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CABIA – Legislative Report
Updated: Monday, March 19, 2018

NEW BILLS INTRODUCED in 2018:

AB 1867 (Reyes D) **Employment discrimination: sexual harassment: records.**

Current Text: Introduced: 1/12/2018 [html](#) [pdf](#)

Introduced: 1/12/2018

Status: 1/13/2018-From printer. May be heard in committee February 12.

Is Urgency: N

Location: 1/12/2018-A. PRINT

Summary:

Would require an employer with 50 or more employees to maintain records of employee complaints of sexual harassment for 10 years from the date of filing. The bill would authorize the department to seek an order requiring an employer that violates the recordkeeping requirement to comply. This bill contains other existing laws.

AB 1870 (Reyes D) **Employment discrimination: unlawful employment practices.**

Current Text: Introduced: 1/12/2018 [html](#) [pdf](#)

Introduced: 1/12/2018

Status: 1/13/2018-From printer. May be heard in committee February 12.

Is Urgency: N

Location: 1/12/2018-A. PRINT

Summary:

Current law, the California Fair Employment and Housing Act, makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Current law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the period to 3 years for which complaints alleging unlawful employment or housing practices may be filed with the department, as specified.

AB 1885 (Garcia, Eduardo D) **Undocumented workers: California Resident Worker Program and Economic Stabilization Act.**

Current Text: Amended: 2/28/2018 [html](#) [pdf](#)

Introduced: 1/18/2018

Last Amended: 2/28/2018

Status: 3/1/2018-Re-referred to Com. on L. & E.

Is Urgency: N

Location: 2/5/2018-A. L. & E.

Summary:

Would require the Employment Development Department and the Department of Food and Agriculture to convene a working group to address the issues relating to a work permit program for undocumented persons who are agricultural or service industry employees to work and live in the state, and to serve as

liaison to the United States Department of Homeland Security and the United States Department of Justice to ensure that state departments are not taking on responsibilities in matters dealing with immigration policy that are the jurisdiction of the federal government.

[AB 1902](#) ([Levine D](#)) Eligible employers: personal services contracts.

Current Text: Introduced: 1/22/2018 [html](#) [pdf](#)

Introduced: 1/22/2018

Status: 2/5/2018-Referred to Com. on L. & E.

Is Urgency: N

Location: 2/5/2018-A. L. & E.

Summary:

Would require the Department of Industrial Relations to, by January 1, 2020, and annually thereafter, develop a list of eligible employers that the department determines are valued at least \$1,000,000,000. The bill would require an eligible employer that enters into a personal services contract, as defined, on or after January 1, 2020, to include a provision in that contract that requires the employees that will perform the services in that contract to be paid a wage that is equal to an unspecified amount. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

[AB 1938](#) ([Burke D](#)) Employment discrimination: familial status.

Current Text: Amended: 3/5/2018 [html](#) [pdf](#)

Introduced: 1/25/2018

Last Amended: 3/5/2018

Status: 3/8/2018-In committee: Set, first hearing. Hearing canceled at the request of author.

Is Urgency: N

Location: 2/5/2018-A. L. & E.

Summary:

Current law prohibits, among other things, an employer or employment agency from printing or circulating a publication, or making a nonjob-related inquiry of an employee or applicant, either verbally or on an application form, that expresses any limitation, specification, or limitation based upon, among other things, a person's race, religion, national origin, or gender. This bill would, in addition, prohibit an employer or other covered entity or employment agency from printing or circulating a publication, or making a nonjob-related inquiring of an employee or applicant, that expresses any limitation, specification, or limitation based upon a person's familial status, as defined. The bill would make related findings and declarations.

[AB 1976](#) ([Limón D](#)) Employment: lactation accommodation.

Current Text: Introduced: 1/31/2018 [html](#) [pdf](#)

Introduced: 1/31/2018

Status: 3/14/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 14). Re-referred to Com. on APPR.

Is Urgency: N

Location: 3/14/2018-A. APPR.

