

1987

## 1987 Legislative Summary

Assembly Committee on Labor and Employment

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California Legislature  
Assembly Committee  
on  
Labor and Employment

Richard E. Floyd  
Chairman

# 1987 LEGISLATIVE SUMMARY



October 1987  
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November 1987

TO: INTERESTED PARTIES  
FROM: RICHARD E. FLOYD, CHAIRMAN  
ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT  
RE: 1987 LEGISLATIVE SUMMARY

Enclosed for your information is a summary of legislation referred to the Assembly Committee on Labor and Employment during 1987. Please note that the STATUS of each bill is shown indicating the action taken in Committee and the final action in 1987.

If you need additional information on any legislation heard by the committee, please feel free to contact the committee office at 916/445-2657.

enclosure

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AGRICULTURE

AB 372 (SEASTRAND)

Prohibits agricultural employers from discrimination against employees for non-membership in a labor organization under certain circumstances.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1306 (SEASTRAND)

Repeals the Agricultural Labor Relations Act and substitutes provisions conforming to the National Labor Relations Act.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1517 (N. WATERS)

Extends the Agricultural Labor Relations Board's make-whole remedy to the failure of a labor organization to bargain in good faith.

STATUS: Pending hearing in Assembly Labor and Employment

AB 2306 (CONNELLY)

Increases the size of the Farm Labor Contractor License Board, makes funds available to persons damaged by unlicensed contractors, and increases penalties for violation of the Farm Labor Contractors Law.

STATUS: Senate Third Reading Inactive File

SB 669 (PETRIS)

Requires warning signs be posted when certain pesticides are used on crops harvested in a labor-intensive manner.

STATUS: Pending hearing in Assembly Labor and Employment

EMPLOYER/EMPLOYEE RELATIONS

AB 269 (FLOYD)

Prohibits the use of Transportation Development Act monies for public transit operations during a work stoppage, strike or lockout.

STATUS: Assembly Third Reading Inactive File

AB 368 (MOORE)

Requires certain employers to grant full-time employees an unpaid parental leave of up to 4 months.

STATUS: Vetoed

AB 452 (MARGOLIN)

Allows employees engaged in a strike or lockout for more than 90 days to receive any accrued vacation pay.

STATUS: Vetoed

AB 607 (M. WATERS)

Requires employers to report plant closures, as defined, to the Employment Development Department so that the department may, in turn, compile the reports and submit them to the legislature.

STATUS: Senate Third Reading Inactive File

AB 705 (FLOYD)

Extends from 24 to 120 hours, the period within which a motion picture producer must pay wages due to laid off workers.

STATUS: Pending hearing in Assembly Labor and Employment

AB 796 (FLOYD)

Requires specified employers to provide affected workers 90 days advance notice of any plant closure.

STATUS: Pending hearing in Assembly Ways and Means

AB 967 (FLOYD)

Subjects employment agencies to regulation as a labor contractor.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1279 (HAYDEN)

Outlaws the use of subliminal message programs, as defined, on workers without their consent.

STATUS: Vetoed

AB 1470 (FLOYD)

Establishes a Labor/Management Relations Council to prevent labor disputes.

STATUS: Vetoed

AB 1490 (M. WATERS)

Provides advance notice, severance pay, or rehiring rights and specified extended insurance benefits to workers affected by plant closures, as defined.

STATUS: Assembly Third Reading Inactive File

SB 1049 (DILLS)

Exempts the recording industry from the 7 year limit on enforcement of personal service contracts.

STATUS: Chapter 591

SB 1613 (MARKS)

Provides that employee sick leave may be used for the care of the employee's children when they are ill.

STATUS: Failed passage in Assembly Ways and Means

FAIR EMPLOYMENT PRACTICES

AB 1 (AGNOS)

Declares legislative intent with regard to statutory protections against discrimination the the basis of sexual preference.

STATUS: Pending hearing in Assembly Labor and Employment

AB 330 (Klehs)

Requires that employee drug tests be performed by laboratories meeting specified registration criteria.

