

Assembly Bills

AB 5 Gonzalez Employers: Opportunity to Work Act

Creates the Opportunity to Work Act, which requires an employer with ten or more employees to offer additional hours of work to an existing nonexempt employee before hiring an additional employee or subcontractor.

STATUS: In Assembly Appropriations Committee, two-year bill.

AB 46 Cooper Employers: wage discrimination

Expands California's pay equity laws for women and minorities to encompass all employees in both the public and private sectors.

STATUS: Chapter # 776, Statutes of 2017.

AB 55 Thurmond Hazardous materials management: stationary sources

Requires refineries who claim an exemption to skilled and trained workforce requirements, to file with the administering agency a complete copy of the contract and a second copy of the contract that has been redacted only to the extent necessary to protect sensitive information and that includes the identity of the contractor, the scope of the work covered by the contracts, the date of execution of the contract, and the term of the contract. Also requires the redacted copy to be a public record.

STATUS: Chapter # 608, Statutes of 2017.

AB 168 Eggman Employers: salary information

Prohibits all employers, including the Legislature, the state, and local governments, from seeking salary history information about an applicant for employment and requires an employer to provide the pay scale for a position to an applicant upon reasonable request, among other things.

STATUS: Chapter # 688, Statutes of 2017.

AB 199 Chu Public works: private residential projects

Requires private residential projects built on private property, paid for in whole or in part out of public funds, and built pursuant to an agreement with a successor agency to a redevelopment agency when acting in that capacity to meet the requirements of public works, including the payment of prevailing wages.

STATUS: Chapter # 610, Statutes of 2017.

AB 263 Rodriguez EMS workers: rights and working conditions

Codifies specific meal period and rest period provisions for emergency medical services employees.

STATUS: In Senate Rules Committee, two-year bill.

AB 281 Salas Labor Code PAGA of 2004: right to cure

Extends the period of time in which an employer may cure violations of the Labor Code enforced by the Labor Code Private Attorneys General Act of 2004 (PAGA) from 33 to 65 calendar days.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 316 Waldron, Salas Workforce development

Requires the California Workforce Development Board (Board) to create a grant program, which would award funds to projects that expedite and increase the number of middle-skill workers that assists eligible targeted populations and meets other requirements as specified.

STATUS: In Assembly Appropriations Committee, two-year bill.

AB 353 Voepel Employment policy: voluntary veterans' preference

Enacts the Voluntary Veterans' Preference Employment Policy Act and authorize a private employer to establish a veterans' preference employment policy.

STATUS: In Senate Judiciary Committee, two-year bill.

AB 376 Chávez Veterans benefits: veteran farmers or ranchers

Requires by July 1, 2018, the California Labor and Workforce Development Agency, the California Department of Veterans Affairs, and the California Department of Food and Agriculture to post information on their respective websites to assist, educate, train, and otherwise support California's military veterans to enter into farming or ranching careers in California.

STATUS: Chapter # 188, Statutes of 2017.

AB 387 Thurmond Minimum wage: health professionals: interns

Broadens the definition of employer related to minimum wage provisions to include a person employing any person, engaged in supervised work experience to satisfy requirements for licensure, registration or certification as an allied health professional, with exceptions.

STATUS: Assembly Floor, two-year bill.

AB 402 Thurmond Occupational safety and health standards: plume

Requires the Occupational Safety and Health Standards Board (Board) to adopt standards to protect healthcare personnel and patients from noxious airborne contaminants "plume" generated during specified medical procedures
STATUS: Vetoed by Governor Brown.

AB 442 Frazier Employer liability: small business and microbusiness

Prohibits the Division of Occupational Safety and Health (DOSH) from commencing any enforcement action for any non-serious violation against any employer where the employer is a small business or microbusiness, without first giving the employer written notice and providing the employer 30 days to correct the violation.
STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 450 Chiu Employment regulation: immigration worksite enforcement

Prohibits an employer from providing access to a federal government immigration enforcement agent to any non-public areas of a place of labor if the agent does not have a warrant.
STATUS: Chapter # 492, Statutes of 2017.

AB 472 Frazier Employer liability: small business and microbusiness

Prohibits the Division of Occupational Safety and Health (DOSH) from commencing any enforcement action for any non-serious violation against any employer where the employer is a small business or microbusiness, without first giving the employer written notice and providing the employer 30 days to correct the violation.
STATUS: Reintroduction of AB 442, In Senate Rules Committee.

