

California Employment Lawyers Association 2020 Labor and Employment Legislation: Bills Sent to the Governor

AB 5

[AB 323](#) ([Rubio, Blanca D](#)) **Newspapers: state agency advertising: worker status: independent contractors.**

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law sets out the various responsibilities of the Department of General Services and state agencies in overseeing and implementing state contracting procedures and policies. Current law also provides that whenever any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required by law to be published in a newspaper, the publication is required to be made only in a newspaper of general circulation, as specified. This bill would require the department to publish, on the department's internet website, an annual report by July 1 of each year containing specified information relating to payments for placement of marketing or outreach advertising material by each state agency. The bill would provide that these provisions are not intended to amend any of the above-described provisions relating to required publications of official advertising, notices, resolutions, orders, or other matters.

[AB 2257](#) ([Gonzalez D](#)) **Worker classification: employees and independent contractors: occupations: professional services.**

Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)

Status: 8/31/2020-Read third time. Urgency clause adopted. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as described. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. Existing exemptions include persons providing professional services under specified circumstances, including certain services provided by still photographers, photojournalists, freelance writers, editors, and newspaper cartoonists. This bill would revise and recast these provisions. The bill would additionally exempt certain occupations in connection with creating, marketing, promoting, or distributing sound recordings or musical compositions.

Administrative Enforcement

[AB 3053](#) ([Daly D](#)) **Labor Commissioner: unpaid wage claim process.**

Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)

Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

Summary: Would, beginning July 1, 2021, require the Labor Commissioner to create an online portal on their internet website that would allow wage claimants to file unpaid wage claims, track those claims, and submit requested documents regarding those claims.

[SB 1384](#) ([Monning D](#)) **Labor Commissioner: financially disabled persons: representation.**

Current Text: Enrollment: 9/1/2020 [html](#) [pdf](#)

Status: 9/1/2020-Enrolled and presented to the Governor at 1 p.m.

Summary: Current law provides that the Labor Commissioner, may upon request, represent a claimant who is financially unable to represent themselves in a hearing where an employer is appealing an order of the commissioner, where the claimant is attempting to uphold the order of the commissioner. This bill would extend the authority of the commissioner to also represent a claimant who is financially unable to represent themselves in a hearing where a court order has compelled arbitration to determine the claim and the commissioner has determined that the claim has merit. The bill would also require that a petition to compel arbitration pursuant to specified statutes be served on the Labor Commissioner.

CELA Sponsored Bills

[AB 1947](#) ([Kalra D](#)) **Employment violation complaints: requirements: time.**

Current Text: Enrollment: 8/27/2020 [html](#) [pdf](#)

Status: 8/27/2020-Enrolled and presented to the Governor at 3:30 p.m.

Summary: Current law creates the Division of Labor Standards Enforcement, which is headed by the Labor Commissioner, and commits to it the general authority to enforce the requirements of the Labor Code. Current law generally authorizes people who believe that they have been discharged or otherwise discriminated against in violation of any law enforced by the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. Existing law generally requires the Labor Commissioner to commence actions to enforce labor standards within 3 years of their accrual, as specified. This bill would extend the period of time within which people may file complaints subject to the 6-month deadline, described above, to within one year after the occurrence of the violations.

[AB 3216](#) (Kalra D) Unemployment: rehiring and retention: state of emergency.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would require an employer, as defined, to offer its laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. The bill would define the term "laid-off employee" to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding the state of emergency giving rise to the application of the bill's provisions, and whose most recent separation from active service was due to a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the state of emergency, as defined.

[SB 973](#) (Jackson D) Employers: annual report: pay data.

Current Text: Enrollment: 8/30/2020 [html](#) [pdf](#)

Status: 8/30/2020-Assembly amendments concurred in. (Ayes 29. Noes 8.) Ordered to engrossing and enrolling.

