

*Senate Committee on Labor, Public
Employment and Retirement*

Legislative Summary 2019-2020



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Apprenticeship & Job Training

AB 1019 – Frazier

Apprenticeship: developmentally disabled persons.

Chapter 164, Statutes of 2019

This bill adds the Director of Rehabilitation and the executive director of the State Council on Developmental Disabilities to the list of ex officio officers in the Interagency Advisory Committee on Apprenticeship.

AB 1459 – Arambula

Qualified grocery employee: certification and apprenticeship.

Held Under Submission by the Senate Appropriations Committee

This bill would have required the Division of Labor Standards Enforcement to create a certification process for the job of qualified grocery employee in consultation with representatives of grocery store employers and employees.

AB 1558 – Ramos

Apprenticeship programs: career fairs.

Vetoed

This bill would have required school districts and schools holding career or college fairs to notify local apprenticeship programs, as specified.

Classified Employees

AB 736 – Irwin

Employee classification: professional classification: specified educational employees.

Chapter 44, Statutes of 2020

This bill explicitly clarifies when an adjunct instructor at an independent institution of higher learning qualifies as an exempt professional under wage and hour law.

AB 1466 – Irwin

Employee classification: professional classification: specified educational employees.

Vetoed

This bill would have clarified, explicitly, when an adjunct instructor at an independent institution of higher learning qualifies as an exempt professional under wage and hour law.

Discrimination & Retaliation

AB 333 – Eggman

Whistleblower protection: county patients’ rights advocates.

Chapter 423, Statutes of 2019

This bill extends existing whistleblower protections to county mental health patients’ rights advocates.

AB 1478 – Carrillo

Employment Discrimination.

Vetoed by Governor Newsom

This bill allows a worker to bring a private right of action against an employer for unlawful retaliation following an employee exercising their right to time off for specified reasons protected under the law, including domestic violence, jury duty or stalking

ACA 5 – Weber

Government preferences.

Chapter 23, Statutes of 2020

This constitutional amendment asks the voters of California to vote on permitting the use of race, gender, and ethnic diversity as factors (but not decisive factors) in college admissions, government hiring, and government contracting.

Immigration, Labor Contracting & Agricultural Labor Relations

AB 589 – Gonzalez

Employment: unfair immigration-related practices

Vetoed by the Governor

This bill makes 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 provides that violations of this unlawful employment practice would result in a misdemeanor and a \$10,000 civil penalty, in addition to any fine that may be levied as a result of any criminal prosecution. This bill also requires employers to post a notice in the workplace with information including the right to maintain custody and control of immigration-related documents. Finally, this bill requires employers to provide employees with a “Worker’s Bill of Rights” document in multiple languages, setting forth labor laws and protections against human trafficking.

Independent Contractors

SB 238 – Grove

Worker status: factors for determination of employee status.

Failed Passage in the Senate LPER Committee

This bill would have annulled the *Dynamex* decision on independent contractors and replace it with a six part “economic realities” test from federal law.

SB 806 – Grove

Worker status: employees: independent contractors.

Failed Passage in the Senate LPER Committee

This bill would have repealed the existing test and the prior Borello test on independent contractor status and instead require that the courts determine who is an employee on a case-by-case basis.

SB 867 – Bates

Worker status: independent contractors: newspaper distributors or newspaper carriers.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have struck the sunset on the newspaper distributor exemption from the ‘ABC’ employment test.

SB 868 – Bates

Worker status: independent contractors: freelance journalists.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have struck the submission cap in the exemption for freelance journalists and other professions from the ‘ABC’ employment test.

SB 875 – Grove & Jones

Worker status: independent contractors: court interpreters.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have exempted interpreters and translators from the ‘ABC’ employment test.

SB 881 – Jones

Worker status: independent contractors: musicians and music industry professionals.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have exempted a musician or music industry professional from the ‘ABC’ employment test.

SB 900 – Hill

Department of Industrial Relations: worker status: employees and independent contractors

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have revised and recast the provisions of the ‘ABC’ employee test and expand the exemptions in the test to include interpreters, translators, family and marriage therapists, amateur athletic officials, and others.

SB 963 – Morrell

Worker status: independent contractors: referees and umpires for youth sports.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have exempted youth referees and umpires from the ‘ABC’ employment test.

SB 965 – Nielsen

Worker status: independent contractors: healthcare industry.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have exempted healthcare providers who are employed by a company who contracts with healthcare facilities from the ‘ABC’ employment test.

SB 966 – Nielsen

Worker status: independent contractors: pharmacists.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have exempted licensed pharmacists from the ‘ABC’ employment test.

SB 967 – Borgeas

Worker status: independent contractors: franchiser and franchisees.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have prohibited franchisees from being deemed employees of a franchisor, and would require that they be considered independent contractors, unless a court of competent jurisdiction determines specified requirements are met.

SB 975 – Dahle

Worker status: independent contractors: musicians and music industry professionals.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have exempted licensed geologists, geophysicists, land surveyors, contractors, engineers, and pest control operators, when those persons are performing work on forested landscapes, as specified, from the ‘ABC’ employment test.

SB 990 – Moorlach

Worker status: independent contractors: transportation network companies.

Failed Passage in the Senate LPER Committee

This bill would have repeal the current ‘ABC’ test for independent contractor status and instead apply the identical ‘ABC’ test on January 1, 2022.

SB 997 – Borgeas

Worker status: independent contractors

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have provided that the *Dynamex* decision does not apply to any work performed prior to April 30, 2018.

AB 5 – Gonzalez

Worker status: employees and independent contractors

Chapter 296, Statutes of 2019

This bill codifies the recent *Dynamex* decision, requiring that employers prove that their workers can meet a three part (ABC) test in order to be lawfully classified as independent contractors.

Specifically, this bill:

- 1) Provides that, for the purposes of the Labor Code and Unemployment Insurance Code and the IWC's wage orders, where a definition for employee is not provided a person providing labor or services for remuneration must be considered an employee *unless* the hiring entity demonstrates that all of the following conditions are satisfied:
 - a) The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
 - b) The person performs work that is outside the usual course of the hiring entity's business.
 - c) The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.
- 2) Provides that, if a court of law rules that the three-part test above cannot be applied to a particular context based on grounds other than an express exception to employment status as provided in this bill, then the determination of employee or independent contractor status in that context shall instead be governed by the California Supreme Court's decision in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (Borello).
- 3) Provides that, for the following occupations, the applicable test for determining if an individual is an employee or an independent contractor is the predecessor test to *Dynamex* developed by the California Supreme Court in *Borello* or relevant statute:
 - a) Licensed insurance brokers.
 - b) Licensed physicians and surgeons, dentists, podiatrists, psychologists, lawyers, architects, engineers, private investigators, veterinarians, and accountants, provided that the medical fields listed above are not covered by a collective bargaining agreement.
 - c) Registered securities broker-dealers, investment advisors, or their agents and advisors.
 - d) A direct salesperson, provided that the salesperson's compensation is based on actual sales, rather than wholesale purchases or referrals.
 - e) Commercial fisherman, except as per the provision of unemployment insurance benefits. This provision will become inoperative on January 1, 2023.
 - f) Real estate licensees and repossession agents, as provided under existing licensure provisions in the Business and Professions Code.

- 4) Provides that the *Borello* employment test governs professional contracts if the contracting entity can demonstrate all of the following:
 - a) The individual maintains a business location, which may include the individual's residence, that is separate from the hiring entity. Nothing prevents an individual from choosing to perform services at the location of the hiring entity.
 - b) If work is performed more than six months after the effective date of this section, the individual has a business license, in addition to any required professional licenses or permits for the individual to practice in their profession.
 - c) The individual has the ability to set or negotiate their own rates for services performed.
 - d) Outside of project completion dates and reasonable business hours, the individual has the ability to set their own hours.
 - e) The individual is customarily engaged in the same type of work performed under contract with another hiring entity or holds themselves out to other potential customers for the same work.
 - f) The individual customarily and regularly exercises discretion and independent judgment in the performance of the services.
- 5) Provides that an individual contracting for professional services can do so as a sole proprietor or other business entity.
- 6) Defines "professional services" as the following services:
 - a) Marketing, provided that the contracted work is original and creative in character and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the contracted work.
 - b) Administrator of human resources, provided that the contracted work is predominantly intellectual and varied in character and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.
 - c) Travel agents.
 - d) Graphic design.
 - e) Grant writer.
 - f) Fine artist.
 - g) Enrolled agent.
 - h) Payment processing agent through an independent sales organization.
 - i) Services provided by a still photographer, provided the individual does not license content to the putative employer more than 35 times in a year, as specified.
 - j) Services provided by a freelance writer, provided the individual does not license content to the putative employer more than 35 times in a year, as specified.
- 7) Defines services provided by a licensed barber or cosmetologist as professional services, provided that:
 - a) The worker sets their own rates and is paid directly by the clients.
 - b) The worker has their own book of business and schedules their own appointments.
 - c) The worker maintains their own business license for the services offered to clients.