Summary:

Current law requires every employer to provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child and requires an employer to make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area for the employee to express milk in private.

This bill would instead require an employer to make reasonable efforts to provide an employee with use of a room or other location, other than a bathroom, for these purposes.

[AB 2069](#) ([Bonta D](#)) Medicinal cannabis: employment discrimination.

Current Text: Introduced: 2/7/2018 [html](#) [pdf](#)

Introduced: 2/7/2018

Status: 2/8/2018-From printer. May be heard in committee March 10.

Is Urgency: N

Location: 2/7/2018-A. PRINT

Summary:

Would prohibit an employer from engaging in employment discrimination against a person on the basis of his or her status as, or positive drug test for cannabis by, a qualified patient or person with an identification card. The bill would provide that it does not prohibit an employer from refusing to hire an individual or discharging an employee who is a qualified or person with an identification card, if hiring or failing to discharge an employee would cause the employer to lose a monetary or licensing-related benefit under federal law.

[AB 2079](#) ([Gonzalez Fletcher D](#)) Janitorial workers: sexual violence and harassment prevention training.

Current Text: Introduced: 2/7/2018 [html](#) [pdf](#)

Introduced: 2/7/2018

Status: 2/8/2018-From printer. May be heard in committee March 10.

Is Urgency: N

Location: 2/7/2018-A. PRINT

Summary:

Current law establishes the Division of Labor Standards Enforcement within the Department of Industrial Relations. Current law establishes certain protections for janitorial workers, including a requirement that the division, by January 1, 2019, establish a biennial in-person sexual violence and harassment prevention training requirement for certain employees and employers with the assistance of a prescribed advisory committee to be convened by the Director of Industrial Relations. This bill would make a nonsubstantive change to those training requirement provisions.

[AB 2131](#) ([Melendez R](#)) Minimum franchise tax.

Current Text: Introduced: 2/12/2018 [html](#) [pdf](#)

Introduced: 2/12/2018

Status: 2/22/2018-Referred to Com. on REV. & TAX.

Is Urgency: Y

Location: 2/22/2018-A. REV. & TAX

Calendar:

3/19/2018 2:30 p.m. - State Capitol, Room 126 ASSEMBLY REVENUE AND TAXATION, BURKE, Chair

Summary:

Current law, generally, imposes a minimum franchise tax of \$800, except as provided, on every corporation incorporated in this state, qualified to transact intrastate business in this state, or doing business in this state. This bill would reduce the minimum franchise tax to \$400 for taxable years beginning on or after January 1, 2019. This bill contains other related provisions.

[AB 2223](#) ([Flora R](#)) Wages: written statements.

Current Text: Introduced: 2/12/2018 [html](#) [pdf](#)

Introduced: 2/12/2018

Status: 2/13/2018-From printer. May be heard in committee March 15.

Is Urgency: N

Location: 2/12/2018-A. PRINT

Summary:

Current law requires an employer, semimonthly or at the time of payment of wages, to furnish an employee, an accurate, itemized, written statement containing specified information regarding the amounts earned, hours worked, and the employee's identity, among other things, subject to certain variations. This bill would authorize the required written statement, as described above, to be provided monthly.

[AB 2314](#) ([Ting D](#)) Private employment.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Location: 2/13/2018-A. PRINT

Summary:

Current law establishes the Department of Industrial Relations and creates the Occupational Safety and Health Standards Board within it. Current law commits to the board the responsibility for enforcing all occupational safety and health standards, as specified. This bill would state the intent of the Legislature to enact legislation relating to private employment

[AB 2358](#) ([Carrillo D](#)) Apprenticeships.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

Is Urgency: N

Location: 2/13/2018-A. PRINT

Summary:

Current law authorizes the Administrator of the Division of Apprenticeship Standards, upon receiving a complaint, or on his or her own initiative, to investigate to determine if there has been a violation of the terms of an apprenticeship agreement. Current law prohibits a person from instituting court actions to enforce apprenticeship agreements unless the person has first exhausted all of his or her administrative remedies. This bill would make nonsubstantive changes to these provisions.

