Program.

Gut and Amended

Chapter 418, Statutes of 2018

As originally introduced, this bill would have required local planning agencies to consider approved alternatives under the Sustainable Groundwater Management Act. SB 1251 was later amended to allow workers to receive unemployment insurance benefits while they are in an eligible training or retraining program by making the California Training Benefits Program (CTB) permanent and authorizes individuals receiving discretionary use payments as part of their training or retraining to be eligible for unemployment insurance benefits under the CTB.

AB 1695 – Committee on Insurance

Unemployment insurance

Chapter 117, Statutes of 2017

This bill makes a number of minor, technical changes to clean-up the Unemployment Insurance Code (UIC) and make sure that provisions are accurate and current.

AB 3145 – Salas

Disability insurance: state employees

Vetoed

This bill would have authorized a state excluded employee to elect to participate in the State Disability Insurance Program instead of receiving nonindustrial disability benefits, and provides that the employee may make the election at the time of hire and during an annual enrollment period, as determined by the employing department.

Workers' Compensation

SB 189 - Bradford

Workers' compensation: definition of employee.

Chapter 770, Statutes of 2017

This bill lowers the ownership threshold for waiving workers' compensation coverage from 15% to 10%, and creates specific waiving provisions for professional corporations, worker-owned cooperatives, and closely-held family businesses.

SB 391 – Vidak

Employment: workers' compensation and piece-rate compensation.

Senate Labor Committee Hearing Canceled at Request of Author

This bill would have required that the Labor Commissioner post on the Division of Labor Standards Enforcement's website on a monthly basis the unpaid wages deposited in the Unpaid Wage Fund for piece rate workers who could not be located by their employer.

SB 489 – Bradford

Workers' compensation: change of physician.

Chapter 240, Statutes of 2017

This bill extends the timeline for hospitals and emergency physicians to bill for emergency medical treatment for injured workers from 30 days to 180 days.

SB 617 – Bradford

Workers' compensation: providers.

Held in Assembly Insurance Committee

As originally introduced, this bill would have required that the Division of Workers' Compensation (DWC) issue annual reports to physicians who treat 30 or more injured workers annually. SB 617 was later amended to address apportionment and genetics in the workers' compensation system.

SB 880 – Pan

Workers' compensation.

Chapter 730, Statutes of 2018

This bill permits the employers to conduct a pilot program on transmitting disability indemnity benefits by a prepaid card, rather than a paper check.

SB 899 – Pan
Workers’ compensation.

Vetoed

This bill would have explicitly excluded race, gender, and national origin as apportionable factors.

SB 1086 – Atkins
Workers’ compensation: firefighters and peace officers.

Chapter 734, Statutes of 2018

This bill extends the timelines that limit a dependent from filing 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.

AB 44 – Reyes
Workers’ compensation: medical treatment: terrorist attacks: workplace violence.

Chapter 736, Statutes of 2017

This bill requires that advocacy services for injured workers who suffered an industrial injury due to an act of domestic terrorism.

AB 479 – Gonzalez Fletcher
Workers’ compensation: permanent disability apportionment.

Vetoed

This bill would have explicitly delineated specific requirements for physicians when calculating permanent disability due to breast cancer.

AB 553 – Daly
Workers’ compensation: return-to-work program.

Vetoed

This bill would have required that the Director of the Department of Industrial Relations (DIR) distribute the entire \$120 million from the Return to Work fund annually to all eligible workers.

AB 570 – Gonzalez Fletcher**Workers’ compensation: permanent disability apportionment.***Vetoed*

This bill would have prohibited apportionment in cases of physical injury based on pregnancy, childbirth, or other medical conditions related to pregnancy or childbirth.

AB 1028 – Bocanegra**Workers’ compensation.***Held Under Submission by the Senate Appropriations Committee*

This bill would have expanded existing workers’ compensation presumptions to include peace officers employed by a school district.

AB 1422 – Daly**Workers’ compensation insurance: fraud.***Chapter 300, Statutes of 2017*

This bill revises the timelines and clarifies the process for the freezing and dismissal of workers’ compensation liens due to a conviction for fraud.

AB 1697 – Assembly Committee on Insurance**Workers’ compensation.***Vetoed*

This bill would have created explicit authorization for the Division of Workers’ Compensation to create an anti-fraud support unit and require that the anti-fraud support unit develops written policies and procedures for combating workers’ compensation fraud, as specified.