- d) If the worker performing services at the location of the hiring entity, then the individual issues a Form 1099 to the salon or business owner from which they rent their business space.
 - e) Provides that the above shall become inoperative, with respect to licensed manicurists, on January 1, 2022.
- 8) Provides that relationships between a contracting business and a business service provider is under the *Borello* test if all of the following criteria are satisfied:
- a) The business service provider is free from the control and direction of the contracting business entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
 - b) The business service provider is providing services to the contracting business rather than to customers of the contracting business.
 - c) The contract with the business service provider is in writing.
 - d) If the work is performed in a jurisdiction that requires the business service provider to have a business license or business tax registration, the business service provider has the required business license or business tax registration.
 - e) The business service provider maintains a business location that is separate from the business or work location of the contracting business.
 - f) The business service provider is customarily engaged in an independently established business of the same nature as that involved in the work performed.
 - g) The business service provider actually contracts with other businesses to provide the same or similar services and maintains a clientele without restrictions from the hiring entity.
 - h) The business service provider advertises and holds itself out to the public as available to provide the same or similar services.
 - i) The business service provider provides its own tools, vehicles, and equipment to perform the services.
 - j) The business service provider can negotiate its own rates.
 - k) Consistent with the nature of the work, the business service provider can set its own hours and location of work.
 - l) The business service provider is not performing the type of work for which a license from the Contractors State License Board (CSLB) is required, pursuant to Section 7000 and following of the Business and Professions Code.
- 9) Provides that the *Borello* test governs the relationship between a contractor and an individual performing work pursuant to a subcontract in the construction industry if all of the following criteria are satisfied:
- a) The individual is free from the control and direction of the contractor in connection with the performance of the work, both under the contract for the performance of the work and in fact.
 - b) The subcontract is in writing.
 - c) The subcontractor is licensed by CSLB and the work is within the scope of that license.

- d) If the is domiciled in a jurisdiction that requires the subcontractor to have a business license or business tax registration, the subcontractor has the required business license or business tax registration.
 - e) The subcontractor maintains a business location that is separate from the business or work location of the contractor.
 - f) The subcontractor has the authority to hire and to fire other persons to provide or to assist in providing the services.
 - g) The subcontractor assumes financial responsibility for errors or omissions in labor or services as evidenced by insurance, legally authorized indemnity obligations, performance bonds, or warranties relating to the labor or services being provided.
 - h) The subcontractor is customarily engaged in an independently established business of the same nature as that involved in the work performed.
- 10) Exempts, until January 1, 2022, a subcontractor providing *construction trucking services* from the requirement of having a CSLB license if all of the following is satisfied:
- a) The subcontractor is a business entity formed as a sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation.
 - b) For work performed after January 1, 2020, the subcontractor is registered with the Department of Industrial Relations as a public works contractor, regardless of whether the subcontract involves public work.
 - c) The subcontractor utilizes its own employees to perform the construction trucking services, unless the subcontractor is a sole proprietor who operates their own truck to perform the entire subcontract and holds a valid motor carrier permit issued by the Department of Motor Vehicles.
 - d) The subcontractor negotiates and contracts with, and is compensated directly by, the licensed contractor.
 - e) The licensed driver is licensed to operate a truck in excess of 26,000 pounds.
- 11) Requires, for work performed after January 1, 2020, that any business entity that provides construction trucking services to a licensed contractor utilizing more than one truck is the employer for all drivers of those trucks.
- 12) Clarifies that nothing above prohibits an individual who owns their truck from working as an employee of a trucking company and utilizing that truck in the scope of that employment. An individual employee providing their own truck for use by an employer trucking company must receive reimbursement from the trucking company for the reasonable expense incurred for the use of the employee owned truck.
- 13) Provides that a relationship between a service provider and a referral agency is exempt from the ABC test and under the *Borello* test if the following is applicable:
- a) The service provider has formed a business entity as a sole proprietor, partnership, limited liability company, limited liability partnership, or corporation.
 - b) The service provider is free from the control and direction of the referral agency as a matter of contract and fact.

- c) If the work for the client is performed in a jurisdiction that requires the service provider to have a business license or business tax registration, the service provider has the required business license or business tax registration.
 - d) If the work for the client requires the service provider to hold a state contractor's license, the service provider has the required contractor's license.
 - e) The service provider delivers services to the client under service provider's name, rather than under the name of the referral agency.
 - f) The service provider provides its own tools and supplies to perform the services.
 - g) The service provider is customarily engaged in an independently established business of the same nature as that involved in the work performed for the client.
 - h) The service provider maintains a clientele without any restrictions from the referral agency and the service provider is free to seek work elsewhere, including through a competing agency.
 - i) The service provider sets its own hours and terms of work and is free to accept or reject clients and contracts.
 - j) The service provider sets its own rates for services performed, without deduction by the referral agency.
 - k) The service provider is not penalized in any form for rejecting clients or contracts. This subparagraph does not apply if the service provider accepts a client or contract and then fails to fulfill any of its contractual obligations.
- 14) Defines a referral agency as a business that connects service providers with clients and provides the following services: graphic design, photography, tutoring, event planning, minor home repair, moving, home cleaning, errands, furniture assembly, animal services, dog walking, dog grooming, web design, picture hanging, pool cleaning, or yard cleanup.
- 15) Provides that Dynamex and the ABC test does not apply to the relationship between a motor club holding a certificate of authority and an individual performing services pursuant to a contract between the motor club and a third party to provide motor club services utilizing the employees and vehicles of the third party and, instead, the determination whether such an individual is an employee of the motor club shall be governed by Borello, if the motor club demonstrates that the third party is a separate and independent business from the motor club.
- 16) Provides that the codification of the ABC test is not a change in law, but rather declaratory of existing law. Also provides that provisions above are declaratory of existing law and should apply retroactively to existing claims to the extent permitted by law.
- 17) Provides that the provisions above, except for the ABC test itself, apply to work on or after January 1, 2020.
- 18) Provides that, beginning on July 1, 2020, any individual who is an employee as described above must be covered by workers' compensation insurance, but that this requirement is not retroactive to an earlier date.

- 19) Provides that, in addition to any other remedies available, an action for injunctive relief to prevent the continued misclassification of employees as independent contractors may be prosecuted against the putative employer in a court of competent jurisdiction by the Attorney General or by a city attorney of a city having a population in excess of 750,000, or by a city attorney in a city and county or, with the consent of the district attorney, by a city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California upon their own complaint or upon the complaint of a board, officer, person, corporation, or association.
- 20) Prohibits any employer from reclassifying an individual who was an employee on January 1, 2019, to an independent contractor due to this bill's enactment.
- 21) Makes findings and declarations on *Dynamex*, the negative consequences of misclassification, and states that this bill is not a change in the law with regard to violations of the Labor Code relating to wage orders of the IWC.

AB 170 – Gonzalez

Worker status: employees and independent contractors.

Chapter 415, Statutes of 2019

This bill until January 1, 2021, places newspaper carriers and newspaper distributors under the *Borello* employment test, rather than the *Dynamex* employment test, provided that Assembly Bill 5 becomes law.

AB 323 – Rubio

Newspapers: state agency advertising: worker status: independent contractors.

Chapter 341, Statutes of 2020

This bill extends an existing exemption for newspaper distributors from the “ABC” test from January 1, 2021, to January 1, 2023, and requires an assessment of the effectiveness of contracts to conduct outreach and marketing to specified communities.

AB 1850 – Gonzalez

Worker classification: employees and independent contractors.

Contents merged into AB 2257 (discussed below)

This bill would have clarified existing exemptions under the existing ‘ABC’ employment test as add youth sports coaches, specialized performers teaching master classes, appraisers, and insurance field services.

AB 2257 – Gonzalez

Worker classification: employees and independent contractors: occupations: professional services.

Chapter 38, Statutes of 2020

This bill revises and recasts the provisions of the ‘ABC Test’ (AB 5) into a series of separate sections, and, among other things:

- 1) Strikes the existing limitations on the referral agency language, opening the exemption all industries, with the exception of agriculture, retail, janitorial, construction, delivery, courier, transportation services, and high hazard industries, as defined under existing law.
- 2) Adds, under the professional services exemption, a specialized performer and individual performing artist, as defined.
- 3) Adds, under the professional services exemption, appraisers, translators, and registered foresters.
- 4) Adds, under a general ‘ABC’ test exemption, a worker who provides underwriting inspections, premium audits, risk management, or loss control work for the insurance industry; international exchange visitor program administrative staff, as defined; competition judges, including umpires and referees; and business arrangements involving entertainment venues, and solo artists.
- 5) Provides that the ABC test and Dynamex do not apply, and instead the Borello test applies, to the following occupations:
 - a) Recording artists, subject to the below.
 - b) Songwriters, lyricists, and composers.
 - c) Managers of recording artists.
 - d) Record producers.
 - e) Musical engineers and mixers engaged in the creation of sound recordings.
 - f) Musicians engaged in the creation of sound recordings, with exceptions discussed below.
 - g) Vocalists, with exceptions discussed below.
 - h) Photographers working on recording photo shoots, album covers, and other press and publicity purposes.
 - i) Independent radio promoters.
 - j) Any other individual engaged to render any creative, production, marketing, or independent music publicist services related primarily to the creation, marketing,

promotion, or distribution of sound recordings or musical compositions, unless otherwise stated in the terms and conditions of any current or future collective bargaining agreement or agreement between the applicable and respective parties, in which case those terms and conditions shall govern.