STATUS: Pending hearing in Senate Industrial Relations

AB 397 (O'CONNELL)

Extends the requirement that employers reasonably accommodate alcohol rehabilitation of workers to include drug rehabilitation efforts, as well.

STATUS: Chapter 506

AB 602 (KLEHS)

Declares that an individual shall not be deemed ineligible for unemployment insurance benefits by virtue of refusal to take a drug test.

STATUS: Pending hearing in Senate Industrial Relations

AB 605 (M. WATERS)

Entitles temporarily disabled employees of specified employers to unpaid leaves of up to 4 months.

STATUS: Assembly Third Reading Inactive File

AB 810 (FLOYD)

Clarifies the return rights of workers temporarily disabled by a work related injury.

STATUS: Assembly Third Reading Inactive File

AB 869 (FLOYD)

Prohibits employment discrimination based upon membership in a labor organization.

STATUS: Pending hearing in Senate Appropriations



AB 1159 (FLOYD)

Extends return rights to workers temporarily disabled by an acute illness.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1163 (FLOYD)

Defines the term "compensation" for purposes of the Fair Employment and Housing Act.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1175 (HILL)

Permits regulated management companies to fingerprint employees and job applicants subject to federal law.

STATUS: Chapter 77

AB 1333 (SPEIER)

Requires employers to post notices informing workers about legal prohibitions against sexual discrimination in the workplace.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1609 (KATZ)

Prohibits employment discrimination against workers who have reported illegal operation of motor vehicles to the proper authorities.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1851 (BATES)

Prohibits drug testing of employees or job applicants absent probable cause that the worker presents a clear and present danger to others due to drug-induced impairment.

STATUS: Pending hearing in Assembly Labor and Employment

## IMMIGRATION IN THE WORKPLACE

### AB 426 (CALDERON)

Immunizes employers who provide wage information in order to establish a person's eligibility for naturalization under the federal Immigration Reform and Control Act from any criminal or civil liability and increases penalties for repeat violations by immigration consultants from a misdemeanor to an alternate felony/misdemeanor.

STATUS: Chapter 1363

### AB 540 (FERGUSON)

Declares state policy to cooperate fully with employer sanctions under the federal Immigration Reform and Control Act.

STATUS: Pending hearing in Assembly Labor and Employment

### AB 656 (FLOYD)

Repeals employer sanctions for hiring undocumented workers which have been preempted by the enactment of the federal Immigration Reform and Control Act.

STATUS: Held at Senate Desk

### AB 1729 (ISENBERG)

Specifies the scope of practice of immigration consultants and provides civil remedies for violations.

STATUS: Chapter 484

### SB 192 (TORRES)

Establishes a toll-free, state-operated telephone number to assist persons in need of immigration consultation and strengthens regulation of immigration consultants.

STATUS: Vetoed

### SB 1047 (MONTROYA)

Requires immigration consultants to register with the Department of Consumer Affairs.

STATUS: Pending hearing in Assembly Labor and Employment

## JOB TRAINING

### AB 25 (FARR)

Revises the Employment Development Department's reporting requirements relative to federal contract actions in California.

STATUS: Chapter 31

### AB 263 (FARR)

Appropriates funds to the Employment Development Department to monitor federal contract actions in California.

STATUS: Pending hearing in Senate Appropriations

### AB 752 (JOHNSTON)

Makes private industry councils eligible for Employment Training Panel contracts.

STATUS: Chapter 1051

### AB 2024 (M. WATERS)

Expands eligibility for Employment Training Panel programs to unemployed persons whose unemployment insurance eligibility has been exhausted within the prior two years.

STATUS: Vetoed

### AB 2146 (JONES)

Declares private industry councils to be training agencies for purposes of Employment Training Panel contracts and encourages greater coordination of job training programs.

STATUS: Pending hearing in Assembly Labor and Employment

### AB 2521 (CAMPBELL)

Authorizes counties to contract for specified services for the benefit of unemployed, displaced residents.

STATUS: Assembly Third Reading Inactive File

### SB 122 (B. GREENE)

Extends the life of the Unemployment Insurance Retraining Benefit program and expands eligibility to persons who have previously received retraining benefits.