[AB 2366](#) ([Bonta D](#)) Employment: victims of sexual harassment: protections.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 2/15/2018-From printer. May be heard in committee March 17.

Is Urgency: N

Location: 2/14/2018-A. PRINT

Summary:

Current law prohibits an employer from discharging, or discriminating or retaliating against, an employee who is a victim of domestic violence, sexual assault, or stalking and who takes time off from work to obtain, or attempt to obtain, any relief to help ensure the health, safety, or welfare of the victim or his or her child. Current law additionally prohibits an employer with 25 or more employees from discharging, or discriminating or retaliating against an employee who is a victim, in this regard, who

takes time off to obtain specified services or counseling. Existing law makes it a misdemeanor for an employer to refuse to rehire, promote, or restore an employee who has been determined to be so eligible by a grievance procedure or legal hearing. This bill would extend these employment protections to victims of sexual harassment, as defined.

[AB 2455](#) ([Kalra D](#)) Home care aide registry: disclosure of personal contact information.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 3/5/2018-Referred to Com. on HUM. S.

Is Urgency: N

Location: 3/5/2018-A. HUM. S.

Summary:

Would require, for any new registration or renewal of registration of a home care aide occurring on and after January 1, 2019, the Department of Social Services to provide a labor organization an electronic copy of a registered home care aide's name, telephone number, and cellular telephone number, as specified. The bill would require the department to establish a simple opt-out procedure to request that contact information on file with the department not be disclosed in response to a request by a labor organization.

Note: Continuing SEIU organizing goal. Gov. Brown vetoed similar bill last yr. (AB 1513)

[AB 2482](#) ([Voepel R](#)) Employment: flexible work schedules.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 3/5/2018-Referred to Com. on L. & E.

Is Urgency: N

Location: 3/5/2018-A. L. & E.

Summary:

Would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday, except as specified. The bill would require that the flexible work schedule contain specified information and the employer's and the employee's original signature. The bill would also require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

[AB 2484](#) ([Voepel R](#)) Private employment: compensating time off: exceptions.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 3/5/2018-Referred to Com. on L. & E.

Is Urgency: N

Location: 3/5/2018-A. L. & E.

Summary:

Current law authorizes an employee to receive compensating time off in lieu of overtime pay under specified conditions, including that the compensating time off is provided pursuant to a collective bargaining agreement, or other written agreement. Current law excepts from this authorization employees who are subject to specified wage orders of the Industrial Welfare Commission, including those applicable to certain agricultural occupations and manufacturing industry employees. This bill

would delete the exception to receiving compensating time off that is applicable to employees who are subject to specified wage orders, as described above.

[AB 2496](#) ([Gonzalez Fletcher D](#)) Janitorial employees: employment status: burden of proof.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 3/8/2018-Referred to Coms. on L. & E. and JUD.

Is Urgency: N

Location: 3/8/2018-A. L. & E.

Summary:

Current law creates a rebuttable presumption that a worker performing services for which a license is required under specified statutes, is an employee rather than an independent contractor. Current law provides specified criteria to determine whether the worker is an employee or an independent contractor. This bill would provide that a property service employer would be subject to the rebuttable presumption provisions that its workers are employees rather than independent contractors.

[AB 2587](#) ([Levine D](#)) Disability compensation: paid family leave.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/5/2018-Referred to Com. on INS.

Is Urgency: N

Location: 3/5/2018-A. INS.

Summary:

Current law establishes, within the state disability insurance program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits to workers who take time off work to care for a seriously ill family member or to bond with a minor child within one year of birth or placement, as specified. Current law authorizes an employer to require an employee to take up to 2 weeks of earned but unused vacation before, and as a condition of, the employee's initial receipt of these benefits during any 12-month period in which the employee is eligible for these benefits. This bill would eliminate that authorization and related provisions.

[AB 2613](#) ([Reyes D](#)) Failure to pay wages: semimonthly payments: penalties.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/8/2018-Referred to Com. on L. & E.

