

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

Requires the California Department of Public Health (DPH) to report high lead level blood tests to the Division of Occupational Safety and Health (Cal/OSHA) and mandates certain inspection and reporting requirements by the Cal/OSHA upon receiving the results.

Status: Chapter # 710, Statutes of 2019

AB 51 Gonzalez**Employment discrimination: enforcement.**

Prohibits an employer from requiring an employee to waive any right, forum, or procedure for a violation of any provision of the California Fair Employment and Housing Act (FEHA) or the Labor Code as a condition of employment, continued employment or the receipt of any employment-related benefit. This bill also prohibits an employer from threatening, retaliating, or discriminating against an employee for refusing to consent to such a waiver.

Status: Chapter # 711, Statutes of 2019

AB 71 Melendez**Employment standards: independent contractors and employees.**

Existing case law establishes a three-part test, known as the "ABC" test, for determining whether a worker is considered an independent contractor for purposes of specified wage orders.

This bill would, instead, require a determination of whether a person is an employee or an independent contractor to be based on a specific multifactor test, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors.

Status: In Assembly Labor and Employment Committee

AB 160 Voepel**Employment policy: voluntary veterans' preference.**

Would enact the "Voluntary Veterans' Preference Employment Policy Act" to authorize a private employer to establish and maintain a voluntary veterans' preference employment policy for hiring and retaining veterans without deeming it discriminatory under local and state equal employment opportunity laws and the Fair Employment and Housing Act.

Status: In Senate Judiciary Committee

AB 170 Gonzalez**Worker status: employees and independent contractors.**

Exempts newspaper distributors and carriers, as defined, from the three-part *Dynamex* test for determining employee status until January 1, 2021.

Status: Chapter # 415, Statutes of 2019

AB 171 Gonzalez**Employment: sexual harassment.**

Would have prohibited an employer from discharging, discriminating or retaliating against an employee who is a victim of sexual harassment and establishes a rebuttable presumption of unlawful retaliation based on the employee's status if the employer takes certain action within 90 days of receiving notice or obtaining knowledge of the victim's status.

Status: Vetoed by Governor Newsom

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

Requires construction employers performing work that disturbs the soil where Valley Fever is highly endemic to provide effective awareness training to employees on the disease.

Status: Chapter # 712, Statutes of 2019

AB 267 Chu**Employment of infants: entertainment industry.**

Clarifies that the rules governing the employment of infants under current law apply to infants working in the entire entertainment industry, rather than just motion pictures.

Status: Chapter # 283, Statutes of 2019

AB 333 Eggman**Whistleblower protection: county patients' rights advocates.**

Extends whistleblower protections to county patients' rights advocates appointed or under contract to provide services relating to mental health advocacy.

Status: Chapter # 423, Statutes of 2019

AB 378 Limón**Childcare: family childcare providers: bargaining representative.**

Provides that family childcare providers have the right to form, join, and participate in the activities of a provider organization of their own choosing for the purpose of representing them and bargaining on matters related to the terms and conditions of their employment.

Status: Chapter # 385, Statutes of 2019

AB 403 Kalra**Division of Labor Standards Enforcement: complaint.**

Would have extended the statute of limitations for complaints alleging workplace retaliation from six months to two years and authorizes the payment of attorney's fees to employees who successfully sue for retaliation based on whistleblowing.

Status: Vetoed by Governor Newsom

AB 443 Flora**Wage records: private attorney general actions: attorney's fees.**

Limits attorney's fees in an action brought under the Labor Code Private Attorneys General Act (PAGA) of 2004 by capping fees at 25% of a gross judgment amount or gross settlement amount of \$50,000 or more.

Status: In Assembly Labor and Employment Committee

AB 457 Quirk**Occupational safety and health: lead: permissible exposure levels.**

Would require that the Cal/OSHA, in conjunction with the Standards Board, complete rulemaking and adopt an updated lead standard for the general industry safety and construction safety orders by February 1, 2020.

Would also authorize the Standards Board to adopt emergency regulations as necessary to meet the required deadline.

Status: Senate Floor, Inactive File

AB 520 Kalra**Public works: public subsidy.**

Would have defined a public subsidy as de minimis for the purpose of paying the prevailing wage in private projects if it is both less than \$500,000 and less than 2% of the total project cost for bids advertised or contracts awarded after July 1, 2020. If the subsidy is for a residential project consisting entirely of single-family dwellings, the subsidy is de minimis so long as it is less than 2% of the total project cost.