STATUS: Vetoed

SB 752 (L. GREENE)

Directs the Employment Development Department to provide, in coordination with local agencies, targeted job services to homeless people residing in emergency shelters.

STATUS: Pending hearing in Assembly Ways and Means

## LABOR LAW ENFORCEMENT

### AB 307 (MARGOLIN)

Requires the Labor Commissioner to obtain a court order to enforce a subpoena before criminal sanctions attach.

STATUS: Assembly Third Reading Inactive File

### AB 391 (FLOYD)

Sets deadlines for action by the Labor Commissioner on wage claims.

STATUS: Vetoed

### AB 622 (FLOYD)

Raises fines for violations of child labor laws.

STATUS: Chapter 386

### AB 623 (FLOYD)

Requires the Labor Commissioner to obtain a court order to enforce a subpoena before criminal sanctions attach.

STATUS: Pending hearing in Senate Industrial Relations

### AB 775 (FLOYD)

Directs surplus monies in the Industrial Relations Unpaid Wage Fund and monies from fines resulting from specified public works law violations to be deposited in the Construction Industry Enforcement Fund.

STATUS: Pending hearing in Assembly Ways and Means

### AB 922 (FLOYD)

Tightens evidentiary procedures, increases late penalties, and creates new remedies for claimants before the Labor Commissioner.

STATUS: Vetoed

### AB 1071 (FLOYD)

Declares joint liability between garment manufacturers and contractors for any violations committed by either party.

STATUS: Pending hearing in Assembly Labor and Employment

AB 2532 (JONES)

Recasts numerous provisions governing the conduct of the Labor Commissioner.

STATUS: Pending hearing in Assembly Labor and Employment

SB 462 (B. GREENE)

Substitutes graduated civil fines for criminal penalties as enforcement of employer record-keeping responsibilities and lengthens the period of required retention from 2 to 3 years.

STATUS: Failed passage in Assembly Labor and Employment

SB 890 (B. GREENE)

Rewrites, with minor substantive changes, the Labor Code provisions governing the Labor Commissioner and the Division of Labor Standards Enforcement.

STATUS: Pending hearing in Assembly Labor and Employment

OCCUPATIONAL SAFETY AND HEALTH

AB 348 (TANNER)

Requires the Division of Occupational Safety and Health to study the need for a video display terminal safety board and to report its recommendations to the Occupational Safety and Health Standards Board.

STATUS: Vetoed

AB 435 (FLOYD)

Prohibits employers from knowingly or negligently maintaining an unsafe workplace, as defined, subject to criminal penalties.

STATUS: Vetoed

AB 446 (JONES)

Extends the single family residential safety inspection exemption to include elevators located in buildings serving two residential units and which are not accessible to the public.

STATUS: Chapter 204

AB 474 (MARGOLIN)

Requires the Occupational Safety and Health Standards Board to adopt a generic carcinogen policy to identify, classify, and regulate carcinogens.

STATUS: Vetoed

AB 621 (FLOYD)

Adopts a Cal-OSHA voluntary compliance program in the construction industry.

STATUS: Pending hearing in Senate Industrial Relations

AB 701 (FLOYD)

Permits governmental entities to be civilly fined for occupational safety and health violations on the same basis as private employers.

STATUS: Vetoed

AB 812 (FLOYD)

Implements a high-hazard targeted occupational safety inspection system.

STATUS: Pending hearing in Senate Industrial Relations

AB 867 (FLOYD)

Directs the Director of the Department of Industrial Relations to continue to enforce the Cal-OSHA program and directs that this be communicated to the United States Department of Labor.

STATUS: Assembly Third Reading Inactive File

AB 1701 (PEACE)

Increases penalties for serious or repeat occupational safety violations resulting in serious injury or death.

STATUS: Vetoed

AB 2317 (N. WATERS)

Makes numerous changes in the Amusement Rides Safety Act.

STATUS: Held in Assembly Labor and Employment

AB 2433 (AGNOS)

Organizes a repository of data on prevalent workplace chemicals with adverse health effects and requires the dissemination of specified information.

