

2020

Assembly Committee on Labor and Employment, 2019-2020 Legislative Report

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Assembly Committee on
LABOR AND EMPLOYMENT



2019-2020
LEGISLATIVE SUMMARY

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Would also require an emergency ambulance employee who requests mental health treatment for critical incident stress management, as defined, or post-traumatic stress disorder (PTSD), to receive in-person treatment from a qualified professional who is trained in the areas of critical incident stress management or PTSD.

Status: Dead bill, Assembly Labor and Employment Committee

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: Dead bill, 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: Dead bill, 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 323 Rubio

Worker Status: independent contractors: newspaper carriers

Exempts, until January 1, 2022, newspaper carriers and newspaper distributors, as defined, from the 3-part ABC test for employment status. Requires that the Department of General Services (DGS) report annually information on the state's contracting practices with media platforms for placement of marketing or outreach advertising material.

Status: Chapter # 341, Statutes of 2020

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.**

Would have limited 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: Dead bill, 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, Dead bill

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, Dead bill

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 the 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, Dead bill

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 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: Dead bill, Senate Health 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 685 Reyes COVID-19: hazards to employees: exposure: notification: serious violations.

Requires employers to provide written notice and instructions to employees who may have been exposed to COVID-19 at their worksite and enhances the Division of Occupational Safety and Health's (Cal/OSHA) ability to enforce health and safety standards to prevent workplace exposure to and spread of COVID-19.

Status: Chapter # 84, Statutes of 2020

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: Assembly Appropriations Committee, held under submission

AB 736 Irwin Employee classification: prof. classification: specified educational employees.

Provides 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: Chapter # 44, Statutes of 2020

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 the EPA must commence no later than one year after the retaliation occurs.

Status: Assembly Appropriations Committee, held under submission

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

Would have authorized 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: Dead bill, Assembly Labor and Employment Committee

AB 790 Levine Eligible employers: personal services contracts.

Would have required 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: Dead bill, Assembly Floor

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: Dead bill, 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

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 1512 Carrillo**Security officers: rest periods.**

Authorizes a private patrol operator, as specified, to require its security officer employees, who are covered by a valid collective bargaining agreement, to remain on call during rest periods.

Status: Chapter 343, Statutes of 2020

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 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.

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

AB 1844 Chu **Paid sick leave: behavioral health conditions.**

Would have specified that the term "existing health condition" in current law includes an "existing behavioral health condition," as defined.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 1850 Gonzalez **Worker classification: employees and independent contractors.**

Exempts from the 3-part ABC test for employment status and instead applies the test set forth in the California Supreme Court's *Borello* decision (*S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341*) to certain occupations such as musicians, insurance inspectors and competition judges, subject to

specified conditions, adds appraisers and certain master class teachers to the professional services exemption, revises the freelancer exemption, and recasts the exemption for referral agencies, as specified.

Status: Dead bill, Senate Labor, Public Employment and Retirement

AB 1925 Obernolte Worker status: independent contractors: small businesses.

Would have expanded the exemptions to the 3-part ABC test to include small businesses, as defined.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 1928 Kiley Employment standards: independent contractors and employees.

Would require a determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in the California Supreme Court's *Borello* decision (*S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341*), 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: Dead bill, Assembly Committee on Labor and Employment

AB 1947 Kalra Employment violation complaints: requirements: time.

Extends the statute of limitations for filing complaints with the Division of Labor Standards Enforcement (DLSE) alleging workplace retaliation from six months to one year and authorizes the payment of attorney's fees to employees who successfully sue for retaliation based on whistleblowing.

Status: Chapter # 344, Statutes of 2020

AB 2017 Mullin Employee: sick leave: kin care.

Clarifies that it is at the employee's discretion to designate sick leave 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.