Status: Vetoed by Governor Newsom

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

Requires the director of the Department of Industrial Relations (DIR) to convene a training advisory committee to assist in compiling a list of qualified organizations and peer trainers that janitorial employers would be required to use to provide a biennial in-person sexual violence and harassment prevention training.

Status: Chapter # 715, Statutes of 2019

AB 555 Gonzalez**Paid sick leave.**

Expands the state's paid sick leave program to provide an employee with no less than 40 hours or five days of sick leave by the 200th calendar day of employment.

Status: Assembly Floor, Inactive File

AB 560 Santiago**Public utilities: unionization.**

Under the provisions of this measure, a public utility may not recover in rates any expenses incurred in assisting or deterring union organizing. Costs associated with assisting or deterring union organizing will be borne exclusively by the utility's shareholders.

Status: Chapter # 429, Statutes of 2019

AB 589 Gonzalez**Employment: unfair immigration-related practices.**

Would have prohibited an employer from and imposes penalties for withholding an employee's immigration-related documents and establishes a Worker's Bill of Rights regarding freedom of movement and payment of wages.

Status: Vetoed by Governor Newsom

AB 593 Carrillo**UI: use of information: public workforce development programs.**

Permits the chief elected official of local workforce investment areas, as defined, to use specified information obtained in Employment Development Department's (EDD) administration of the Unemployment Insurance Code and to access any relevant quarterly wage data necessary for the evaluation and reporting of workforce program performance measures.

Status: Chapter # 611, Statutes of 2019

AB 594 Salas**Artificial intelligence.**

Would have authorized the director of the California Department of Technology (CDT) to designate a position within the department to evaluate the uses of artificial intelligence (AI) in state government and to advise the Director of Technology on incorporating AI into state information technology (IT) strategic plans, policies, standards and enterprise architecture, and required CDT to adopt guidelines by January 1, 2021 to govern the use and implementation of AI technologies in state government functions, as specified

Status: Vetoed by Governor Newsom

AB 625 Kalra**Service contracts: public transit: collection and transportation of solid waste: retention of employees.**

Would have extended the employee retention 10% bid preference to all public transit contracts awarded by the State of California.

Status: Vetoed by Governor Newsom

AB 628 Bonta**Employment: victims of sexual harassment: protections.**

Would allow victims of sexual harassment to take time off from work to obtain relief to ensure their health and safety in the same manner that existing law allows victims of domestic violence, sexual assault, and stalking to take time off from work, and extends job-protected leave to immediate family members of victims.

Status: Assembly Floor, Failed, Reconsideration Requested

AB 647 Kalra**Hazardous substances: cosmetics: disinfectants: safety documents.**

Requires, beginning July 1, 2020, an entity that manufactures or imports a hazardous substance or mixture of substances that constitutes a cosmetic, or any substance or mixture of substances used as a disinfectant, that is required to create or obtain a safety data sheet, to post and maintain the safety data sheet on the entity's internet website by its brand name or other commonly known name in a manner generally accessible to the public. Requires, if a separate safety data sheet based on color or tint exists, the entity to post and translate each safety data sheet on its website. Requires the entity to translate the safety data sheet(s) into Spanish, Vietnamese, Chinese, Korean, and other languages that the director of the Division of the Department of Industrial Relations may determine to be common for the beauty care industry.

Status: Chapter # 305, Statutes of 2019

AB 648 Nazarian**Wellness programs.**

Would establish rules that govern wellness programs instituted by health plans, insurers and employers.

Status: In Assembly Appropriations Committee

AB 673 Carrillo**Failure to pay wages: penalties.**

Provides that penalties for late payment of wages shall be recovered by the Labor Commissioner (LC), payable to the affected employee, as a civil penalty or by the employee as a statutory penalty in a hearing pursuant to the LC's authority under the Labor Code. The affected employee may also enforce civil penalties for late payment of wages through the Private Attorneys General Act (PAGA) but cannot also recover statutory penalties for the same violation.