AB 543 Chen Employment: resident apartment manager wages

Extends the exemption from orders of the Industrial Welfare Commission, to an employer who does not charge the resident apartment manager any rent and, pursuant to a voluntary written agreement, applies up to one-half of the fair market rental value, with no cap; of the apartment to meet his or her minimum wage obligations to the manager.
STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 569 Gonzalez Fletcher Discrimination: reproductive health

Prohibits an employer, or any person acting on behalf of an employer, from taking any adverse action against an employee or their dependent or family member for their reproductive health decisions, including, but not limited to, the timing thereof, or the use of any drug, device, or medical service.

Specifies that an employer who takes any adverse employment action against an employee in violation of these provisions is liable to the aggrieved employee who shall recover a penalty and obtain any other appropriate relief to remedy the violation, as specified.

STATUS: Vetoed by Governor Brown.

AB 579 Flora Apprenticeship: fire protection: firefighter preapprenticeship

Requires the Division of Apprenticeship Standards (DAS), in collaboration with the California Firefighter Joint Apprenticeship Committee (CAL-JAC), to develop a statewide firefighter pre-apprenticeship program (Program) designed to recruit candidates from underrepresented groups.

STATUS: Chapter # 344, Statutes of 2017.

AB 581 McCarty Apprenticeships on public works projects

Imposes requirements on apprenticeship programs that receive grants from the California Apprenticeship Council (Council) in order to continue receiving funds.

STATUS: Chapter # 553, Statutes of 2017.

AB 708 Quirk-Silva OSHA: accidents: responding agency notifications

Revises the requirements for when a state, county, or local fire or police agency (Agency) must notify the Division of Occupational Safety and Health (DOSH) regarding an accident.

STATUS: In Senate Appropriations Committee, two-year bill.

AB 815 Cooper Farm labor contractors

Requires the Labor Commissioner to ensure that the Farm Labor Contractor Special Enforcement Unit, within the Fresno office of the Department of Industrial Relations (DIR), has enough resources to fulfill its duties related to the licensing of, and the processing of complaints against, farm labor contractors.

STATUS: In Assembly Appropriations Committee.

AB 817 Flora Compensation: rest or recovery periods

Permits an employer of EMS workers to require employees to monitor and respond to pagers or other communication methods during rest or recovery periods without penalty, and allows for mandated rest or recovery periods to be rescheduled.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 849 Acosta California Workforce Development Board: task force

Directs the California Workforce Development Board (CWDB) to convene and lead a task force with the goal of resolving inconsistencies among performance measures for the state's workforce education and training programs.

STATUS: In Assembly Appropriations Committee.

AB 902 Santiago Career technical education and workforce development

Requires the Secretary of Labor and Workforce Development, in conjunction with the California Workforce Development Board, the Office of the Chancellor of the California Community Colleges, and the State Department of Education to develop a strategic plan for connecting the delivery of education and workforce development.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 978 Limón Employment safety: injury and illness prevention program

Provides for employee access to written injury and illness prevention programs (IIPPs), as specified.

STATUS: Vetoed by Governor Brown.

AB 1008 McCarty, et al Employment discrimination: conviction history

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

STATUS: Chapter # 789, Statutes of 2017.

AB 1066 Aguiar-Curry Public works: definition

Expands the meaning of the term public works to include tree removal work done in the execution of a project, as defined.

STATUS: Chapter # 616, Statutes of 2017.

AB 1099 Gonzalez Fletcher Compensation: gratuities

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

STATUS: In Senate Labor and Industrial Relations Committee.

AB 1149 Arambula, E. Garcia Workforce investment boards: funding

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

STATUS: Chapter # 324, Statutes of 2017.

AB 1173 Harper Employment: work hours: holiday season: overtime

Establishes an overtime exemption for an employee-selected holiday season flexible work schedule by allowing during the holiday season, as defined, at the request of an individual nonexempt employee working in the retail industry, and upon employer approval, an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek. The employer would be obligated to pay overtime based on the employee’s regular rate of pay, as prescribed, for all hours worked over 40 hours in a workweek or over 10 hours in a workday, whichever is greater, as specified.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 1174 Harper Right to work: labor organizations

Establishes the “California Right to Work Act of 2017” which prohibits a person from requiring an employee, as a condition of obtaining or continuing employment, to contribute financial support to a labor organization as specified. Permits an employee or potential employee to seek injunctive relief, or monetary damages, or both, for violations or threatened violations of these provisions.