Status: Chapter # 211, Statutes of 2020

**AB 2043 Robert Rivas Occupational safety and health: agricultural employers and employees:
COVID-19 response.**

Directs the Division of Occupational Safety and Health (division) to disseminate information on best practices regarding COVID-19 infection prevention to agricultural employees by conducting a targeted outreach campaign in conjunction with community and employee organizations and to compile and report on its internet website information regarding investigations in agriculture of COVID-19 safety practices or conditions, as well as injuries and illnesses related to COVID-19.

Status: Chapter # 212, Statutes of 2020

AB 2092 Rodriguez **Emergency ambulance employees: subsidized protective gear.**

Would have required a private emergency medical service ambulance employer to establish a voluntary personal protective equipment (PPE) program that allows emergency ambulance employees to purchase multi-threat body protective gear using an employer-funded stipend.

Status: Vetoed by Governor Newsom

AB 2131 Rodriguez **Emergency ambulance employees: mental health treatment.**

Would have required a private emergency ambulance provider to provide an emergency ambulance employee who requests mental health treatment for critical incident stress management, as defined, or post-traumatic stress disorder (PTSD), in addition to the EAP coverage as described, in-person treatment from a qualified professional who is trained in the areas of critical incident stress management or PTSD.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2231 Kalra **Public works.**

Defines a public subsidy as de minimis for the purpose of paying the prevailing wage in private projects if it is both less than \$600,000 and less than 2% of the total project cost for bids advertised or contracts awarded after July 1, 2021. 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: Chapter # 346, Statutes of 2020

AB 2257 Gonzalez **Worker classification: employees/ind. contractors: occupations: professional services.**

Recasts and clarifies the business-to-business, referral agency, and professional services exemption to the 3-part ABC test for employment status and exempts additional occupations and business relationships.

Status: Chapter # 38, Statutes of 2020

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

Requires a public entity, when the use of a skilled and trained workforce to complete a contract or project is required, to include in all bid documents and construction contracts a notice that the project is subject to the skilled and trained workforce requirement. Further states that the failure to provide such notice does not excuse a public entity, bidder, or contractor from complying with the skilled and trained workforce requirement.

Status: Chapter # 347, Statutes of 2020

AB 2317 Weber **Call centers: protections.**

Would have prescribed restrictions on contracting for call center customer service work performed by a private entity for a state agency, including that it be located in California, unless an exception applies. The bill would have precluded withholding or denial of payments, compensation, or benefits under any other state law to workers based upon these provisions, as specified.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2355 Bonta**Employment discrimination: medical cannabis.**

Would have made it an unlawful employment practice for an employer or other entity to refuse to hire or employ a person, to refuse to select a person for a training program leading to employment, to bar or to discharge a person from employment or from a training program leading to employment, or to discriminate against an employee, because of the employee's status as a qualified patient, or as a person with an identification card, as specified, for purposes of medical cannabis, subject to certain exceptions. The bill would have granted people who use medical cannabis while employed the same rights to reasonable accommodation and the associated interactive process as are provided to workers prescribed other legal drugs under this section, subject to specified requirements, among other things.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2389 Cristina Garcia**Adult performers: employment rights.**

Would have prohibited adult entertainers or performers from working at an adult entertainment business or working in an adult entertainment video unless they have received a certificate of training completion regarding their employment rights, as specified.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2457 Melendez**Worker status: penalties and enforcement.**

Existing law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. Existing law exempts specified occupations and business relationships from these provisions.

This bill would have, among other things, prohibited an employer from being subject to a monetary fine or penalty for a violation of the above provisions with respect to an applicant who has applied for unemployment benefits and has previously acted as an independent contractor during the past 5 years.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2458 Melendez**Worker status: independent contractors: physical therapists.**

Would have also exempted from the 3-part ABC test for employment status individuals working as physical therapists.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2465 Gonzalez**Worker status: independent contractors: barbering and cosmetology.**

Would have recast and reorganized the exemptions for a person licensed as an esthetician, electrologist, manicurist, barber, or cosmetologist. Would also have required the Board of Barbering and Cosmetology, by July 1, 2022, to adopt regulations for the development of a booth renter permit and a biennial fee, as specified,

for a person licensed as an esthetician, licensed electrologist, licensed manicurist, licensed barber, or licensed cosmetologist, for purposes of compliance with Labor Code requirements for exemption from the presumption of employee status for those individuals.