Status: Chapter # 716, Statutes of 2019

AB 721 Grayson**Workforce training programs: supportive services.**

Would have established the Lifting Families Out of Poverty Workforce Training Supportive Services Program (Program) to, upon appropriation, offer \$50 million in grants to entities providing supportive services to low-income participants in workforce training programs.

Status: In Assembly Appropriations Committee, Held Under Submission

AB 758 Carrillo**Employment: pay: gender**

Would have defined “sex,” for the purpose of the Equal Pay Act (EPA), to include a person’s gender identity and gender expression. This bill would have also provided an administrative action alleging retaliation under EPA must commence no later than one year after the retaliation occurs.

Status: In Assembly Appropriations Committee, Held Under Submission

AB 789 Flora**Itemized wage statements: violations: actions: Labor Code Private Attorneys General Act of 2004.**

Authorizes an employer, under the Labor Code Private Attorneys General Act (PAGA), to cure all elements of an itemized wage statement violation within 65 days and in an action to recover damages or penalties due to such violation, requires specified written notice by the employee and permits the employer to cure the violation within 65 days.

Status: In Assembly Labor and Employment Committee

AB 790 Levine**Eligible employers: personal services contracts.**

Requires employers valued at \$1 billion or more by the Department of Industrial Relations (DIR), who enter into a personal services contract, as defined, to include in those contracts a provision requiring a wage equal to 85% of the area median income for a single person household, as defined by the US Department of Housing and Urban Development (HUD).

Status: In Assembly Appropriations Committee

AB 882 McCarty**Termination of employment: drug testing: medication-assisted treatment.**

Prohibits an employer, regardless of the number of employees, from discharging an employee for testing positive for a drug that is being used as a medication-assisted treatment (MAT), under the care of a physician or pursuant to a licensed narcotics treatment program.

Status: In Assembly Labor and Employment Committee

AB 1019 Frazier**Apprenticeship: developmentally disabled persons.**

Adds the Director of Rehabilitation and the Executive Director of the State Council on Developmental Disabilities to the Interagency Advisory Committee on Apprenticeship (IACA) within the Division of Apprenticeship Standards (DAS) and requires the creation of a subcommittee to address apprenticeship for the disabled community.

Status: Chapter # 164, Statutes of 2019

AB 1028 Gonzalez**Clean Energy Job Creation Program.**

Would have required 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 have also explicitly authorized program expenditures associated with employee training and energy managers.

Status: In Senate Appropriations Committee, Held Under Submission

AB 1045 Chen**Public works: prevailing wages.**

Raises the cost threshold from \$1,000 to \$100,000 for a public works project for purposes of requiring payment of the prevailing wage.

Status: In Assembly Labor and Employment Committee

AB 1047 Fong**Car washes: registration requirements.**

Prohibits the Labor Commissioner (LC) from requiring a car wash employer to complete or submit to the Internal Revenue Service (IRS), the form entitled “Tax Information Authorization” (IRS Form 8821), as part of the employer registration process.

Status: In Assembly Labor and Employment Committee

AB 1124 Maienschein**Employment safety: outdoor workers: wildfire smoke.**

Would require 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 on any day the outdoor worker could reasonably be expected to be exposed to harmful levels of smoke from wildfires. Would expand the methods which must be utilized by an employer to determine if air quality is harmful for workers.

Status: Senate Floor, Inactive File

AB 1158 Carrillo**Conveyances: permit: suspensions.**

Would have provided that a permit to build or work on a conveyance may be temporarily suspended, pending notice of and the opportunity to contest the suspension, if the work performed is determined to violate building code or occupational safety standards.

Status: In Senate Appropriations Committee, Held Under Submission

AB 1223 Arambula**Living organ donation.**

Requires a private or public employer to grant an employee an additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of organ donation, provided that in the case of a public employee, they have exhausted all sick leave, and prohibits life, long-term care or disability insurance policies from discriminating against an organ donor.

Status: Chapter # 316, Statutes of 2019

AB 1224 Gray**Disability insurance: paid family leave program.**

Would have expanded paid family leave (PFL) benefits by allowing two six-week PFL claims per year.

Status: In Assembly Appropriations Committee, Held Under Submission

AB 1291 Jones-Sawyer**Adult-use cannabis and medicinal cannabis: license application: labor peace agreements.**

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, as currently required by existing law, within 60 days of employing 20 employees, and 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.