AB 1749 – Daly**Workers’ compensation: off-duty peace officer.***Chapter 707, Statutes of 2018*

This bill states, explicitly, that nothing in law prevents a public employer from accepting liability for an injury to a peace officer while the peace officer is performing specified duties outside of California.

Leave: Family, Medical & Other

SB 63 – Jackson

Unlawful employment practice: parental leave

Chapter 686, Statutes of 2017

This bill made it an unlawful employment practice for an employer, of 20 or more employees, to refuse to allow an eligible employee to take up to 12 weeks of job protected parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement. This bill also prohibits an employer from refusing to maintain and pay for the employee's continued group health coverage during the duration of the leave.

SB 1123 – Jackson

Disability compensation: paid family leave.

Chapter 849, Statutes of 2018

This bill expands Paid Family Leave to include families who must take time off to attend to situations arising out of a family member or loved one's status as a covered active duty member of the US Armed Forces.

AB 2587 – Levine

Disability compensation: paid family leave.

Chaptered by Secretary of State - Chapter 80, Statutes of 2018.

This bill removes language in the California Unemployment Insurance Code referencing a code section that no longer exists.

Immigration, Labor Contracting & Agricultural Relations

AB 2732 – Gonzalez Fletcher

Employment: unfair immigration-related practices: janitorial workers: sexual violence and harassment prevention training

Vetoed

This bill would have made it unlawful for an employer to knowingly destroy, conceal, remove, confiscate, or possess any passport or other immigration-related document of another person in the course of committing, or with the intent to commit, trafficking, peonage, slavery, involuntary servitude, or a coercive labor practice. This bill imposes civil penalties and a misdemeanor for violations of this unlawful employment practice and requires employers to provide employees with a “Worker’s Bill of Rights,” in multiple languages, setting forth labor laws and protections against human trafficking. Additionally, this bill makes changes in Labor Code provisions dealing with janitorial service employers and their business registration process.

AB 2751 – Stone

Agricultural labor relations.

Chapter 718, Statutes of 2018

This bill requires that the Agricultural Labor Relations Board (ALRB), within one year of a finding of liability, process all decisions concerning monetary awards owed to agricultural employees, unless the ALRB certifies that there is good cause for a delay. This bill also creates new mediation and conciliation timeline requirements for appealing or disputing a final decision of the ALRB.

AJR 34 – E. Garcia

Agricultural workers: labor shortages.

Res. Chapter 172, Statutes of 2018.

This resolution calls on Congress to acknowledge the existence of and assist in finding a solution to the labor shortage in California’s agricultural sector.

Public Works & Prevailing Wage

SB 418 – Hernandez

Public contracts: skilled and trained workforce

Chapter 393, Statutes of 2017

This bill revised the definition of “skilled and trained workforce” to specify that on or after January 1, 2018, the 40, 50 and 60 percentage graduation rate of skilled journeypersons required for work in specified contracts shall not apply to work performed in the following occupations: acoustical installer, bricklayer, carpenter, cement mason, drywall installer or lather, marble mason, finisher, or setter, modular furniture or systems installer, operating engineer, pile driver, plasterer, roofer or waterproofer, stone mason, surveyor, teamster, terrazzo worker or finisher, and tile layer, setter, or finisher.

SB 825 – Beall

State prisons: preapprenticeship program.

Assembly Public Safety Committee Canceled at Request of Author

This bill would have required the California Department of Corrections and Rehabilitation to establish guidelines for a preapprenticeship program and permitted the California Department of Corrections and Rehabilitation to award contracts for design-build construction of \$500,000 or more if the contractor adheres to a community workforce agreement that provides work opportunities to formerly incarcerated individuals.

SB 913 – Hertzberg

Public works: City of Los Angeles: graffiti abatement.

Chapter 200, Statutes of 2018

This bill creates an exemption to the requirement to pay prevailing wage on public works projects for graffiti abatement in Los Angeles County if the graffiti abatement is done by a non-profit and the work is done by volunteers or individuals enrolled in a preapprenticeship program.

AB 199 – Chu

Public works: private residential projects.

Chapter 610, Statutes of 2017

This bill clarifies that the requirements of prevailing wage should be extended to successor agencies of redevelopment agencies.

AB 1066 – Aguiar-Curry
Public works: definition.

Chapter 616, Statutes of 2017

This bill expanded on the definition of the term “public works” to include tree removal work done in the execution of an existing public works project.