Status: Dead bill, Assembly Committee on Labor and Employment

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

Extends the exemption from rest period requirements for specified safety-sensitive positions at petroleum facilities to January 1, 2026.

Status: Chapter # 349, Statutes of 2020

AB 2489 Choi Employees: independent contractors: health care providers: COVID-19.

Would, during the timeframe in which a state of emergency is in effect due to COVID-19 and 90 days thereafter, prohibit the application of the 3-part ABC test for respiratory therapists and other medical personnel not otherwise covered by an existing exemption from the ABC test, and would instead require that the multifactor test set forth in the case of Borello apply.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2497 Bigelow Worker status: independent contractors: livestock judges.

Would have exempted a person providing services as a livestock judge from the application of the 3-part ABC test for employment status.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2530 Fong Labor Code PAGA of 2004: filing requirements.

The Labor Code Private Attorneys General Act of 2004 authorizes an aggrieved employee on behalf of the employee and other current or former employees to bring a civil action to recover specified civil penalties that would otherwise be assessed and collected by the Labor and Workforce Development Agency for the violation of certain provisions affecting employees. The act requires compliance with specified filing requirements by the aggrieved employee in order to bring the action, including providing notice to the agency and the employer with the specific provisions of the Labor Code alleged to have been violated, and the facts and theories that support the alleged violations. This bill would have also required the aggrieved employee to inform the employer which specific violations of the code are being brought under each subdivision of the act and to inform the employer if statutory right to cure provisions apply.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2537 Rodriguez Personal protective equipment: health care employees.

Requires an employer, as defined, to maintain, beginning April 1, 2021, a stockpile of protective equipment for specified workers in an amount equal to three months of normal consumption.

Status: Chapter # 313, Statutes of 2020

AB 2540 Cooper **Workforce development: grocery industry.**

Would have required the Labor and Workforce Development Agency to develop a labor-management training partnership to identify workforce training methods appropriate for the grocery industry.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2572 Megan Dahle **Worker status: independent contractors.**

Would have exempted from the 3-part ABC test persons who perform work on forested landscapes as geologists and geophysicists, land surveyors, contractors, engineers, and persons in the pest control business and who meet certain statutory licensing requirements.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2588 Kalra **Ed. programs and training: costs: employees providing direct patient care.**

Requires an employer to reimburse an employee providing direct patient care or an applicant for direct patient care employment for the costs of any employer-provided or employer-required educational program or training, as defined.

Status: Chapter # 351, Statutes of 2020

AB 2604 Carrillo **Public health: pandemic protocols.**

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

AB 2658 Burke **Occupational safety and health: hazards.**

Extends specified health and safety and anti-retaliation protections to domestic work employees and provides that it is a misdemeanor offense to willfully and knowingly direct an employee to remain in, or enter, an area closed due to a threat to public safety.

Status: Chapter # 288, Statutes of 2020

AB 2702 Burke **Bioscience worker training initiative.**

Would have required the Labor Agency and the Workforce Development Board to establish, in collaboration with the California Economic Strategy Panel, a bioscience worker training initiative for the purpose of making California workers more skilled in the competitive global biosciences manufacturing and science value chain, as defined. Would have also required the initiative to be conducted in partnership with specified sectors and entities, including the state's life science industry sector and the Employment Development Department, to develop a strategy to support regionally based workforce intermediaries to provide one-time trainings, retraining, and ongoing training in advanced scientific research and development.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2758 Cooper **Alternative workweek schedule: agricultural employees.**

Would have required, for purposes of alternative workweek provisions, that an affected employee employed in an agricultural occupation working longer than 8 hours, but not more than 12 hours in a day, pursuant to an

alternative workweek schedule, be paid an overtime rate of compensation according to the agricultural employee overtime phase-in provisions, as specified.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2765 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, as defined, when it is paid for, in whole or in part, with the proceeds of conduit revenue bonds issued on or after January 1, 2021.