- 6) Strikes the submission cap of 35 times per year for still photographers, photojournalists, freelance writers, editors, illustrators, and newspaper cartoonists.
- 7) Provides that a still photographer, photojournalist, videographer, photo editor, freelance writer, editor, illustrator, or newspaper cartoonist fall under the “professional services” exemption described above if the following is applicable:
 - a) The worker works under a contract that specifies in advance the rate of pay, intellectual property rights, and obligation to pay by a defined time.
 - b) The worker is not replacing an employee performing the same work at the same volume, the individual does not primarily perform the work at the hiring entity’s business location, and the individual is not restricted from working for more than one hiring entity.
- 8) Provides that a still photographer, photojournalist, videographer, or photo editor fall under the professional services exemption if they work for a “digital content aggregator”, which is defined as a licensing intermediary that obtains a license or assignment of copyright from a still photographer, photojournalist, videographer, or photo editor for the purposes of distributing that copyright by way of sublicense or assignment, to the intermediary’s third party end users.

Labor Standards & Enforcement

SB 229 – Hertzberg

Discrimination complaints: administrative review

Chapter 721, Statutes of 2019

This bill expands on the appeal and enforcement mechanisms currently available when the Labor Commissioner issues a citation to an employer for violations of the Labor Code's anti-retaliation provisions. Among other things, this bill establishes procedures and deadlines for the Labor Commissioner, the court and affected employers to follow when adjudicating and contesting a citation.

SB 286 – Durazo

Payment of wages: professional sports organization employees.

Chapter 700, Statutes of 2019

This bill clarifies that the conclusion of a professional baseball season, an event or series of events does not constitute a termination of employment for events employees working at a professional baseball stadium.

SB 362 – Roth

Employment: unpaid wages and benefits: internet website.

Held in Assembly Labor Committee

This bill would have required that the Division of Labor Standards Enforcement (DLSE) post on its Web site a database of all unpaid wages or benefits collected by DLSE on behalf of aggrieved workers.

This bill was gut and amended on the Assembly Floor, removing original language by the Committee on Governmental Organization that dealt with the Gambling Control Act.

SB 448 – Borgeas

Volunteers: small wineries.

Hearing Cancelled at Request of Author

This bill would have clarified that a person who voluntarily performs part-time labor at a small winery or small microbrewery in return for receiving hands-on training in the process of wine or beer making is not considered an employee or an apprentice.

SB 671 – Hertzberg
Employment: payment of wages: print shoot employees.

Chapter 253, Statutes of 2019

This bill allows employers of print shoot employees to pay wages owed at the time of termination on the next regular payday, rather than immediately

SB 688 – Monning
Failure to pay wages: penalties

Chapter 723, Statutes of 2019

This bill expands existing provisions for failure to pay minimum wages to wages or compensation that is due under a contract. Specifically, this bill authorizes the Labor Commissioner to issue a citation to an employer to recover restitution of amounts owed, if, upon inspection or investigation, it is determined that the employer has paid or caused to be paid a wage less than the wage set by contract in excess of the applicable minimum wage.

SB 850 – Leyva
Work hours: scheduling

Introduced – no action taken

This bill would have required an employer, which includes a grocery store establishment, restaurant, or retail store establishment, to provide its employees with a work schedule at least 7 calendar days prior to the first shift on that work schedule, except as specified. The bill would have required an employer to pay its employees modification pay for each previously scheduled shift that the employer cancels or moves to another date or time, for any previously unscheduled shift that the employer requires an employee to work, or for each on-call shift for which an employee is required to be available but is not called in to work that shift. The bill would have required the Labor Commissioner to enforce these requirements, including the investigation, mitigation, and relief of violations of these requirements.

SB 1102 – Monning
Employers: Labor Commissioner: required disclosures

Vetoed by the Governor

This bill would have required employers to include in their written workplace rights notice to all employees, specified information in the event of a federal or state emergency or disaster

declaration that may affect their health and safety. Additionally, this bill would have also required employers of agricultural employees coming to work in California under the federal H-2A Program for Temporary Agricultural Workers to give each employee an H-2A employee specific written notice on labor rights and obligations under federal and state law, including notice of emergency or disaster declarations.

SB 1384 – Monning

Labor Commissioner: financially disabled persons: representation.

Chapter 239, Statutes of 2020

This bill allows the Labor Commissioner to more easily represent financially unable wage claimants in arbitral proceedings when arbitration has been compelled by a court order.

SB 1399 – Durazo

Employment: garment manufacturing.

Held at Assembly Desk

This bill would have prohibited the practice of piece-rate compensation for garment manufacturing, except in the case of worksites covered by a valid collective bargaining agreement. This bill would have further required a garment manufacturer who contracts with another person for the performance of garment manufacturing to jointly and individually share all civil legal responsibility and civil liability for all workers in that other person's employ. Finally, this bill would have changed the legal definition of Garment Manufacturer to more accurately capture entities who engage in the business of garment manufacturing.

AB 51 – Gonzalez

Employment discrimination: enforcement.

Chapter 711, Statutes of 2019

This bill prohibits requiring applicants for employment or employees to waive their right to a judicial forum as a condition of employment or continued employment.

AB 267 – Chu

Employment of infants: entertainment industry.

Chapter 283, Statutes of 2019

This bill clarifies that regulations governing the employment of infants on motion picture sets and locations apply to all infants employed in the entertainment industry. This bill also gives doctors of Family Medicine the authority to certify that an infant under the age of 1 month is healthy enough for work in the entertainment industry.

AB 673 – Carrillo
Failure to pay wages: penalties.

Chapter 716, Statutes of 2019

This bill allows a worker to pursue a statutory penalty owed to them for late wage payment through an administrative process known as a Berman Hearing, rather than through civil court.

AB 1492 – Boerner Horvath
Employment: Telecommuting Act

First hearing canceled at the request of the author

This bill would have, among other things, authorized employees working from home who are not under the physical control of the employer to choose when to take any meal or rest period during the workday, if the employer has not already scheduled a meal or rest period within the requirements of the law. The bill would have also required an employer to only pay one additional hour of pay for each day that the employer fails to notify the employee of the employee's right to take a break or requires an employee to work without a meal or rest period. The bill would have also authorized an employee working from home to receive legally required notices and postings electronically and sign certain documents electronically. Lastly, the bill would have provided specific reimbursement and indemnification requirements of employers.

AB 1554 – Gonzalez
Employers: dependent care assistance program: notice to employees.

Chapter 195, Statutes of 2019

This bill requires that employers notify employees that participate in a flexible spending account of a deadline to withdraw funds from the account before the end of the plan year.

AB 1677 – Weber
Call centers: protections.

Vetoed by Governor Newsom

This bill would have provided that an employer of customer service employees in a call center that intends to relocate from this state to a foreign country shall notify the Labor Commissioner (LC) at least 120 days before relocation, pay penalties for failure to do so, and forfeit state grants, loans, and tax benefits for five years.

AB 2588 – Kalra

Educational programs and training: costs: employees and applicants providing direct patient care.

Chapter 351, Statutes of 2020

This bill clarifies that the cost of any employer-required training incurred by a direct patient care employee or applicant for direct care employment constitutes an expenditure or loss to that employee or applicant during the discharge of their duties. Costs that are undertaken voluntarily are excluded from the bill.

AB 3053 – Daly

Labor Commissioner: unpaid wage claim process

Vetoed by the Governor

This bill, beginning July 1, 2021, requires the Labor Commissioner to create an online portal on its internet website where claimants can file unpaid wage claims, track those claims, and submit any requested documents for their claim.

AB 3075 – Gonzalez

Wages: enforcement.

Chapter 357, Statutes of 2020

This bill requires corporations (including foreign and domestic and limited liability corporations) to include an attestation in their articles of incorporation signed by the filers that no filer has an outstanding final judgment issued by the Department of Labor Standards Enforcement for a violation of a wage order or the labor code. This bill also allows local jurisdictions to enforce labor standards pertaining to the payment of wages that are at least as stringent as existing law under the labor code.