AB 1080 – Gonzalez Fletcher
Public contracts: bid preferences: employee health care coverage

Vetoed

This bill would have required a state agency awarding specified contracts to provide a 5% bid preference to that portion of the total bid performed by a bidder or subcontractor if its employees, during the time that they were employed, were covered by credible, health care coverage, as defined, during the 12-month period immediately preceding submission of the bid.

AB 3222 – O’Donnell
Public works: prevailing wages

Senate Appropriations hearing postponed by committee

This bill would have expanded the definition of “public works,” for purposes of prevailing wage requirements, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a project for a charter school when it is paid for, in whole or in part, with the proceeds of conduit revenue bonds issued on or after January 1, 2019.

Classified Employees

SB 1177 – Portantino

Classified employees: Classified School Employees Summer Furlough Fund.

Gut and Amended

Vetoed

As original introduced, this bill would have created a fund to allow classified school employees to contribute earnings voluntarily that are matched by the state on a two-to-one ratio, for the purposes of providing income during times when these employees are not receiving a salary. SB 1177 was later amended to address firearms and transfer of ownership.

AB 621 – Bocanegra

Classified employees: Classified School Employees Summer Furlough Fund.

Vetoed

This bill would have created a fund to allow classified school employees to contribute earnings voluntarily that are matched by the state on a two-to-one ratio, for the purposes of providing income during times when these employees are not receiving a salary.

AB 670 – Thurmond

Classified employees: part-time playground positions.

Chapter 582, Statutes of 2017

This bill removes the provision of law exempting playground positions from the classified service within school districts if the person is not also employed in a classified position.

AB 2160 – Thurmond

Classified employees: school and community college districts: part-time playground positions

Chapter 488, Statutes of 2018

This bill ends the exemption of part time playground positions from the classified service in both school districts and community colleges.

AB 2261 – Friedman

School employees: merit system: classified service: community representatives.

Chapter 297, Statutes of 2018

This bill requires positions established for the employment of community representatives in advisory or consulting capacities in elementary and secondary school districts to be considered part of the classified service.

Discrimination & Retaliation

SB 306 – Hertzberg

Retaliation actions: complaints: administrative review.

Chapter 460, Statutes of 2017

This bill grants the Labor Commissioner authority to seek an immediate and temporary injunction when workers face retaliation for reporting violations of the law. This bill also gives the Labor Commissioner authority to issue citations and penalties directly to enforce retaliation claims, rather than exclusively through the courts. This bill authorizes an employee who is bringing a civil action for a retaliation claim to seek injunctive relief from the court.

SB 491 – Bradford

Civil rights: discrimination: enforcement.

Vetoed

This bill would have instructed the California Department of Fair Employment and Housing (DFEH) to establish an advisory group to explore the possibility of authorizing local governments to enforce the state's anti-discrimination laws by surveying existing local practices, studying the feasibility of such a change, and reporting back to the Legislature with an implementation plan and draft legislation.

SB 1223 – Galgiani

Construction industry: discrimination and harassment prevention policy.

Vetoed

This bill would have instructed the Division of Labor Standards Enforcement (DLSE) to develop recommendations for an industry-specific harassment and discrimination prevention policy for the construction industry.

SB 1300 – Jackson

Unlawful employment practices: discrimination and harassment.

Chapter 955, Statutes of 2018

This bill addresses the severe or pervasive standard for litigating sexual harassment claims and prohibits employers from requiring employees to sign a release of claims under the Fair Employment and Housing Act in exchange for a raise or as a condition of employment.

AB 569 – Gonzalez Fletcher
Discrimination: reproductive health

Vetoed

This bill would have prohibit an employer, or any person acting on behalf of an employer, from taking any adverse action against an employee or their dependent or family member for their reproductive health decisions, including, but not limited to, the timing thereof, or the use of any drug, device, or medical service. This bill specified that an employer who takes any adverse employment action against an employee in violation of these provisions is liable to the aggrieved employee who can recover a penalty and any other appropriate relief to remedy the violation.

AB 1008 – McCarty
Employment discrimination: conviction history.

Chapter 789, Statutes of 2017

This bill prohibits an employer, with certain exceptions, from inquiring about or considering a job applicant’s conviction history prior to a conditional offer of employment, and sets requirements regarding the consideration of conviction histories in employment decisions.

AB 2358 – Carrillo
Apprenticeships: discrimination: prohibition.

Chapter 675, Statutes of 2018

This bill requires apprenticeship programs to develop and implement further anti-harassment and anti-discrimination policies and procedures.

AB 3080 – Gonzalez Fletcher
Employment discrimination: enforcement.