STATUS: Failed passage in Assembly Committee on Labor and Employment.

AB 1209 Gonzalez Fletcher Employers: gender pay differentials

Requires employers of 500 or more employees in California to collect information as specified on gender wage differentials for exempt employees and board members located in California and submit it to the Secretary of State (SOS) for publication on its internet website.

STATUS: Vetoed by Governor Brown.

AB 1283 Rodriguez Mutual aid: reimbursements: volunteer firefighters

Adds new requirements pertaining to how reimbursements are passed through to volunteer firefighters operating under an agreement for those volunteers to respond to a mutual aid request. Additionally, the bill limits the amount of mutual aid response that these volunteers may perform under these agreements and stipulates that volunteers may pursue a civil action if the bill’s terms are violated.

STATUS: On Senate Floor.

AB 1336 Mullin**California Workforce Development Board**

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

STATUS: Chapter # 211, Statutes of 2017.

AB 1376 Caballero Apprenticeship: preapprenticeship programs for women

Requires the Division of Apprenticeship Standards (DAS) within the Department of Industrial Relations, to develop curricula for, and to provide certification for, pre-apprenticeship programs for women in the construction trades.

STATUS: In Assembly Appropriations Committee.

AB 1389 Bigelow Employment safety: boiler and tank inspections

Exempts in the same manner as provided by law for a public entity, an insurer, its agents, employees, or service contractors from liability for injury caused by failure to make an inspection, or by reason of making an inadequate or negligent inspection, of a tank or boiler, for the purpose of determining whether it is in a safe condition for operation.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 1425 Kalra Apprentices

Requires a contractor within a designated time period, to provide specific written information to applicable apprenticeship committees whose geographic area of operation includes the area of the public works project and, would impose additional penalties for a violation of these provisions.

STATUS: On Senate Floor.

AB 1429 Fong Labor Code Private Attorneys General Act of 2004

Limits the violations for which an aggrieved employee is authorized to bring a civil action under the act and would require the employee to follow specified procedures before bringing an action. Caps the civil penalties recoverable under these provisions at \$10,000 per claimant and would exclude the recovery of filing fees by a successful claimant. The bill would require the superior court to review any penalties sought as part of a settlement agreement under these provisions.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 1430 Fong Labor Code Private Attorneys General Act of 2004

Revises those procedural provisions to require the agency, after receiving notification of an alleged violation, to investigate the alleged violation and either issue a citation or determine if there is a reasonable basis for a civil action. Authorizes an aggrieved employee to commence an action upon receipt of notice from the agency that there is a reasonable basis for a civil action, or if the agency fails to provide timely or any notification, as specified.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 1477 Brough Veterans' preferences: voluntary policy

Enacts the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring or retaining a veteran over another qualified applicant or employee. Provides that the granting of a veterans' preference pursuant to the bill, in and of itself, shall be deemed not to violate any local or state equal employment opportunity law or regulation, including, but not limited to, the antidiscrimination provisions of the California Fair Employment and Housing Act, as specified.

STATUS: In Assembly Veterans Affairs Committee.

AB 1503 Aguiar-Curry Farm labor contractors

Excludes a nonprofit organization that is engaged in administering an accredited apprenticeship program, as specified, from definition of "farm labor contractor."

STATUS: In Assembly Appropriations Committee.

AB 1548 Fong Occupational safety and health: penalties

Authorizes local public entities such as cities, counties, and special districts to apply for a refund of civil penalties assessed for violations of occupational safety and health laws if the conditions have been corrected.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 1556 Mark Stone Employment discrimination: unlawful practices

Updates the Fair Employment and Housing Act (FEHA) to use gender inclusive references to individuals, thereby clarifying that all Californians are protected against discrimination, including pregnancy discrimination, regardless of their gender identity.

STATUS: Chapter # 799, Statutes of 2017.

AB 1565 Thurmond Work hours: OT compensation: executive, administrative, or professional employees

Exempts from overtime compensation an executive, administrative, or professional employee, as defined, if the employee earns a monthly salary equivalent to either \$3,956 or an amount no less than twice the state minimum wage for full-time employment, as defined, whichever amount is higher.

STATUS: On Senate Floor.

AB 1648 Muratsuchi Refineries: inspectors

Requires the Division of Occupational Safety and Health to increase the number of inspectors for the department's refinery inspector program by an unspecified percentage.