AB 3216 – Kalra and Gonzalez

Unemployment: rehiring and retention: state of emergency

Vetoed by the Governor

This bill (1) requires employers that operate a hotel, private club, event center, airport hospitality operation, airport service provider, janitorial service, building maintenance or security service to recall employees previously laid-off, as specified; (2) requires successor employers in these industries to maintain a preferential hiring list of eligible employees identified by the incumbent employer and hire from that list for a period of six months after the change of control; and (3) requires the successor employer to retain eligible employees for a 90-day transition employment period, and offer continued employment, as specified.

Leave: Family, Medical & Other

SB 135 – Jackson Paid family leave

Senate inactive file

This bill would have made several changes related to the Paid Family Leave (PFL) Program and the California Family Rights Act (CFRA). Specifically, this bill: (1) expands the scope of CFRA by reducing the employee threshold and time of service requirement to prohibit employers with five or more employees from refusing to grant an employee request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee had 180 days of service with the employer; (2) expands the reasons for which CFRA leave can be taken to grant access to more employees; (3) repeals provisions enacted in 2017 that created the New Parent Leave Act and instead expands the scope of CFRA to cover these provisions; (4) expands the list of individuals for which a worker can take leave under CFRA to include child-in-laws, grandparents, grandchildren, siblings, domestic partners, parent-in-laws, or a designated person; and (5) expands the scope of PFL to include time off to care for a seriously ill designated person or child-in-law, as defined, or to bond with a designated person or child-in-law within one year of the birth or placement of that individual.

SB 943 – Chang Paid family leave: COVID-19

Held Under Submission by the Senate Appropriations Committee

This bill would have, until December 31, 2020, authorized the use of Paid Family Leave wage replacement benefits to specified workers who take time off work to care for a child or other family member, including a child or adult with disabilities, for whom the employee is responsible for providing care if that person's school or place of care has been closed, or the care provider of that person is unavailable due to the COVID-19 virus outbreak. The bill would have required that any additional costs associated with the extension of wage replacement benefits in these provisions be paid from the General Fund, upon appropriation by the Legislature.

SB 1383 – Jackson Employees: time off - Unlawful employment practice: California Family Rights Act

Chapter 86, Statutes of 2020

This bill, as originally introduced, would have amended the Family School Partnership Act (applicable to employers of 25 or more employees) on protected child-related activities for which an employee can take time off from work to include time off to attend to an emergency school or

childcare provider closure or unavailability. Additionally, the bill included protected time off work for a school or childcare provider closure or unavailability due to a state of emergency declared by a federal, state, or local government agency, as specified. This bill was gut and amended on the Senate Floor to address statutory changes to the California Family Rights Act (CFRA) and repeal the New Parent Leave Act. Specifically, the bill expanded the scope of CFRA to employers with five or more employees and authorized employees to use this unpaid job protected leave to care for a domestic partner, grandparent, grandchild, sibling, or parent-in-law who has a serious health condition.

AB 196 – Gonzalez

Paid family leave

Senate Labor, Public Employment and Retirement Committee – no hearing scheduled

This bill would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2020, by redefining the weekly benefit amount to be equal to 100% of the wages paid to an individual for employment by employers during the quarter of the individual’s disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers’ compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations.

AB 406 – Limon, Gonzalez

Disability compensation: paid family leave: application in non-English languages

Chapter 386, Statutes of 2019

This bill requires, beginning January 1, 2025, the Employment Development Department to make the application for the Paid Family Leave program available in all languages spoken by a substantial number of non-English speaking applicants.

AB 1223 – Arambula

Living organ donation.

Chapter 316, Statutes of 2019

This bill provides an additional unpaid 30-day leave of absence for organ donors who work for private employers, the State of California, the California State University system, or the University of California system (if adopted by resolution).

AB 1748 – Bonta

California Family Rights Act: flight crews

Chapter 718, Statutes of 2019

This bill amends California Family Rights Act (CFRA) to establish airline flight deck and cabin crewmember specific eligibility requirements in conformity with the federal Family and Medical Leave Act (FMLA).

AB 2017 – Mullin

Employee: sick leave: kin care

Chapter 211, Statutes of 2020

This bill specifies that for purposes of an employee’s use of their accrued sick leave, it is at the employee’s discretion to designate this time for the purpose of diagnosis, care, or treatment of their or their family member’s health condition or for obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.

AB 2992 – Weber

Employment practices: leave time.

Chapter 224, Statutes of 2020

This bill expands existing protected leave available to victims of domestic violence or sexual assault by making this leave accessible to victims of any violent crime, and to immediate family members of homicide victims. This bill further allows additional reasonable forms of documentation to verify that a crime or abuse occurred to determine employee eligibility for protected leave.

AB 2399 – Committee on Insurance

Paid family leave: qualifying exigency

Chapter 348, Statutes of 2020

This bill makes clarifications to definitions in existing law necessary for the proper implementation of the expansion in use of the Paid Family Leave for a qualifying exigency related to the covered active duty or call to covered active duty of an individual’s specified family members in the Armed Forces of the United States, which is set to begin January 1, 2021.

Meal & Rest Periods

AB 1512 – Carrillo
Security officers: rest periods.

Chapter 343, Statutes of 2020

This bill exempts security guards from the “on duty” rest period requirements of the *Augustus* decision if the personnel are covered by a valid collective bargaining agreement, as specified, until January 1, 2027.

AB 2479 – Gipson
Rest periods: petroleum facilities: safety-sensitive positions.

Chapter 349, Statutes of 2020

This bill extends the sunset of an existing exemption from rest period requirements for employees who hold safety-sensitive positions at petroleum facilities to January 1, 2026.

AB 3056 – Gonzalez
Warehouse distribution centers.

Died on call pursuant to Article IV, Section 10(c) of the Constitution.

This bill would have prohibited warehouse distribution center employers from imposing a quota, or performance standard, which inhibits the ability of the worker to take specified breaks and report violations of the law.

Occupational Safety and Health

SB 363 – Pan **Workplace safety**

Vetoed by the Governor

This bill requires any facility operated by the Department of State Hospitals, the Department of Developmental Services, or the California Department of Corrections and Rehabilitation, to report, on a monthly basis, information on violent incidents to the bargaining unit of each employee affected by an incident, as well as to the relevant department.

SB 1257 – Durazo **Employment safety standards: household domestic services**

Vetoed by the Governor

This bill would have, beginning on January 1, 2022, (1) removed the “household domestic service” exemption from the Occupational Safety and Health Act definition of employment (thereby applying all of its requirements and obligations on domestic service employers); (2) required the Chief of the Division of Occupational Safety and Health (Cal/OSHA) to convene an advisory committee to make findings and recommendations to the Occupational Safety and Health Standards Board (Standards Board) for industry-specific regulations related to household domestic service; (3) required the Standards Board to adopt such regulations by January 1, 2022; and (4) authorized Cal/OSHA to enforce occupational safety and health laws to protect domestic service employees at private residential dwellings.

AB 35 – Kalra **Worker safety: blood lead levels reporting**

Chapter 710, Statutes of 2019

This bill requires the Department of Public Health to report to the Division of Occupational Safety and Health (Cal/OSHA) within the Department of Industrial Relations (DIR) in any instance where a worker’s blood lead level (BLL) is at or above 20 micrograms per deciliter (µg/dL). This bill requires Cal/OSHA to consider this report an allegation of a serious violation, subject to investigation requirements under specified existing law.

AB 203 – Salas **Occupational safety and health: Valley Fever**

Chapter 712, Statutes of 2019

This bill requires construction employers in counties where Valley Fever is highly endemic to provide all employees with training on the dangers of Valley Fever by May 1, 2020, and annually thereafter, and before an employee begins work that causes exposure to substantial dust disturbance. This bill requires the training to cover specified topics regarding Valley Fever and authorizes the training to be included in the employer's Injury and Illness Prevention Program (IIPP) training or as a standalone training program.

AB 457 – Quirk

Occupational safety and health: lead: permissible exposure levels

Placed on Senate the Inactive File

This bill requires the Division of Occupational Safety and Health (Cal/OSHA), in conjunction with the Occupational Safety and Health Standards Board (Standards Board), to complete rulemaking and adopt an updated lead standard for the general industry safety and construction safety orders by February 1, 2020. This bill authorizes the Standards Board to adopt emergency regulations as necessary to meet the required deadline.

AB 647 – Kalra

Hazardous substances: cosmetics: disinfectants: safety documents

Chapter 305, Statutes of 2019

This bill requires a manufacturer of a hazardous substance or mixture of substances that constitute a cosmetic or is used as a disinfectant, that is required to create a safety data sheet (SDS) for that product, to post and maintain the SDS on its Internet Web site.

AB 685 – Reyes

COVID-19: imminent hazard to employees: exposure: notification: serious violations.