Is Urgency: N

Location: 3/8/2018-A. L. & E.

Summary:

Current law requires that employers pay wages to their employees, twice per calendar month, on days designated in advance as regular paydays. However, employees defined as executive, administrative, or professional may be paid once per month. Existing law makes a violation of these provisions a misdemeanor and subject to civil penalties recovered by the Labor Commissioner. This bill would additionally impose specified penalties, payable to the affected employees, on employers who violate these provisions.

[AB 2715](#) ([Limón D](#)) Employers: prohibited disclosure of information: arrest or detention.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/8/2018-Referred to Com. on PUB. S.

Is Urgency: N

Location: 3/8/2018-A. PUB. S.

Summary:

Would include persons already employed as nonsworn members of a criminal justice agency as an exception to these prohibitions, so that information about these employees may be disclosed or sought. This bill contains other related provisions and other existing laws.

[AB 2827](#) ([Allen, Travis R](#)) **Employment regulation: immigration enforcement.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

Current law, except as required by federal law, requires an employer to provide a current employee notice containing specified information, by posting in the language the employer normally uses to communicate employment information, of an inspection of I-9 Employment Eligibility Verification forms or other employment records conducted by an immigration agency within 72 hours of receiving the federal notice of inspection. Current law, except as required by federal law, prohibits an employer from re-verifying the employment eligibility of a current employee at a time or in a manner not required by specified federal law. This bill would state the intent of the Legislature to enact legislation that would protect a private citizen who chooses to uphold federal statute within the context of these provisions of existing law and would make a finding and declaration about the importance of protecting California citizens and businesses from prosecution for following federal law.

[AB 2841](#) ([Gonzalez Fletcher D](#)) **Sick leave: accrual and use.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Com. on L. & E.

Is Urgency: N

Location: 3/8/2018-A. L. & E.

Summary:

Would change the requirements of the employer's alternate sick leave accrual method to require no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment, as specified. The bill would also provide an employer is under no obligation to allow an employee's total accrual of paid of sick leave to exceed 80 hours or 10 days, as specified. The bill would raise the limitation on sick leave carried over to the following year of employment to 40 hours or 5 days.

[AB 2907](#) ([Flora R](#)) **Labor Code Private Attorneys General Act of 2004.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

The Labor Code Private Attorneys General Act of 2004 authorizes an aggrieved employee on behalf of themselves 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 the employee to follow prescribed procedures before bringing an action and establishes specific procedures for categories of violations. This bill would make nonsubstantive changes to these provisions.

[AB 2946](#) ([Kalra D](#)) **Division of Labor Standards Enforcement: complaint.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

Current law authorizes a person who believes he or she has been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. This bill would extend the period to file a complaint to within 3 years after the occurrence of the violation.

[AB 3031](#) ([Quirk D](#)) **Safety in employment: power tools: training.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/12/2018-Referred to Com. on L. & E.

Is Urgency: N

Location: 3/12/2018-A. L. & E.

Summary:

Would require an employer whose employees are involved in using power tools or other equipment for the cutting, grinding, coring, or drilling of concrete or masonry materials to provide specified training to those employees to reduce health hazards associated with the inhalation or ingestion of dust arising from those operations. This bill contains other related provisions and other existing laws.

[AB 3069](#) ([Cooper D](#)) **Employment.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

Current law prohibits an employer from using property put up by any employee or applicant as a bond for any purpose other than liquidating accounts between the employer and employee or for return to the employee or applicant and requires the property to be held in trust for this purpose and not mingled with the property of the employer. Current law provides that an employer or prospective employer, or agent or officer thereof, who misappropriates that property, mingles it with his or own, or uses it for any other purpose than those described is guilty of theft, as provided. This bill would make nonsubstantive changes to this provision.

[AB 3073](#) ([Low D](#)) **Labor standards enforcement.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

Current law requires the Labor Commissioner to establish and maintain a field enforcement unit in order to ensure that minimum labor standards are met. This bill would make nonsubstantive changes to this provision.