Status: Chapter # 826, Statutes of 2019

AB 1299 Salas**Petroleum refineries: air monitoring systems.**

Would have required a nonprofit or public fire department that receives federal, state, or local reimbursement for personnel costs associated with firefighting, to pay volunteer firefighters an amount equal to 20% of the annual compensation that would otherwise be required to hire a permanent employee for the same services.

Status: The labor provisions were subsequently amended out of the bill

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

Requires the Commission on Healthy and Safety and Workers' Compensation (Commission), in partnership with others, to submit a study to, among others, the Legislature regarding the risk of exposure to carcinogenic materials and incidence of occupational cancer in fire equipment mechanics.

Status: Chapter # 717, Statutes of 2019

AB 1454 Jones-Sawyer**Labor contracts.**

Would have required a contract for labor or services to include the email addresses of any person or entity and contractor, as specified.

Status: Labor Provisions were Subsequently Amended Out

AB 1459 Arambula**Qualified grocery employee: certification and apprenticeship.**

Would have required the Division of Labor Standards Enforcement (DLSE) within the Department of Industrial Relations (DIR) to create a certification program, as provided, for qualified grocery employees.

Status: In Senate Appropriations Committee, Held Under Submission

AB 1466 Irwin**Employee classification: professional classification: specified educational employees.**

Would have provided that instructional employees in higher education, as defined, are professional employees and therefore exempt from specified wage orders and wage and hour provisions of the Labor Code, so long as certain criteria are met.

Status: Vetoed by Governor Newsom

AB 1478 Carrillo**Employment discrimination.**

Would have provided a private right of action for an employee who is discriminated or retaliated against by their employer due to, among other reasons, their status of being a victim of domestic violence, sexual assault, and stalking, and entitles a prevailing plaintiff to reasonable attorney's fees and other relief the court deems proper.

Status: Vetoed by Governor Newsom

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

Requires an employer to notify an employee who participates in a flexible spending account (FSA), including, but not limited to, a dependent care flexible spending account, a health flexible spending account, or adoption assistance flexible spending account, of any deadline to withdraw funds before the end of the plan year.

Requires the notice to be by two different forms, one of which may be electronic.

Status: Chapter # 195, Statutes of 2019

AB 1558 Ramos**Apprenticeship programs: career fairs.**

Would have required local school districts or schools planning college or career fairs to notify apprenticeship programs in their county utilizing contact information from the database of approved apprenticeship programs published by the Division of Apprenticeship Standards on its internet website.

Status: Vetoed by Governor Newsom

AB 1613 O'Donnell**Public works: prevailing wages.**

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 on or after January 1, 2020.

Status: Vetoed by Governor Newsom

AB 1677 Weber**Call centers: protections.**

Would have Provides 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.

Status: Vetoed by Governor Newsom

AB 1748 Bonta**California Family Rights Act: flight crews.**

Amends the 1,250 hours of service eligibility requirement for leave under the California Family Rights Act (CFRA) for flight deck and cabin crew employees to 504 hours of service, provided other conditions are met.

Status: Chapter # 718, Statutes of 2019

AB 1768 Carrillo**Prevailing wage: public works.**

Expands the definition of "public works" to include work performed during construction site assessments and feasibility studies, and specifies that preconstruction work is a part of "public works," regardless of whether any further construction work is conducted.

Status: Chapter # 719, Statutes of 2019

AB 1804 L. & E.**Occupational injuries and illnesses: reporting.**

Allows employers to report serious injury, illness or death through an online mechanism established by the Division of Occupational Safety and Health (Cal/OSHA) while retaining the option to report by telephone. Specifies that until Cal/OSHA has made such an online mechanism available, the employer is permitted to make the report by email.

Status: Chapter # 199, Statutes of 2019

AB 1805 L. & E. Occupational safety and health.

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.

Status: Chapter # 200, Statutes of 2019

ACA 14 Gonzalez UC: support services: equal employment standards.

Would propose to amend Article IX of the State Constitution by adding Section 9.5, the University of California (UC) Equal Employment Opportunity Standards Act, requiring the Regents of the UC to ensure that all contract workers who are paid to perform support services are afforded the same equal employment opportunity standards as university employees performing similar services.

Status: Senate Floor, Failed, Reconsideration Granted

ACR 50 Chiu Workforce development.