Chapter 84, Statutes of 2020

This bill requires employers to provide specified notices to employees and others if an employee is exposed to COVID-19, and also provides explicit authority to the Division of Occupational Safety and Health to close work areas and locations and issue citations due to COVID-19 risk in the workplace.

AB 1158 – Carrillo

Conveyances: permit: suspensions.

Held Under Submission by the Senate Appropriations Committee

This bill would have required the Division of Occupational Safety and Health to suspend a conveyance work permit until a hearing is convened if the permitted project's work is found to violate building code or Occupational Safety and Health Board standards.

AB 1291 – Jones-Sawyer

Adult-use cannabis and medicinal cannabis: license application: labor peace agreements.

Chapter 826, Statutes of 2019

This bill requires an applicant for a license classification within the cannabis industry who currently employs fewer than 20 employees to provide a statement that the applicant will enter into a labor peace agreement within 60 days of employing 20 employees. Further requires applicants already employing 20 or more employees to provide a notarized statement that they will or already have entered into a labor peace agreement.

AB 1804 – Labor and Employment Committee

Occupational injuries and illnesses: reporting

Chapter 199, Statutes of 2019

This bill removes the requirement that an employer report by email to the Division of Occupational Safety and Health when a serious occupational injury, illness, or death occurs and instead requires that the report be made through an online mechanism established by the division for that purpose.

AB 1805 – Labor and Employment Committee

Occupational safety and health

Chapter 200, Statutes of 2019

This bill makes changes regarding the definition of "serious injury or illness" and "serious exposure" to bring the language in line with federal Occupational Safety and Health Administration (OSHA) standards and creates uniformity in the Labor Code, as specified.

AB 1945 – Salas

Emergency services: first responders.

Chapter 68, Statutes of 2020

This bill formalizes the definition of “First Responder” within state law and includes “Public Safety Dispatcher and Public Safety Telecommunicator” within that definition.

AB 2043 – Robert Rivas, E. Garcia, and Gonzalez

Occupational safety and health: agricultural employers and employees: COVID-19 response

Chapter 212, Statutes of 2020

This bill 1) requires the Division of Occupational Safety and Health (Cal/OSHA) to disseminate, in both English and Spanish, information on best practices for COVID-19 infection prevention specific to agricultural employees; 2) requires Cal/OSHA to conduct a statewide outreach campaign targeted at agricultural employees to assist with the dissemination of COVID-19 prevention information as well as information on other benefits to which the employees may be entitled; and 3) requires Cal/OSHA to routinely compile and report specified information relating to investigations by the division of agricultural workplaces relating to COVID-19 response.

AB 2092 – Rodriguez

Emergency ambulance employees: subsidized protective gear.

Vetoed by Governor Newsom

This bill would have required emergency ambulance employers to establish a program to provide stipends to EMT employees who wish to purchase multi-threat body protective gear.

AB 2537 – Rodriguez

Personal protective equipment: health care employees.

Chapter 313, Statutes of 2020

This bill requires that direct patient care employers maintain a stockpile of unexpired personal protective equipment (PPE) equal to three months’ worth of normal consumption.

AB 2658 – Burke

Occupational safety and health: hazards

Chapter 288, Statutes of 2020

This bill extends existing employee rights and anti-retaliation protections regarding the reporting of unsafe working conditions, or refusing to work in hazardous conditions, to domestic work employees. This bill also makes it a crime for a person, after receiving notice to evacuate or leave, to willfully and knowingly direct an employee to remain in, or enter, an area closed due to a menace to the public health or safety, including domestic work employees.

Public Employment

SB 179 – Nielsen

Excluded employees: arbitration

Vetoed by the Governor

This bill would have established the Excluded Employee Arbitration Act, which authorizes binding arbitration on behalf of an excluded state employee (such as managers and supervisors) for alleged violations of working conditions, as specified, whose grievance has not been resolved after exhausting all current grievance resolution procedures.

SB 184 - Moorlach

Judges' Retirement System II: deferred retirement.

Vetoed

This bill authorizes a “deferred” retirement option under the Judges Retirement System II (JRS II). The option would permit a judge who has 20 years of judicial service or has attained the age of 60 with at least five years of judicial service to leave judicial office and receive a retirement allowance at a later date upon reaching the prescribed JRS II retirement age.

SB 266 – Leyva

Public Employees' Retirement System: disallowed compensation: benefit adjustments.

Held at Senate Desk

This bill requires that, in the event of a California Public Employees' Retirement System retiree having their pension reduced due to the inclusion of compensation by the relevant public employer that cannot be counted towards a final pension calculation, the public employer must cover the reduced benefit to the retiree, as specified.

SB 341 - Morrell

Public employment and retirement. Pension reform.

Failed Passage in the Senate Labor, Public Employment and Retirement Committee

This bill places additional reporting requirements on certain public pension funds related to pension plan liability calculations; eliminates automatic employee participation in the CalSAVERS program; requires the State Government to pay state employees twice monthly; appropriates \$2 billion to CalSTRS; and requires the Governor to form a working group to propose long-term funding solutions to CalSTRS' defined benefit program.

SB 430 - Wieckowski
Public employees' retirement benefits: judges.

Assembly Public Employment and Retirement Committee Canceled at Request of Author

This bill authorizes a small number of judges who were elected in 2012 but could not take office and begin employment until after the Public Employees' Pension Reform Act's January 1, 2013 effective date, to be reclassified prospectively as classic members of the Judges Retirement System II.

SB 698 - Leyva
University of California employee wages: payment.

Chapter 508, Statutes of 2019

This bill requires the University of California to pay their employees on a regular payday, as specified.

SB 782 - Senate Labor, Public Employment and Retirement Committee
Public employees' and judges' retirement: administration.

Chapter 330, Statutes of 2019

This bill makes technical, non-controversial administrative amendments to sections of the Government Code regulating CalPERS.

SB 783 - Senate Labor, Public Employment and Retirement Committee
'37 Act County Retirement Systems. Technical Housekeeping.

*Assembly Public Employment and Retirement Committee Canceled at Request of Author;
Provisions Merged into AB 2101*

This bill makes technical, non-substantive amendments to the Government Code to eliminate erroneous and obsolete code references in portions of the County Employees Retirement Law of 1937.

SB 993 - Senate Labor, Public Employment and Retirement Committee
State Teachers' Retirement System. Technical Housekeeping.

***Senate Labor, Public Employment and Retirement Committee Canceled at Request of Author;
Provisions Merged into AB 2101***

This bill makes technical, non-controversial administrative amendments to sections of the Education Code regulating CalSTRS.

SB 1103 - Hurtado
Workforce training programs: supportive services.

Held Under Submission by the Assembly Appropriations Committee

This bill establishes the Lifting Families Out of Poverty Workforce Training Supportive Services Program to offer \$25 million in grants, upon appropriation, to entities providing supportive services to participants in industry-based, worker-focused training partnerships such as a High Road Training Partnerships (H RTP).

SB 1173 - Durazo
Public employment: labor relations: employee information.

Died on Senate Floor pending concurrence in Assembly amendments

This bill requires the Public Employment Relations Board (PERB) to levy a civil penalty not to exceed \$10,000 against public employers whom PERB finds have violated a union's right to specified employee contact information. It also requires PERB to award the prevailing party in an unfair practice charge alleging such a violation attorney's fees and costs, as specified.

SB 1297 - Moorlach
Public employees' retirement. Pension reform.

Senate Labor, Public Employment and Retirement Committee Canceled at Request of Author

This bill modifies public employees' retirement benefits for all public employees employed on its effective date, prohibits deferred retirement option plans, and limits local agencies' actuarial obligations resulting from reciprocal agencies' compensation and benefit formula changes.

SB 1344 - Pan
University of California: Higher Education Employer-Employee Relations Act.

Senate Labor, Public Employment and Retirement Committee Canceled at Request of Author

This bill prohibits the University of California from canceling an employee's health insurance coverage during or in relation to a labor dispute, as specified.

SJR 3 - Wilk
Social Security.

Chapter 129, Statutes of 2019

This bill requests the United States (U.S.) Congress to enact, and the President to sign, legislation that would repeal the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) from the federal Social Security Act.

AB 271 - Cooper
Civil service: Personnel Classification Plan: salary equalization.

Withdrawn from Engrossing and Enrolling - Died on Senate Floor

This bill requires state agencies to submit information pertaining to their progress toward gender and ethnic pay equity and gender and minority workforce representation to the California Department of Human Resources (CalHR) so that CalHR can prepare a report thereon and develop plans for agencies to achieve pay equity and workforce representation. This bill also requires each state agency head to present CalHR's findings regarding the agency's efforts toward pay equity and workforce representation to the Legislature's budget subcommittees when the budget subcommittees are hearing the agency's budget.

AB 314 – Bonta
Public employment: labor relations: release time.

Vetoed

This bill would have expanded and conformed the laws on when an employer must provide reasonable time off for employee representatives, also known as “release time”.