[AB 3080](#) ([Gonzalez Fletcher D](#)) E-Verify.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

Current law prohibits an employer from using the federal electronic employment verification system known as E-Verify to check the employment authorization status of a current employee or an applicant who has not been offered employment, except as required by federal law or as a condition of receiving federal funds. This bill would make a nonsubstantive change to these provisions.

[AB 3093](#) ([Patterson R](#)) Agricultural labor relations: unfair labor practices.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/12/2018-Referred to Com. on L. & E.

Is Urgency: N

Location: 3/12/2018-A. L. & E.

Summary:

Current law authorizes a party, within 60 days of the order by the Agricultural Labor Relations Board taking effect, to file an action to enforce the order. Current law prohibits an order of the board from being stayed during the pendency of any appeal of the order unless the appellant demonstrates that he or she is likely to prevail on the merits and that he or she will be irreparably harmed by implementation of the board's order. This bill would condition the effect and enforcement of an order resulting from the binding mediation on the order being approved by a majority of the members of the affected bargaining unit.

[AB 3109](#) ([Stone, Mark D](#)) Contracts: waiver of right of petition or free speech.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

Would specify that a contract or settlement agreement is void and unenforceable if it includes a provision that waives a party's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue or restricts a party's right to seek employment or reemployment in any lawful occupation or profession.

[AB 3145](#) ([Salas D](#)) Wages.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

Current law defines the terms “wages” and “labor” for purposes of provisions regarding the payment of wages to employees in various occupations. This bill would make nonsubstantive changes to those definitions.

[AB 3234](#) ([Carrillo D](#)) Overtime compensation.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/17/2018-From printer. May be heard in committee March 19.

Is Urgency: N

Location: 2/16/2018-A. PRINT

Summary:

Current law provides that 8 hours of labor is a day’s work. Current law prescribes general rules for compensation for work in excess of 8 hours in a day or work in excess of 40 hours in a workweek. Current law provides that these requirements, among others, do not require an employer to combine more than one rate of overtime compensation in order to calculate the amount to be paid to an employee for any hour of overtime work. This bill would make nonsubstantive changes to these provisions.

[SB 820](#) ([Leyva D](#)) Settlement agreements: confidentiality.

Current Text: Introduced: 1/3/2018 [html](#) [pdf](#)

Introduced: 1/3/2018

Status: 1/16/2018-Referred to Com. on JUD.

Is Urgency: N

Location: 1/16/2018-S. JUD.

Summary:

Current law prohibits a provision in a settlement agreement that prevents the disclosure of factual information related to the action in a civil action with a factual foundation establishing a cause of action for civil damages for certain enumerated sexual offenses. This bill would similarly provide that, a provision in a settlement agreement that prevents the disclosure of factual information relating to the action is prohibited, unless a claimant requests the inclusion of such a provision, if the pleadings state a cause of action relating to specified claims of sexual assault, sexual harassment, or harassment or discrimination based on sex. The bill would make a provision in a settlement agreement that prevents the disclosure of factual information related to the action, as described in the bill, entered into on or after January 1, 2019, void as a matter of law and against public policy

[SB 826](#) ([Jackson D](#)) Corporations: boards of directors.

Current Text: Introduced: 1/3/2018 [html](#) [pdf](#)

Introduced: 1/3/2018

Status: 3/15/2018-Withdrawn from committee. Re-referred to Com. on RLS. Re-referred to Coms. on B. & F.I. and JUD.

Is Urgency: N

Location: 3/15/2018-S. B. & F. I.

Calendar:

4/4/2018 1:30 p.m. - Room 112 SENATE BANKING AND FINANCIAL INSTITUTIONS, BRADFORD, Chair

Summary:

Would, commencing December 31, 2019, require a domestic general corporation or foreign corporation that is a publicly held corporation, as defined, with its principal place of business located in California to have a minimum of one woman on its board of directors. Commencing July 1, 2021, the bill would increase that required minimum number to 2 women directors if the corporation has 5 authorized directors or to 3 women directors if the corporation has 6 or more authorized directors.