Status: Chapter # 355, Statutes of 2020

AB 2793 Mathis Worker status: independent contractors.

Would expand exemptions to the 3-part ABC test for employment status to include an individual providing services as a licensed clinical social worker, a licensed education psychologist, a licensed professional clinical counselor, or a licensed marriage and family therapist.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2794 Mathis Worker status: ind. contractors: health facilities: health care providers.

Existing law exempts specified occupations and business relationships from the application of the ABC test. Would have expanded the exemptions to also include health facilities, as defined, which contract with companies that employ health care providers who provide services to patients at those facilities.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2796 Fong Worker status: ind. contractors: newspaper distributors and newspaper carriers.

Existing law exempts specified occupations and business relationships from the application of the 3-part ABC test for employment status. These exemptions include a temporary exemption for newspaper distributors or newspaper carriers, as defined, until January 1, 2021. This bill would have deleted the above inoperative date of January 1, 2021, applicable to newspaper distributors or newspaper carriers, thereby making the above exemption apply indefinitely.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2822 Waldron Worker status: ind. contractors: transportation network companies.

Would have exempted transportation network companies from the application of the 3-part ABC test for employment status.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2823 Waldron Worker status: independent contractors.

Existing law exempts specified occupations and business relationships from the application of Dynamex. Would have expanded the exemptions to the 3-part ABC test for employment status to include an individual

who holds an active license from the State of California and is practicing as a land surveyor, landscape architect, geologist, or geophysicist and to include an individual who is a construction manager or planner.
Status: Dead bill, Assembly Committee on Labor and Employment

AB 2864 Bauer-Kahan Worker status: employees and independent contractors: youth sports.

Would have expanded that exemptions to the 3-part ABC test for employment status to include nonprofit youth sports coaching, as prescribed, and define “nonprofit youth sports coach” for that purpose.
Status: Dead bill, Assembly Committee on Labor and Employment

AB 2905 Ramos Local workforce development boards.

Would have required a local workforce development board, working in collaboration with community college districts and local school districts, to develop a communications plan to highlight and disseminate information on regional apprenticeship programs and career technical opportunities, upon appropriation by the Legislature for that purpose.
Status: Dead bill, Assembly Committee on Labor and Employment

AB 2930 Petrie-Norris Future of Work Commission.

Executive Order No. N-17-19 establishes the Future of Work Commission with the primary mission to study, understand, analyze, and make recommendations regarding the kinds of jobs Californians could have in the decades to come, the impact of technology on work, workers, employers, jobs, and society, methods of promoting better job quality, wages, and working conditions through technology, modernizing worker safety net protections, and the best way to preserve good jobs, ready the workforce for the jobs of the future through lifelong learning, and ensure shared prosperity for all. The executive order requires the commission to engage in specified activities to further this mission, including, identifying the potential jobs of the future and opportunities to shape those jobs for the improvement of life for all of California, and requires the commission to report on its progress. This bill would have codified in statute the Future of Work Commission with the same primary mission and require the commission to engage in the same specified activities to further that mission.
Status: Dead bill, Assembly Committee on Labor and Employment

AB 2947 Bonta Discrimination: employee complaint: standard of proof.

Would have provided that an intentional violation of the Fair Employment and Housing Act regarding employment occurs when a person intends to discriminate using any of the protected characteristics of any person as a motivating factor in the employment action or decision even though other factors may have also motivated the action or decision, as proven by direct or circumstantial evidence.
Status: Dead bill, Assembly Committee on Labor and Employment

AB 2966 Obernolte Occupational safety and health.