STATUS: In Assembly Committee on Labor and Employment, two-year bill.

AB 1656 Burke Certified nurse assistant training

Requires the Employment Training Panel to establish a grant award program to fund training programs for certified nurse assistants by interested and qualified applicants, as specified. Requires, on or before July 1, 2018, the establishment of criteria for awarding grants and training program standards. The bill would also appropriate \$3,000,000 from the General Fund to the Employment Training Panel to implement the grant award program.

STATUS: In Assembly Appropriations Committee.

AB 1700 Cooper Cannabis: license application: OSHA training

Requires an applicant for a cannabis license to provide a statement to the licensing entity that the applicant will have an employee who has taken a specified Occupational Safety and Health Administration course.

STATUS: In Senate Appropriations Committee.

AB 1701 Thurmond Labor-related liabilities: original contractor

Holds general contractors and subcontractors jointly liable for unpaid wages, including fringe benefits.

STATUS: Chapter # 804, Statutes of 2017.

Senate Bills

SB 63 Jackson Unlawful employment practice: parental leave

Provides up to 12 weeks of job-protected maternity and paternity leave for additional small business employees.

STATUS: Chapter # 686, Statutes of 2017.

SB 258 Lara Cleaning Product Right to Know Act of 2017

Requires an employer that is required to make a safety data sheet readily accessible to an employee pursuant to existing standards, to make readily accessible in the same manner, for cleaning products in the workplace, the information, as specified, regarding cleaning product ingredient information that would be posted on a manufacturer's internet website, among other provisions.

STATUS: Chapter # 830, Statutes of 2017.

SB 295 Monning Farm labor contractors: sexual harassment prevention

Provides for changes to the laws that govern obtaining and renewing a farm labor contractor (FLC) license, specifically provisions mandating sexual harassment prevention training.

STATUS: Chapter # 424, Statutes of 2017.

SB 306 Hertzberg Retaliation actions: complaints: administrative review

Grants the Labor Commissioner (LC) authority to seek an immediate and temporary injunction when workers face retaliation for reporting violations of the law. Gives the LC authority to issue citations and penalties directly to enforce retaliation claims, rather than exclusively through the courts. Authorizes an employee who is bringing a civil action for a retaliation claim to seek injunctive relief from the court. Authorizes the Division of Labor Standards Enforcement (DSLE) to commence an investigation of an employer, with or without a complaint being filed, when specified retaliation or discrimination is suspected during the course of a wage claim or other specified investigation being conducted by the LC.

STATUS: Chapter # 460, Statutes of 2017.

SB 396 Lara Employment: gender identity, expression, and sexual orientation

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

STATUS: Chapter # 858, Statutes of 2017.

SB 418 Hernandez Public contracts: skilled and trained workforce

Revises the definition of "skilled and trained workforce" to exclude, from certain conditions, the work performed by specified occupations.
STATUS: Chapter # 393, Statutes of 2017.

SB 490 Bradford Wages: Barbering and Cosmetology Act: licensees

Allows beauty salon employees to be paid a percentage or flat sum commission in addition to a base hourly rate, if the employee is: Licensed pursuant to the Barbering and Cosmetology Act and receive pay for providing services where that license is required; Receiving a base hourly rate at least two times the state minimum wage rate in addition to commissions paid; and paid wages at least twice during each calendar month on a day designated in advance by the employer as the regular payday. Specifies an employee may be compensated for rest and recovery periods not less than the employee's regular base hourly rate.
STATUS: Chapter # 831, Statutes of 2017.

SB 621 Bradford Overtime compensation: private school teachers

Clarifies that the minimum salary standard for classifying part-time private school teachers as exempt employees is in proportion of the full-time instructional schedule for which the employee is employed. Also makes various clarifying changes to provisions related to overtime exemptions for private school teachers.
STATUS: Chapter # 99, Statutes of 2017.

SB 772 Leyva Occupational safety and health: regulations

Exempts any occupational safety and health standard and order from the standardized regulatory impact analysis requirement for major regulations contained in Government Code Section 11346.3 (c). Ensures that regardless of whether an occupational safety and health standard and order is a major regulation or is not a major regulation, it shall not be exempted from the requirement to prepare an economic impact assessment pursuant to the procedure for adoption of regulations established in Government Codes Section 11346.3 (b).
STATUS: On Assembly Floor.