[SB 937](#) (Wiener D) Lactation accommodation.

Current Text: Introduced: 1/25/2018 [html](#) [pdf](#)

Introduced: 1/25/2018

Status: 2/14/2018-Referred to Coms. on L. & I.R., JUD., and T. & H.

Is Urgency: N

Location: 2/14/2018-S. L. & I.R.

Calendar:

4/11/2018 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR AND INDUSTRIAL RELATIONS, PAN, Chair

Summary:

Would require a lactation room or location to include prescribed features and would require an employer to provide access to a sink and refrigerator in close proximity to the employee's work space. The bill would establish a procedure for an employer with fewer than 5 employees to apply to the Division of Labor Standards Enforcement for an undue hardship exemption from the lactation room or location requirement. The bill would require an employer to develop and implement a policy regarding lactation accommodation and make it available to employees, as specified.

[SB 1038](#) (Leyva D) California Fair Employment and Housing Act: violations: personal liability.

Current Text: Introduced: 2/8/2018 [html](#) [pdf](#)

Introduced: 2/8/2018

Status: 2/22/2018-Referred to Coms. on JUD. and APPR.

Is Urgency: N

Location: 2/22/2018-S. JUD.

Summary:

Current law prohibits discrimination and harassment in employment based on certain factors, including race, religious creed, gender, or sex. Current law prohibits discharging or discriminating against a person who has opposed any practices prohibited by these provisions or has filed a complaint, testified, or assisted in any proceeding for a violation of these provisions. This bill would impose personal liability on an employee of an entity subject to these provisions for violating the prohibition against discharging or discriminating against a person who has opposed any practices prohibited by these provisions or has filed a complaint, testified, or assisted in any proceeding for a violation, regardless of whether the employer or covered entity knew or should have known of the conduct.

[SB 1188](#) (Stone R) Domestic workers: overtime: sleep hours.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/1/2018-Referred to Com. on L. & I.R.

Is Urgency: N

Location: 3/1/2018-S. L. & I.R.

Calendar:

4/11/2018 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR AND INDUSTRIAL RELATIONS, PAN, Chair

Summary:

Would authorize that a domestic work employee who is a live-in employee or is required to be on duty for 24 or more consecutive hours, to enter into a written agreement with his or her employer to exclude a sleeping period, as described, of not more than 8 hours from the employee's working hours, provided that certain conditions are met. In the absence of an agreement, the bill would require the regularly scheduled sleeping period to count as hours worked. The bill would prohibit an employer from terminating a domestic work employee for failing to enter into such an agreement and would provide that these provisions do not apply to a domestic work employee who works fewer than 24 consecutive hours. This bill contains other related provisions and other existing laws.

[SB 1223](#) ([Galgiani D](#)) **Industrial Welfare Commission.**

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/1/2018-Referred to Com. on RLS.

Is Urgency: N

Location: 2/15/2018-S. RLS.

Summary:

Current law establishes the Industrial Welfare Commission in the Department of Industrial Relations, which is composed of 2 representatives of organized labor, 2 representatives of employers, and one representative of the general public. This bill would make a nonsubstantive change to that membership provision.

[SB 1234](#) ([Vidak R](#)) **Employee wages: payment.**

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/15/2018-Set for hearing April 9.

Is Urgency: N

Location: 3/1/2018-S. P.E. & R.

Calendar:

4/9/2018 2 p.m. or upon adjournment of Session - Rose Ann Vuich Hearing Room (2040) SENATE PUBLIC EMPLOYMENT AND RETIREMENT, PAN, Chair

Summary:

Current law, with certain exceptions, requires that employers pay wages to their employees twice per calendar month on days designated in advance as regular paydays. A violation of that requirement is a crime. Current law exempts the payment of wages of employees directly employed by the State of California from that requirement. This bill would repeal that exemption, thereby subjecting the payment of wages of employees directly employed by the State of California to the twice-per-month requirement. By changing the definition of a crime, this bill would impose a state-mandated local program.