AB 355 - Daly
Public Employment Relations Board: Orange County Transportation Authority.

Chapter 713, Statutes of 2019

This bill transfers jurisdiction over unfair labor practice charges at the Orange County Transportation Authority (OCTA) from the judicial system to PERB. The bill also authorizes parties to a labor dispute to appeal PERB decisions and orders to the courts through a petition for a writ of extraordinary relief filed within 30 days of the PERB ruling.

AB 365 - Christina Garcia
State civil service: examination and hiring processes.

Vetoed

This bill requires CalHR to develop a plan to significantly expand the Limited Examination and Appointment Program (LEAP), which provides disabled individuals an alternative to the traditional civil service process.

AB 372 – Voepel
State employees: Infant at Work programs.

Vetoed by Governor Newsom

This bill authorizes state agencies to enter into the Infant at Work Pilot Program, which allows an employee of the participating agency who is a new caregiver or parent to bring their new infant into the workplace

AB 462 - Rodriguez
Asset management: emerging managers.

Held in Senate Rules Committee

This bill requires CalPERS and CalSTRS to each provide a report to the Legislature, regarding participation of emerging managers responsible for asset management within each system's portfolio of investments, as specified.

AB 529 - Ramos
Psychiatric technicians and psychiatric technician assistants: overtime.

Died on Senate Floor

This bill prohibits specified state correctional and health facilities from requiring psychiatric technicians or psychiatric technician assistants to work mandatory overtime during a regularly scheduled workweek or work shift, except under certain critical circumstances.

AB 560 - Santiago
Public utilities: unionization.

Chapter 429, Statutes of 2019

This bill prohibits any expense incurred by an investor-owned utility in assisting or deterring union organizing, as defined, from being recoverable either directly or indirectly in the utility's rates and instead requires that such expense be borne exclusively by the utilities' shareholders.

AB 672 - Cervantes

Public employees' retirement: disability retirement: reinstatement.

Chapter 98, Statutes of 2019

This bill clarifies that a person who retires from a public retirement system for disability cannot work in another public position that has the same duties or activities of the position from which the person received a disability retirement unless the person reinstates from retirement.

AB 894 - Santiago

Attorney General: directors and employees: exemption from civil service.

Chapter 311, Statutes of 2019

This bill requires the Governor, with the recommendation of the Attorney General, to appoint two directors and two associate directors of the Attorney General's Office who would be exempt from the civil service.

AB 979 - Reyes

Judges' Retirement System II: deferred retirement. Emerging Asset Managers. Corporations: boards of directors: underrepresented communities.

Chapter 316, Statutes of 2020.

This bill, as introduced, provided a deferred retirement option for judges, as specified. The author amended the bill prior to its first hearing to require CalPERS and CalSTRS to report to the Legislature, regarding participation of emerging managers responsible for asset management within each system's portfolio of investments, as specified. AB 462 incorporated those provisions and the author amended this bill on the Assembly floor to require each publicly held corporation whose principal executive offices are located in California to have a minimum number of directors from underrepresented communities on its board of directors, as specified.

AB 1007 - Jones-Sawyer

State Civil Service Act: adverse action: notice.

Died in Senate Committee on Public Safety

This bill as heard by the Senate Labor, Public Employment and Retirement Committee, required a state employer to provide notice of an adverse action to a state employee within 1 year instead of 3 years of the occurrence of the employee's alleged misconduct. The author substantially amended the bill on the Senate Floor to revise and recast required components of the multiagency juvenile justice plan, as specified. The Senate Rules committee subsequently referred the bill to the Senate Committee on Public Safety.

AB 1033 - Cooper

State employment: new employees: job benefit information disclosure.

Chapter 447, Statutes of 2019

This bill requires state agencies to provide a job applicant with documents explaining the benefits of the job and of state employment generally before offering the applicant employment.

AB 1140 - Stone

Public Employees' Retirement System: contracting agencies: consolidation.

Chapter 65, Statutes of 2020

This bill allows the successor agency of a proposed consolidation of the Central Fire Protection District and the Aptos/La Selva Fire Protection District to provide the employees from the consolidating fire districts the defined benefit retirement plan those employees have with their current respective employers after consolidation.

AB 1212 - Levine

Public employees' retirement: pension fund management: in-state infrastructure.

Vetoed

This bill requires Caltrans and the Department of Water Resources to produce and provide lists of priority infrastructure projects to public pension boards for funding consideration and to provide further project information to a pension board upon request to help that board determine if investment is suitable.

AB 1320 - Nazarian

Public employee retirement systems: prohibited investments: Turkey.

Chapter 459, Statutes of 2019

This bill prohibits CalPERS and CalSTRS from making or renewing investments, as specified, in any investment vehicle owned or issued by the government of Turkey upon passage of a federal

law imposing sanctions on the government of Turkey for failure to officially acknowledge its responsibility for the Armenian Genocide.

AB 1352 - Wicks

Classified employees: probationary period.

Chapter 542, Statutes of 2019

This bill eliminates the difference in the probationary period for classified school employees between non-merit system school districts and merit system school districts. Currently, the former is 12 months and the latter is six months.

AB 1376 – Ramos and Reyes

Civil service: veterans' preference: background checks.

Held Under Submission by the Senate Appropriations Committee

This bill would have required the Department of Human Resources to collaborate with other relevant Departments and the University of California Regents to establish a veterans' preference to be applied to employment opportunities within the cybersecurity field that require a background check.

AB 1452 - O'Donnell

State teachers' retirement.

Chapter 318, Statutes of 2019

This bill makes assorted technical changes related to membership criteria in the Defined Benefit Program and Cash Balance Benefit program administered by the California State Teachers' Retirement System (CalSTRS).

AB 1681 – Gonzalez

Public employees: collective bargaining: unit determinations.

Vetoed

This bill would have reduced the threshold for a separate supervisorial peace officer bargaining unit in a school district from 20 or more supervisorial peace officers to two or more supervisorial peace officers.

AB 1906 (Salas)

Pregnant peace officers: duty assignment policy.

Vetoed

This bill requires the Department of Corrections and Rehabilitation (CDCR), in consultation with CalHR, to establish and implement by January 1, 2021, a policy pursuant to which a pregnant peace officer shall be permitted to perform alternate, light duty assignments, subject to a medical certification that establishes the nature of pregnancy-related limitations.

**AB 2101 (Assembly Public Employment and Retirement Committee)
Consolidated Housekeeping Bill for CalPERS, CalSTRS, and 37 Act County Retirement Systems.**

Chapter 275, Statutes of 2020

This bill makes various technical, conforming, or non-controversial changes to CalPERS, CalSTRS, and 37 Act County retirement system-related statutes to improve the administration of the state's various public retirement systems. Additionally, this bill specifies that paid administrative leave is included in the "leave of absences" that earn creditable compensation at CalSTRS. The bill incorporates the provisions of Senate Labor, Public Employment Committee authored bills, SB 783 and SB 993, that the Senate suspended during its initial Covid-19 pandemic response.

**AB 2114 – Rodriguez
Higher Education Employer-Employee Relations Act: procedures relating to employee termination or discipline.**

Vetoed by Governor Newsom

This bill would have required Higher Education Employers to provide a procedure to challenge a termination of employment or a disciplinary action for medical and dental interns and residents and other related employees, as specified.

**AB 2234 - Chau
Classified school and community college employees: personnel commission: legal counsel.**

Chapter 48, Statutes of 2020

This bill authorizes a merit based school or community college district's personnel commission to select its own attorney rather than having to use the district's attorney if a majority of the commission declares that a conflict of interest exists between the commission and the district or the district's governing board.

AB 2473 - Cooper

Public Records Act Exception. Public investment funds. Direct Private Lending.

Senate Labor, Public Employment and Retirement Committee Canceled at Request of Author

This bill creates an exception to the California Public Records Act to facilitate direct private lending by CalPERS and CalSTRS.

AB 2850 - Low

Public transit employer-employee relations: San Francisco Bay Area Rapid Transit District

Chapter 293, Statutes of 2020

This bill grants PERB jurisdiction, as specified, over labor disputes between the Bay Area Rapid Transit District (BART) and its employees' exclusive representatives.

AB 2967 - O'Donnell

Public Employees' Retirement System: contracting agencies: exclusion from membership

Chapter 223, Statutes of 2020

This bill prohibits public agencies from amending their contract for retirement benefits with CalPERS to exclude groups of employees, as specified.

AB 3096 – Chiu

Deterring union membership: University of California: violations.

Died pursuant to Article IV, Section 10(c) of the Constitution.

This bill would have established a monetary penalty against the University of California system for unspecified violations that can only be collected by a public sector union.