Calls upon the state's workforce system to improve access to workforce development for all Californians.

Status: Resolution Chapter # 143, Statutes of 2019

ACR 125 Jones-Sawyer Bias and discrimination in hiring reduction through new technology.

Urges policymakers in both federal and state government to explore ways to promote the development and use of new technologies to reduce bias and discrimination in hiring and employment.

Status: In Senate Rules Committee

SENATE BILLS

SB 25 Caballero CEQA: projects funded by qualified opportunity zone funds or other public funds.

Provides for expedited judicial review of California Environmental Quality Act (CEQA) challenges to projects that are at least partially funded by qualified opportunity zone funds or by specified public funds until January 1, 2025.

Status: In Assembly Natural Resources Committee

SB 142 Wiener Employees: lactation accommodation.

Imposes new building and employer requirements for ensuring access to adequate lactation space, as specified.

Status: Chapter # 720, Statutes of 2019

SB 171 Jackson Employers: annual report: pay data.

Would have required certain employers to submit a report each year to the Department of Fair Employment and Housing (DFEH) with pay data for specified job categories broken down by race, ethnicity and sex.

Status: In Assembly Appropriations Committee, Held Under Submission

SB 218 Bradford**Employment: discrimination enforcement: local government.**

Would have authorized a local government located within the County of Los Angeles to enact and administer its own employment antidiscrimination law, accept employment claims under the state's Fair Employment and Housing Act (FEHA), and establish remedies and penalties for any violations.

Status: Vetoed by Governor Newsom

SB 229 Hertzberg**Discrimination: complaints: administrative review.**

Creates a process for judicial enforcement of citations issued by the Labor Commissioner (LC) in an administrative determination of workplace retaliation as well as for unsuccessful or otherwise defective employer challenges of such determinations.

Status: Chapter # 721, Statutes of 2019

SB 286 Durazo**Payment of wages: professional sports organization employees.**

Provides that events employees, as defined, are entitled to receive wages earned and unpaid on the next regular payday.

Status: Chapter # 700, Statutes of 2019

SB 362 Roth**Employment: unpaid wages and benefits: internet website.**

Requires that the Labor Commissioner establish a public database, posted on the DLSE's Web site, of unpaid wages or benefits collected pursuant to this bill, indexed by employee name, the amount of the wages or benefits collected, and the date of deposit.

Status: In Assembly Labor and Employment Committee

SB 363 Pan**Workplace safety.**

Would have required the Department of State Hospitals (DSH), the Department of Developmental Services (DDS), and the Department of Corrections and Rehabilitation (CDCR) to report specified information regarding assaults on employees that occur in their facilities.

Status: Vetoed by Governor Newsom

SB 530 Galgiani**Construction industry: discrimination and harassment prevention.**

Provides that construction industry employers that employ workers pursuant to a multiemployer collective bargaining agreement can satisfy sexual harassment training and education requirements by verifying completion of the training by a state-approved apprenticeship program, labor management training trust, or labor management cooperation committee, and for cases where verification cannot be obtained, by providing it themselves.

Status: Chapter # 722, Statutes of 2019

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

Provides that a print shoot employee, as defined, is entitled to receive payment of wages earned and unpaid at the time of the termination by the next regular payday.

Status: Chapter # 253, Statutes of 2019

SB 688 Monning**Failure to pay wages: penalties.**

Expands the Labor Commissioner's (LC) citation authority for an employer's failure to pay minimum wages to include an employer's failure to pay contract wages, as defined.

Status: Chapter # 723, Statutes of 2019

SB 698 Leyva**Employee wages: payment.**

Provides that all wages earned by employees of the University of California (UC) must be paid on a regular payday.

Status: Chapter # 508, Statutes of 2019

SB 730 Stern**Commission on Tech Equity.**

Creates the Commission on Tech Equity (Commission) comprised of six members to develop policy recommendations regarding the development, deployment, and fair distribution of technology.

Status: Labor Provisions were Subsequently Amended Out

SB 778 Senate Labor**Employers: sexual harassment training: requirements.**

Extends the deadline for specified employers to provide sexual harassment prevention training and education, clarifies when such training and education must be provided to new employees, and outlines when refresher training must be provided.

Status: Chapter # 215, Statutes of 2019