[SB 1252](#) ([Bradford D](#)) **Wages: records: inspection and copying.**

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/1/2018-Referred to Com. on L. & I.R.

Is Urgency: N

Location: 3/1/2018-S. L. & I.R.

Calendar:

4/11/2018 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR AND INDUSTRIAL RELATIONS, PAN, Chair

Summary:

Current law requires an employer, semimonthly or at the time of payment of wages, to furnish an employee, an accurate, itemized, written statement containing specified information. Current law grants current and former employees of employers who are required to keep this information the right to inspect or copy records pertaining to their employment, upon reasonable request. This bill provide that employees have the right to receive a copy of the employment records described above and apply the associated time requirements and penalty provisions in this context. The bill would state that it is declaratory of existing law.

[SB 1284](#) ([Jackson D](#)) **Employers: annual report: pay data.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/15/2018-Re-referred to Coms. on L. & I.R. and JUD.

Is Urgency: N

Location: 3/15/2018-S. L. & I.R.

Summary:

Would require, on or before September 30, 2019, and on or before September 30 each year thereafter, an employer that is incorporated under the laws of this state that has 100 or more employees to submit a pay data report to the Department of Industrial Relation, that contains specified information. This bill would require the department to make the reports available to the Secretary of State, the Department of Fair Employment and Housing, and the Commission on the Status of Women and Girls upon request.

[SB 1300](#) ([Jackson D](#)) **Unlawful employment practices: discrimination and harassment.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/1/2018-Referred to Coms. on L. & I.R. and JUD.

Is Urgency: N

Location: 3/1/2018-S. L. & I.R.

Calendar:

4/11/2018 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR AND INDUSTRIAL RELATIONS, PAN, Chair

Summary:

Would provide that a plaintiff in an action alleging that a defendant failed to take all reasonable steps necessary to prevent discrimination and harassment from occurring, as specified, is not required to prove that the plaintiff endured sexual harassment or discrimination. This bill contains other related provisions and other existing laws.

[SB 1343](#) ([Mitchell D](#)) **Employers: sexual harassment training: requirements.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/1/2018-Referred to Coms. on L. & I.R. and JUD.

Is Urgency: N

Location: 3/1/2018-S. L. & I.R.

Calendar:

4/11/2018 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR AND INDUSTRIAL RELATIONS, PAN, Chair

Summary:

Would require an employer who employs 5 or more employees to provide at least 2 hours of sexual harassment training to all employees by January 1, 2020, and once every 2 years after that, as specified. The bill would require the Department of Fair Employment and Housing to develop a 2-hour video training course on the prevention of sexual harassment in the workplace and to post it on the department's Internet Web site.

[SB 1412](#) ([Bradford D](#)) Applicants for employment: criminal history.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Coms. on L. & I.R. and PUB. S.

Is Urgency: N

Location: 3/8/2018-S. L. & I.R.

Calendar:

4/11/2018 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR AND INDUSTRIAL RELATIONS, PAN, Chair

Summary:

Current law prohibits an employer, whether a public agency or private individual or corporation, from asking an applicant for employment to disclose, from seeking from any source, or from utilizing as a factor in determining any condition of employment, information concerning participating in a pretrial or posttrial diversion program or concerning a conviction that has been judicially dismissed or ordered sealed, as provided. This bill would instead specify that these provisions do not prohibit an employer from asking an applicant about, or seeking from any source information regarding, a particular conviction of the applicant if, pursuant to state or federal law.

[SB 1443](#) ([Stone R](#)) Labor Code Private Attorneys General Act of 2004.

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 3/8/2018-Referred to Com. on RLS.

Is Urgency: N

Location: 2/16/2018-S. RLS.

Summary:

Current law, the Labor Code Private Attorneys General Act of 2004, authorizes an aggrieved employee to bring a civil action to recover specified civil penalties that would otherwise be assessed and collected by the Labor and Workforce Development Agency on behalf of the employee and other current or former employees for the violation of certain provisions affecting employees. This bill would make nonsubstantive changes to those provisions.