STATUS: Held in Senate Appropriations

AB 2577 (FRIEDMAN)

Extends Cal-OSHA criminal liability to the indirect employer of workers and permits manslaughter prosecution in Cal-OSHA cases.

STATUS: Pending hearing in Senate Judiciary

SB 888 (B. GREENE)

Specifies that a Cal-OSHA reinspection is not required if the violation is abated at the time of the original inspection.

STATUS: Held at the Assembly Desk

SB 889 (B. GREENE)

Restores Cal-OSHA jurisdiction over mine and tunnel operations.

STATUS: Vetoed

SB 900 (CAMPBELL)

Eliminates inspection requirements for certain pressure vessels and air tanks.

STATUS: Chapter 1216



SB 1040 (GARAMENDI)

Rewrites the Amusement Rides Safety Law and extensively revises state safety jurisdiction, inspection procedures, penalties, revenue collection and disbursement.

STATUS: Pending hearing in Assembly Labor and Employment

PUBLIC WORKS

AB 619 (FLOYD)

Disqualifies from public works bidding for one year for first offenses and for three years for subsequent offenses, contractors found to have violated wage or apprenticeship laws.

STATUS: Pending hearing in Senate Appropriations

AB 710 (FLOYD)

Exempts certain small projects from public works prevailing wage requirements, creates new remedies for employees owed wages and specifies an apprentice-to-journeyman ratio for projects.

STATUS: Senate Third Reading Inactive File

AB 881 (WRIGHT)

Exempts specified roadside maintenance contracts let by Caltrans from public works prevailing wage requirements.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1186 (ALLEN)

Excludes work performed on low and moderate housing developed by a local housing authority from the definition of a "public work".

STATUS: Pending hearing in Assembly Labor and Employment

AB 1816 (FRIZZELLE)

Sets wage rates for nonfederal aid highway projects equal to those paid for federal aid highway projects.

STATUS: Pending hearing in Assembly Labor and Employment

AB 1950 (BRADLEY)

Precludes the use of state prevailing wage rates in areas which there is a predetermined federal prevailing wage rate.

STATUS: Failed passage in Assembly Labor and Employment

SB 778 (B. GREENE)

Increases penalties and provides collateral consequences for the filing of false public work payroll records.

STATUS: Pending hearing in Assembly Labor and Employment

SB 1089 (B. GREENE)

Strengthens recovery procedures for unpaid wage claims on public works projects.

STATUS: Pending hearing in Assembly Labor and Employment

SB 1643 (KEENE)

Requires that at least 50% of the labor on a public work project be performed by California residents.

STATUS: Vetoed

WAGES AND HOURS

AB 120 (FLOYD)

Raises the minimum wage from \$3.35/hour to \$4.50/hour.

STATUS: Failed passage in Assembly Labor and Employment

AB 809 (FLOYD)

Requires the Industrial Welfare Commission to determine whether the hours and working conditions in the construction, mining, and drilling industries are injurious to the workers.

STATUS: Vetoed

AB 873 (FLOYD)

Consolidates requirements governing wage deduction statements and records.

STATUS: Chapter 976

AB 1181 (FLOYD)

Prohibits restaurateurs from deducting from wages the costs of meals or beverages unless the employee signs for the food.

STATUS: Failed passage in Assembly Ways and Means

AB 1187 (FLOYD)

Raises the minimum wage to \$4.25/hour.

STATUS: Senate Third Reading Inactive File

AB 2149 (JONES)

Eliminates the public hearing requirement when the Industrial Welfare Commission rejects a petition from a health care trade or labor organization for a change in wages, hours, or working conditions.

STATUS: Chapter 460

SB 342 (MADDY)

Reclassifies race horse stable employees as agricultural workers for purposes of wage, hour and working condition regulations.

SB 779 (B. GREENE)

Establishes time lines and procedural rules for the adoption, amendment or repeal of orders by the Industrial Welfare Commission.

STATUS: Chapter 863

SB 1658 (TORRES)

Raises the minimum wage to \$4.25/hour.

STATUS: Vetoed