AB 3302 - Salas

State public employment: memorandum of understanding: State Bargaining Unit 6

Senate Labor, Public Employment and Retirement Committee Canceled at Request of Author

This bill ratifies provisions of a Memorandum of Understanding (MOU) between the state and state bargaining unit (BU) 6 (Corrections), represented exclusively by the California Correctional Peace Officer Association (CCPOA). The Legislature ratified the BU 6 contract, along with other MOUs, through a budget bill.

Public Works & Prevailing Wage

SB 533 – Monning

Fort Ord Reuse Authority: prevailing wages

Hearing canceled at the request of the author

This bill would deem as public works any work performed within the territory of Fort Ord if the contractor or subcontractor is required to pay prevailing wages pursuant to a resolution of the Fort Ord board, deed restriction, or covenant. The bill would authorize the Labor Commissioner, for the purpose of enforcing compliance with specified prevailing wage and payroll record provisions, to issue civil wage and assessment penalties to a contractor or subcontractor that performed work subject to the provisions of the bill. The bill would apply these provisions to work performed before the effective date of these provisions.

AB 520 – Kalra

Public works: public subsidy.

Vetoed by Governor Newsom

This bill sets a limit of \$500,000 and 2% of the total cost on the amount of public reimbursement or subsidy a private developer can receive for a project before triggering additional public works regulations, including the payment of prevailing wages

AB 625 – Kalra

Service contracts: public transit: collection and transportation of solid waste: retention of employees.

Vetoed by Governor Newsom

This bill grants state agencies access to existing bid preferences on public transit contracts, service contracts and solid waste removal contracts available to contractors who agree to retain the prior contractor's employees.

AB 1613 – O'Donnell

Public works: prevailing wages

Vetoed by the Governor

This bill expands the definition of "public works," for the purpose of the payment of prevailing wages, 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 by a public agency on or after January 1, 2020.

AB 1768 – Carrillo
Prevailing wage: public works

Chapter 719, Statutes of 2019

This bill expands the definition of public works, triggering the payment of prevailing wages, to include work conducted during site assessment or feasibility studies. This bill also specifies that preconstruction work is deemed part of a public work, regardless of whether any further construction work is conducted.

AB 2231 – Kalra
Public works.

Chapter 346, Statutes of 2020

This bill sets a limit of \$600,000 and 2% of the total cost on the amount of public reimbursement or subsidy a private developer can receive for a project before triggering additional public works regulations, including the payment of prevailing wages.

AB 2765 – O'Donnell
Public works: prevailing wages.

Chapter 355, Statutes of 2020

This bill requires the payment of prevailing wages for any work done under private contract on a project for a charter school with a daily attendance higher than 80 students when the project is paid for, in whole or in part, with the proceeds of conduit revenue bonds.

Sexual Harassment & Gender Equity

SB 142 – Wiener

Employees: lactation accommodation.

Chapter 720, Statutes of 2019

This bill expands worker protections surrounding lactation accommodations. Specifically requires that a lactation room be safe and free of hazardous materials, contain a surface to place a breast pump and personal items, include a place to sit, have access to electricity or alternative devices needed to operate an electric or battery-powered breast pump, not be a bathroom and be in proximity to the employee's work area, shielded from view, and free from intrusion.

SB 530 – Galgiani

Construction industry: discrimination and harassment prevention.

Chapter 722, Statutes of 2019

This bill instructs the Division of Labor Standards to develop an industry-specific harassment and discrimination prevention policy for the construction industry and allows employers of multiemployer collective bargaining agreements to satisfy anti-harassment training by verifying they have received requisite training. The bill further allows a qualified trainer, as defined, to provide harassment prevention training to a state approved apprenticeship program.

SB 778 – Committee on Labor, Public Employment and Retirement Services

Employers: sexual harassment training: requirements.

Chapter 215, Statutes of 2019

This bill extends the deadline for compliance concerning employer provided sexual harassment training for employees.

SB 973 – Jackson

Employers: annual report: pay data.

Chapter 363, Statutes of 2020

This bill requires that employers with 100 or more employees provide the Department of Fair Employment and Housing (DFEH) with EEO-1 (Employer Information Report) pay data. Specifically, this data includes the number of employees, categorized by race, ethnicity, and sex in a number of job categories, including executives and upper level management.

AB 170 – Gonzalez
Employment: sexual harassment: liability

Chapter 415, Statutes of 2019

This bill places, until January 1, 2021, newspaper carriers and newspaper distributors under the Borello employment test, rather than the Dynamex employment test, provided that AB 5 (Gonzalez) becomes law.

AB 171 – Gonzalez
Employment: sexual harassment

Vetoed by the Governor

This bill intends to strengthen two aspects of labor law intended to protect victims of criminal or trauma-inducing conduct. First, this bill extends to victims of workplace sexual harassment the existing anti-retaliation protections for victims of domestic violence, sexual assault, or stalking. Second, this bill creates a rebuttable presumption of unlawful retaliation if an employer takes adverse action against an employee within 90 days of learning of the employee's status as a victim of domestic violence, sexual assault, sexual harassment, or stalking.

AB 378 – Limon
Childcare: family childcare providers: bargaining representative.

Chapter 385, Statutes of 2019

This bill exempts family childcare providers from antitrust laws and permits them to organize to negotiate over wages, benefits, and other occupational matters.

AB 547 – Gonzalez
Janitorial workers: sexual violence and harassment prevention training

Chapter 715, Statutes of 2019

This bill requires the Director of the Department of Industrial Relations (DIR) to re-form an advisory committee to refine the recommendations on in-person sexual violence and harassment prevention training requirements for janitorial employers and employees.

AB 3175 – Levine
Entertainment industry: age-eligible minors: training.

Chapter 176, Statutes of 2020

This bill requires the parent or guardian of an age-eligible minor employed in the entertainment industry to ensure that the minor completes the online Department of Fair Employment and Housing sexual harassment prevention training (SHPT) and accompany the minor for the training.

AB 3369 – Assembly Committee on Arts and Tourism
Entertainment industry: minors: discrimination and harassment prevention training.

Chapter 227, Statutes of 2020

This bill requires that an employee who has completed compliant antiharassment training or has received a valid entertainment work permit in the previous 2 years be placed on a 2-year tracking schedule indicating their prior completion of training.

Unemployment Insurance, State Disability Insurance & EDD

SB 271 – Wiener

Employment: motion picture production workers.

Chapter 246, Statutes of 2019

This bill clarifies that motion picture production workers working in other states may still access California Unemployment Insurance and State Disability Insurance benefits if they reside in California.

SB 1414 – Roth

Employment Development Department: reporting requirements

Introduced – no action taken

This bill would have required the Employment Development Department to include on its application for unemployment insurance benefits information about the occupation of the applicant. The bill would have also required that the department share the aggregates occupational information obtained with community colleges and workforce development boards, as specified.

AB 805 – Obernolte

Unemployment insurance: contribution rates.

Hearing canceled at the request of author.

This bill would have capped employer contribution rates for 2021 and 2022 at the applicable contribution rate paid into the Unemployment Insurance Trust Fund in 2020.

AB 1066 – Gonzalez

Unemployment compensation: benefits payable: collection.

Vetoed

This bill would have permitted the Director of the Employment Development Department to delegate their authority to collect and recover funds from a business or employer to the Attorney General, as specified. This bill also would have provided that, if an employer fails, within 10 days, to provide the requested records or reports to the director of EDD, it is conclusively presumed that the claimant is entitled to maximum total benefits permitted.

AB 1441 – Levine

Unemployment compensation: employers: contribution rates.

Hearing canceled at the request of author.

This bill would have capped employer contribution rates for 2021 and 2022 at the applicable contribution rate paid into the Unemployment Insurance Trust Fund in 2020.

AB 1731 – Boerner Horvath

Unemployment insurance: work sharing plans.

Chapter 209, Statutes of 2020

This bill requires the Director of EDD to accept a work-sharing plan application by an employer wishing to participate in or renew participation in a work-sharing program, following review of the information submitted. The bill further requires that a work-sharing plan be deemed approved for one year unless a shorter period is requested. Finally, the bill establishes a sunset date of Jan 1, 2024 for all its provisions.

This bill was gut and amended during the Senate Policy Committee process, removing its original language that dealt with Short-Term Rental Zones on the San Diego coast.

AB 1993 – Kamlager and Gonzalez

Unemployment and disability insurance: benefits: in-home supportive services and waiver personal care services

Vetoed by the Governor

This bill extends to family members who are caregivers through the In Home Support Services (IHSS) or the Waiver Personal Care Services (WPCS) programs eligibility to receive unemployment insurance benefits, as specified. This bill also specifies that, for purposes of unemployment insurance and state disability programs, IHSS and WPCS family caregivers will be governed by the same memorandum of employment and provisions as other non-family member employees providing care through those programs.

Workers' Compensation

SB 416 – Hueso

Employment: workers' compensation.

Held at Assembly Desk

This bill would have expanded existing presumptions of occupational injuries within the Workers' Compensation system to include all Peace Officers, as listed.