2) BILLS from 2017 (eligible for consideration in June):

[AB 472](#) ([Frazier D](#)) Employer liability: small business and microbusiness.

Current Text: Amended: 9/7/2017 [html](#) [pdf](#)

Introduced: 2/13/2017

Last Amended: 9/7/2017

Status: 9/11/2017-Withdrawn from committee. Re-referred to Com. on RLS.

Is Urgency: N

Location: 9/11/2017-S. RLS.

Summary:

Under current law, the California Occupational Safety and Health Act of 1973, the Division of Occupational Safety and Health investigates complaints that a workplace is not safe and may issue orders necessary to ensure employee safety. Under existing law, certain violations of that act or a standard, order, or special order authorized by the act are a crime. This bill would prohibit the division from commencing any enforcement action for any nonserious violation, as defined, against any employer where the employer is a small business or microbusiness, as defined, without first giving the employer written notice and providing the employer 30 days to correct the violation.

[AB 1017](#) ([Santiago D](#)) **Collective bargaining agreements: arbitration: litigation.**

Current Text: Amended: 7/5/2017 [html](#) [pdf](#)

Introduced: 2/16/2017

Last Amended: 7/5/2017

Status: 9/15/2017-Ordered to the Senate. In Senate. Held at Desk.

Is Urgency: N

Location: 9/15/2017-S. DESK

Summary:

Current law, with regard to disputes concerning collective bargaining agreements for private employment, requires a court to award attorney's fees to a prevailing party in an action to compel arbitration of the disputes unless the other party has raised substantial and credible issues involving complex or significant questions of law or fact regarding whether or not the dispute is arbitrable. Current law also creates, in this context, a right to attorney's fees for a prevailing party in a court action to compel compliance with the decision or award of an arbitrator or grievance panel regarding the disputes, or for a prevailing appellee in the appeal of the decision of an arbitrator regarding the disputes, unless the other party or appellant, respectively, has raised substantial issues involving complex or significant questions of law. This bill would apply these provisions to public employment.

[AB 1565](#) ([Thurmond D](#)) **Labor-related liabilities: original contractor.**

Current Text: Amended: 1/12/2018 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amended: 1/12/2018

Status: 1/24/2018-Re-referred to Coms. on L. & I.R. and JUD.

Is Urgency: Y

Location: 1/24/2018-S. L. & I.R.

Summary:

Current law requires, for all contracts entered into on or after January 1, 2018, a direct contractor, as defined, making or taking a contract in the state for the erection, construction, alteration, or repair of a building, structure, or other work, to assume, and be liable for, specified debt owed to a wage claimant that is incurred by a subcontractor, at any tier, acting under, by, or for the direct contractor for the wage claimant's performance of labor included in the subject of the original contract. This bill would repeal specified provisions that state that the obligations and remedies are in addition to existing obligations and remedies provided by law, except that the provisions are not to be construed to impose liability on a direct contractor for anything other than unpaid wages and fringe or other benefit payments or contributions including interest owed.

Total Measures tracked: 48

3) Legislative Calendar through Summer Recess:

March 22 – Spring Recess begins upon adjournment of Floor Session

April 2 – Legislature reconvenes from Spring Recess

April 27 – Policy Committee deadline: Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house

May 11 – Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house

May 18 – Last day for policy committees to meet prior to June 4

May 25 – Last day for fiscal committees to hear and report to the floor bills introduced in their house.

Last day for fiscal committees to meet prior to June 4

May 29 - June 1 – Floor session only. No committees, other than conference or Rules committees, may meet for any purpose

June 1 – House of Origin deadline: Last day for each house to pass bills introduced in that house

June 4 – Committee meetings may resume

June 15 – Budget Bill must be passed by midnight

June 28 – Last day for a legislative measure to qualify for the November 6 General Election ballot

June 29 – Last day for policy committees to hear and report fiscal bills to fiscal committees

July 6 – Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment provided Budget Bill has been passed.