Would have required the written notice and agenda of an Occupational Safety and Health Standards Board meeting to be posted on the Cal/OSHA board’s internet website at least 30 calendar days before a meeting. The

bill would have required the board to post information on any proposed order or standard on its internet website no later than one calendar day following a meeting.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2979 Voepel Worker status: independent contractors: court interpreters.

Would have exempted from the 3-part ABC test for employment status specified individuals working as interpreters and translators.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 2992 Weber Employment practices: leave time.

Expands leave protections afforded to an employee who is a victim of domestic violence, sexual assault, or stalking to an employee who is a victim of a crime, as specified, and to an employee whose immediate family member is deceased as a direct result of a crime.

Status: Chapter # 224, Statutes of 2020

AB 2999 Low Employees: bereavement leave.

Would have enacted the Bereavement Leave Act of 2020 that would require an employer *with 25 or more employees* to grant an employee up to 10 business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, in accordance with certain procedures, and subject to certain exclusions. Would also have required an employer with fewer than 25 employees to grant 3 business days of leave, in accordance with these provisions.

Status: Dead bill, Senate Judiciary Committee

AB 3053 Daly Labor Commissioner: unpaid wage claim process.

Would have required 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.

Status: Vetoed by Governor Newsom

AB 3056 Gonzalez Warehouse distribution centers.

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.

Status: Failed passage on Senate Floor

AB 3123 Gonzalez Employees: public health emergency.

Would have prohibited an employer from discriminating or retaliating against an employee for complying with an isolation or quarantine order issued by a public health official due to a public health emergency.

Would also have required an employer to grant paid sick leave to an employee, upon request, if the employer's place of business is closed by order of a public health official due to a public health emergency, or if the employee is providing care or assistance to their child, whose school or daycare provider is closed by order of a public health official due to a public health emergency.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 3136 Voepel **Worker status: independent contractors: certified shorthand reporters.**

Would have exempted certified shorthand reporters from the application of the 3-part ABC test for employment status.

Status: Dead bill, Assembly Committee on Labor and Employment

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

Provides that an age-eligible minor in the entertainment industry, accompanied by a parent or legal guardian, shall complete a sexual harassment prevention and retaliation training using the online training developed by the Department of Fair Employment and Housing, prior to obtaining a work permit.

Status: Chapter # 176, Statutes of 2020

AB 3185 Lackey **Worker status: ind. contractors: sports official: amateur sports event.**

Would have expanded the exemption to the ABC test to include individuals providing services as a sports official, as defined, for a youth or adult amateur sports event, unless the official is already exempted from the definition of employee under another statute or regulation, as specified.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 3197 Diep **Contractors: registration: exemption.**

Existing law generally requires a contractor or subcontractor to be registered with the Department of Industrial Relations to be qualified to bid on, be listed in a bid proposal, or engage in the performance of any public work contract. Existing law requires a contractor or subcontractor to meet specific conditions to qualify for this registration. Existing law exempts specific types of work from this registration requirement, including work on a public works project of \$25,000 or less when the project is for construction, alteration, demolition, installation, or repair work. This bill would have specified that the registration requirement discussed above does not apply to services provided by a licensed architect unless those services require the payment of a prevailing wage.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 3216 Kalra **Unemployment: rehiring and retention: state of emergency.**

Would have provided a right of recall and retention rights for workers who have been laid off due to a state of emergency and who work in a hotel, private club, event center, airport, or provide building services to office, retail or other commercial buildings.

Status: Vetoed by Governor Newsom

AB 3240 Gray **Labor disputes: strikes: health care coverage.**

Would have prohibited an employer with 100 or more employees from terminating, reducing, or modifying the employer's contribution to an employee's health care coverage while the employee is engaged in a lawful strike.

Status: Dead bill, Assembly Committee on Labor and Employment

AB 3281 Brough Worker status: independent contractors: business-to-business relationship.