Vetoed

This bill would have prohibited requiring any applicant for employment or employee from being required to waive his or her right to a judicial forum as a condition of employment or continued employment.

AB 3081 – Gonzalez Fletcher, Bonta
Employment: sexual harassment.

Vetoed

This bill would have 1) prohibit an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee's status as a victim of sexual harassment; (2) created a rebuttable presumption of unlawful retaliation, for the 30 days after an employer learns that an employee has been the victim of domestic violence, sexual assault, sexual harassment or stalking, if an employer takes an adverse employment action against an employee; 3) imposed joint civil and legal liability between a client employer and a labor contractor for harassment, as defined, for all workers supplied by that labor contractor; and 4) prohibit the client employer and the labor contractor from taking any adverse action against any worker for providing notification of violations or for filing a claim or civil action.

Sexual Harassment & Gender Equity

SB 295 – Monning

Farm labor contractors: sexual harassment prevention

Chapter 424, Statutes of 2017

This bill made several additions to the laws that govern obtaining and renewing a farm labor contractor (FLC) license. Specifically, this bill requires: (1) that sexual harassment prevention training for each agricultural employee be given in the language understood by that employee; (2) that, as part of their license renewal application, FLCs provide the Labor Commissioner with a complete list of all materials or resources used to provide sexual harassment prevention training to their employees in the prior year; (3) that, as part of their license renewal application, FLCs also include the total number of agricultural employees trained in sexual harassment prevention in the prior year; and (4) that the Labor Commissioner add up the number of sexual harassment prevention trainees annually and post the total on its Web site. This bill also authorizes the Labor Commissioner to assess a civil penalty of \$100 for each violation of certain sexual harassment prevention training requirements.

SB 396 – Lara

Employment: gender identity, gender expression, and sexual orientation.

Chapter 858, Statutes of 2017

This bill requires that employers with 50 more employees include, as a part of the existing sexual harassment training, training on harassment based on gender identity and adds transgender and gender nonconforming to the list of individuals facing employment barriers for the purposes of workforce investment training.

SB 937 – Wiener

Lactation Accommodation

Vetoed

This bill would have mandated that all employers provide a space with certain technical specifications for employees with a desire to express breast milk in private. The bill contained additional allowances for an undue hardship exemption for employers with 50 employees or less.

SB 970 – Atkins

Employment: human trafficking awareness.

Chapter 842, Statutes of 2018

This bill requires that hotels and motels provide human trafficking education to employees who interact with the public, as defined.

SB 1343 – Mitchell**Employers: sexual harassment training: requirements.***Chapter 956, Statutes of 2018*

This bill reduces the sexual harassment training requirement threshold from employers with 50 or more employees to employers with five or more employees, include non-supervisory employees in the training, and requires that the Department of Fair Employment and Housing develop an online training course and make it available on the Department's Web site.

AB 1209 – Gonzalez Fletcher**Employers: gender pay differentials***Vetoed*

This bill would have required employers of 500 or more employees in California to collect specified information on gender wage differentials for exempt employees and board members located and submit it to the Secretary of State (SOS) for publishing on its Internet site.

AB 1867 – Reyes**Employment discrimination: sexual harassment: records***Vetoed*

This bill would have required employers, with 50 or more employees, to maintain records of employee complaints alleging sexual harassment for a period of not less than five years after the last day of employment of the complainant or any alleged harasser named in the complaint, whichever is later.

AB 1976 – Limón**Employment: lactation accommodation.***Chapter 940, Statutes of 2018*

This bill requires that an employer make reasonable efforts to provide an employee wishing to express breast milk in private with an area in close proximity to their workspace that is not a bathroom.

AB 2079 – Gonzalez Fletcher**Janitorial workers: sexual violence and harassment prevention training.***Vetoed*

This bill would have required the Director of the Department of Industrial Relations (DIR) to form an advisory committee to refine the recommendations of a different advisory committee on in-person sexual violence and harassment prevention training requirement for janitorial employers and employees.

AB 2338 – Levine**Talent agencies: education and training.***Chapter 967, Statutes of 2018*

This bill requires talent agencies to provide educational materials on sexual harassment prevention, retaliation, nutrition and eating disorders to its adult artists. This bill also requires the parent or legal guardian of a minor between 14 to 17 years of age, as well as the age-eligible minor, receive training in sexual harassment prevention, retaliation, and reporting prior to the issuance of an entertainment work permit by the Labor Commissioner. This bill provides that failure to comply with these requirements would expose talent agencies to civil penalties imposed by the Labor Commissioner.

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