SB 537 – Hill

Workers' compensation: treatment and disability.

Chapter 647, Statutes of 2019

This bill requires medical provider networks (MPNs) to list all medical providers on a public roster, prohibits MPNs from altering medical treatment plans and medical billing codes, and requires disclosure to payors of any contract between a medical provider and a contracting agent, employer or insurance carrier that is 20% or more below of the Official Medical Fee Schedule.

SB 542 – Stern

Workers' compensation.

Chapter 390, Statutes of 2019

This bill creates a rebuttable presumption for specified peace officers that a diagnosis of post-traumatic stress disorder (PTSD) is occupational, and therefore covered by the workers' compensation system.

SB 567 – Caballero

Workers' compensation: hospital employees

Failed Passage in the Senate LPER Committee

This bill would have created a series of specified industrial injury presumptions for acute hospital employees that provide direct patient care.

SB 893 – Caballero

Workers' compensation: hospital employees

Failed Passage in the Senate LPER Committee

This bill would have created a series of specified industrial injury presumptions for acute hospital employees that provide direct patient care.

SB 924 – Hertzberg

Workers’ compensation: utilization review.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have extended the claim timeline for the report on utilization review from January 1, 2019 to January 1, 2021 and extends the due date for the report from January 1, 2020 to January 1, 2022.

SB 1047 – Stern

Workers’ compensation: firefighters and peace officers: post-traumatic stress.

Senate LPER Committee Hearing Cancelled at Request of Author

This bill would have expanded an existing industrial injury rebuttable presumption for a diagnosis of a post-traumatic stress disorder to include firefighters employed by the State Department of State Hospitals, the State Department of Developmental Services, and the Military Department

SB 1159 – Hill

Workers’ compensation: COVID-19: critical workers.

Chapter 85, Statutes of 2020

This bill creates rebuttable presumption that illness or death related to COVID-19 (novel coronavirus) is an occupational injury and therefore eligible for workers’ compensation benefits.

AB 196 – Gonzalez

Workers’ compensation: COVID-19: essential occupations and industries.

Ordered to the Senate Floor inactive file by unanimous consent.

This bill would have extended a rebuttable conclusive presumption to all essential employees, as defined, that COVID-19 is an industrial injury.

AB 346 – Cooper
Workers’ compensation: leaves of absence.

Vetoed by Governor Newsom

This bill expands current law to allow Police officers employed by a school district, county office of education, or community college district to take fully paid leaves of absence due to occupational injury.

AB 664 – Cooper
Workers’ compensation: injury: COVID-19.

Died pursuant to Article IV, Section 10(c) of the Constitution.

This bill would have created a rebuttable presumption that a diagnosis of coronavirus disease 2019 (COVID-19) occupational injury and thereby covered by the California workers’ compensation system for specified peace officers, health care professionals, and firefighters.

AB 932 – Low
Workers’ compensation: off-duty firefighters.

Held by the Senate Committee on Labor, Public Employment and Retirement

This bill include firefighters in existing out-of-state occupational injury provisions for police officers who are own their own time and suffer an injury in the course of duty, as specified.

AB 1400 – Kamlager-Dove
Employment safety: firefighting equipment: mechanics.

Chapter 717, Statutes of 2019

This bill requires the Commission on Health and Safety and Workers’ Compensation to study occupational carcinogenic exposure for mechanics that repair and clean firefighting vehicles and equipment.

AB 1815 – Daly and Salas
Workers’ compensation.

Died pursuant to Article IV, Section 10(c) of the Constitution.

This bill would have required the administrative director to adopt and revise the medical-legal fee schedule at least every 2 years and to do so separate and apart from adopting and revising the medical fee schedule.

Workforce Development

SB 730 – Stern Commission on the Future of Work

Held Under Submission by the Assembly Appropriations Committee

This bill creates, until January 1, 2025, a six-member Commission on Tech Equity and the Future of Work to research and understand the impact of technology and innovation on workers, the workplace, and the economy.

SB 752 – Stern The California Master Plan on Tech Equity

Held Under Submission by the Senate Appropriations Committee

This bill would create, until November 30, 2024, the Commission on Tech Equity consisting of six appointed members, as specified, and the Secretary of Labor and Workforce Development and the Controller serving as ex officio members. The bill would require the commission, among other duties, to convene a public process to gather input and to understand the economic, social, workplace, and technological landscape of innovation and technology in California.

SB 792 – Committee on Labor, Public Employment and Retirement Employment Training Panel

Introduced, no action taken

This bill would have updated statutory references in provisions relating to the Employment Training Panel to refer to the federal Workforce Innovation and Opportunity Act of 2014, the California Workforce Development Board, and local workforce development boards.

SB 1412 – Roth California Workforce Development Board: reporting data

Introduced – no action taken

This bill would have required the California Workforce Development Board, in consultation with the Division of Apprenticeship Standards, to make information and data available to the community colleges regarding employment needs and trends for use in developing job-related curricula.

SJR 6 – Chang
Artificial intelligence.

Res. Chapter 112, Statutes of 2019

This resolution calls on the President and the Congress of the United States to develop a comprehensive Artificial Intelligence Advisory Committee and to adopt a comprehensive artificial intelligence policy.

AB 593 – Carrillo
Unemployment insurance: use of information: public workforce development programs

Chapter 611, Statutes of 2019

This bill authorizes a chief elected official access to quarterly wage data from the Employment Development Department (EDD) necessary for the evaluation and reporting of their respective workforce development programs as required and permitted by various local (new with bill), state and federal laws. This bill also requires EDD to develop the requirements, application process, and approve or deny requests for disclosure of this information. Lastly, this bill requires EDD to make information on the process available online as well as information on denials for requests of disclosure, including the reason(s) for the denial.

AB 1028 – Gonzalez
Clean Energy Job Creation Program

Held Under Submission by the Senate Appropriations Committee

This bill would require the California Energy Commission (CEC), in allocating grants to local educational agencies (LEAs) as part of the Proposition 39 – Clean Energy Job Creation Program to also give priority based on a LEA’s utilization of apprentices from state-approved apprenticeship and preapprenticeship programs, as specified. This bill would also explicitly authorize program expenditures associated with employee training and energy managers.

AB 2311 – Low
Public contracts: skilled and trained workforce requirement: notice

Chapter 347, Statutes of 2020

This bill requires a public entity, when the use of a skilled and trained workforce to complete a contract or project is required pursuant to existing law, to include in all bid documents and construction contracts a notice that the project is subject to the skilled and trained workforce requirement. This bill additionally provides, if a public entity fails to provide the notice, that the

public entity shall not be excused from the requirement to obtain the enforceable commitment and that a bidder, contractor, or other entity is not excused from the obligation to use a skilled or trained workforce, as specified.

ACR 50 – Chiu
Workforce development.

Chapter 707, Statutes of 2018

This resolution calls on the state’s workforce development system to improve access to workforce development programs for all Californians, including minority communities, limited English proficiency individuals and the formerly incarcerated.

Gut and Amend

SB 731 – Bradford

Workers’ compensation: risk factors.

GUT AND AMEND

As originally written, this bill prohibits the reduction (or apportionment) of permanent disability benefits on the basis of race, religious creed, color, national origin, age, gender, marital status, sex, sexual identity, sexual orientation, or genetic characteristics. SB 731 was amended later to address peace officer certification.

AB 1066 – Gonzalez

Unemployment insurance: trade disputes: eligibility for benefits.

Gut and Amend

As originally drafted, this bill permits workers involved in a trade dispute to collect unemployment insurance (UI) benefits. AB 1066 was later amended to address unemployment insurance and employment misclassification.

AB 1107 – Chu

Workers’ compensation: medical treatment: exemption from utilization review.

Gut and Amend

As originally drafted, exempt medical treatment requested by a primary or secondary treating physician from the utilization review process and from dispute on the grounds of medical necessity, as specified. AB 1107 was later amended to translation of materials related to a Governor’s state of emergency.

AB 1124 – Maienschein

Employment safety: outdoor workers: wildfire smoke.

Gut and Amend

As originally drafted, this bill requires that, by July 18, 2019, the Occupational Safety and Health Standards Board adopts emergency regulations that require employers to make respirators available to outdoor workers, as specified. AB 1124 was amended later to address healthcare service plans.

AB 1299 – Flora
Mutual aid: reimbursements: volunteer firefighters.

Gut and Amend

This bill would have required a nonprofit or public fire department that receives reimbursement for personnel costs associated with firefighting, to pay volunteer firefighters, as specified. AB 1299 was amended later to address refinery air quality monitoring.

AB 1454 – Jones-Sawyer
Labor Contracts.

Gut and Amend

This bill would have added email addresses to the list of required written information for a contract or agreement for labor or services in specified industries. It was amended later AB 1454 address trauma-informed diversion programs for youth.