Existing law exempts specified occupations and business relationships from the application of the 3-part ABC test, including a business-to-business contracting relationship that meets specified requirements. This bill would have also included as a “contracting business” for purposes of a business-to-business contracting relationship, or business that subject to specified tax provisions relating to sole proprietorships on limited partnerships.

Status: Dead bill, Assembly Committee on Labor and Employment

**AB 3369 Committee on Arts, Entertainment, Sports, Tourism, and Internet Media
Entertainment industry: minors: discrimination and harassment prevention training.**

Provides that the requirements for sexual harassment training under the Fair Employment and Housing Act (FEHA) are met if an employee has received the training in the last two years from a specified employer or through the process of obtaining a valid work permit with the Labor Commissioner (LC). The employee shall complete the training every two years.

Status: Chapter # 227, Statutes of 2020

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

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 tech.

Urged 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: Dead bill, Senate Judiciary 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: Dead bill, 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: 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 275 Pan **Health Care and Essential Workers: personal protective equipment.**

Requires the Department of Public Health (CDPH) to establish a personal protective equipment (PPE) stockpile for health care workers and essential workers in the state and requires health care employers, as specified, to establish a PPE inventory that is sufficient for at least 45 days of surge consumption.

Status: Chapter # 301, Statutes of 2020

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: Dead bill, 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 729 Portantino Meal and rest breaks: remote work.

Would have provided that an employee, who is working from home due to the COVID-19 pandemic, shall not recover civil penalties under the Private Attorneys General Act (PAGA) for a missed meal or rest break for the period of March 19, 2020 to December 31, 2022.

Status: Dead bill, Assembly Committee on Labor and Employment

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

SB 973 Jackson Employers: annual report: pay data.

Requires private employers with 100 or more employees to submit a report annually to the Department of Fair Employment and Housing (DFEH) with pay data for specified job categories broken down by race, ethnicity, and sex.

Status: Chapter # 363, Statutes of 2020

SB 1102 Monning Employers: Labor Commissioner: required disclosures.

Would have provided that an employer's written notice to employees at the time of hire shall include health and safety information regarding states of emergency or disaster declarations and in the case of H-2A employees, requires that the notice include a comprehensive description of their rights under federal and state law.

Status: Vetoed by Governor Newsom

SB 1103 Hurtado Workforce training programs: supportive services.

Would have established the Lifting Families Out of Poverty Supportive Services Program to make grant funding available to consortia, as defined, award grants to individual low-income workforce participants and requires the California Workforce Development Board (CWDB) to develop High Road Training Partnerships and other similar workforce training programs to address the displacement of workers.

Status: Held under submission, Assembly Appropriations Committee

SB 1257 Durazo Employment safety standards: household domestic services.

Would have removed the household domestic service exemption from California's Occupational Safety and Health Act to cover most domestic workers except those workers who are publicly funded unless they are subject to specified general industry safety orders. In addition, would have convened an advisory committee to recommend for adoption regulations related to household domestic service by the Occupational Safety and Health Standards Board.

Status: Vetoed by Governor Newsom

SB 1383 Jackson Unlawful employment practice: California Family Rights Act.

Expands the California Family Rights Act (CFRA) to allow employees to use unpaid job protected leave to care for a domestic partner, grandparent, grandchild, sibling, or parent-in-law who has a serious health condition.

Status: Chapter # 86, Statutes of 2020

SB 1384 Monning Labor Commissioner: financially disabled persons: representation.

Expands the Labor Commissioner's (LC) authority to represent wage claimants to include arbitral proceedings and proceedings to determine the enforceability of an arbitration agreement.

Status: Chapter # 239, Statutes of 2020

SB 1399 Durazo Employment: garment manufacturing.

Would have, for the purpose of wage claim enforcement, expanded the definition of garment manufacturing to include brand guarantors, eliminated piece rate pay, provided for joint and several liability among manufacturers, brand guarantors, and contractors, and created a rebuttable presumption of the identity of a brand guarantor by the provision of a brand's label.

Status: Dead bill, Assembly Floor