Summary: Current law establishes within the Department of Industrial Relations the Division of Labor Standards Enforcement, which is vested with the general duty of enforcing various labor laws, including provisions prohibiting wage rates that discriminate on the basis of gender or race. This bill would authorize the DFEH to receive, investigate, conciliate, mediate, and prosecute complaints alleging practices unlawful under those discriminatory wage rate provisions. The bill would require the DFEH, in coordination with the division, to adopt procedures to ensure that the departments coordinate activities to enforce those provisions.

[SB 1257](#) (Durazo D) Employment safety standards: household domestic services.

Current Text: Enrollment: 8/30/2020 [html](#) [pdf](#)

Status: 8/30/2020-Assembly amendments concurred in. (Ayes 28. Noes 10.) Ordered to engrossing and enrolling.

Summary: The California Occupational Safety and Health Act of 1973 requires employers to comply with certain standards ensuring healthy and safe working conditions, as specified. Current law charges the Division of Occupational Safety and Health within the Department of Industrial Relations with enforcement of the act, subject to oversight by the Chief of the Division of Occupational Safety (chief). Existing law makes a violation of the act a crime. Current law defines "employment," for purposes of the act, to include the carrying on of any trade, enterprise, project, industry, business, occupation, or work, including all excavation, demolition, and construction work, or any process or operation in any way related thereto, in which any person is engaged or permitted to work for hire, except household domestic service. This bill would delete the above-described exception for household domestic service, thereby making it subject to the act.

Civil Procedure

[AB 2723](#) (Chiu D) Civil actions: entry of judgment: written stipulation.

Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)

Status: 8/30/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law authorizes a court, upon motion, to enter a judgment in pending litigation pursuant to the terms of a settlement if the parties to the litigation stipulate to settle the litigation outside of the presence of the court in a writing that is signed by the parties. This bill would provide that the writing may also be signed by an attorney who represents a party, or, if a party is an insurer, an agent who is authorized in writing by the insurer to sign on the insurer's behalf, except as specified. The bill would provide that an attorney who signs the writing on behalf of a party without express authorization to do so shall, absent good cause, be subject to professional discipline.

[AB 3070](#) (Weber D) Juries: peremptory challenges.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 21. Noes 16.). In Assembly. Concurrence in Senate amendments pending. Assembly Rule 63 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would, for all jury trials in which jury selection begins on or after January 1, 2022, prohibit a party from using a peremptory challenge to remove a prospective juror on the basis of the prospective juror's race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or the perceived membership of the prospective juror in any of those groups. The bill would allow a party, or the trial court on its own motion, to object to the use of a peremptory challenge based on these criteria. Upon objection, the bill would require the party exercising the challenge to state the reasons the peremptory challenge has been exercised. The bill would require the court to evaluate the reasons given, as specified, and, if the court grants the objection, would authorize the court to take certain actions, including, but not limited to, starting a new jury selection, declaring a mistrial at the request of the objecting party, seating the challenged juror, or providing another remedy as the court deems appropriate.

[SB 1146](#) (Umberg D) Civil procedure: electronic filing, trial delays, and remote depositions.

Current Text: Enrollment: 9/1/2020 [html](#) [pdf](#)

Status: 9/1/2020-Urgency clause adopted. Assembly amendments concurred in. (Ayes 35. Noes 0.) Ordered to engrossing and enrolling.

Summary: Current law authorizes, for cases filed on or after January 1, 2019, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document if a party or other person has expressly consented to receive electronic service in that specific action, or the court has ordered electronic service on a represented party or other represented person. This bill would require a party represented by counsel, who has appeared in an action or proceeding, to accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. The bill would require a party represented by counsel, upon the request of any party who has appeared in an action or proceeding and who provides an electronic service address, to electronically serve the requesting party with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

Contracts

[AB 2143](#) (Stone, Mark D) Settlement agreements: employment disputes.

Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)

Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

Summary: Current law prohibits an agreement to settle an employment dispute from containing a provision that prohibits, prevents, or otherwise restricts a settling party that is an aggrieved person, as defined, from working for the employer against which the aggrieved person has filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer. This bill would require the aggrieved person to have filed the claim in good faith for the prohibition to apply.

COVID-19

[AB 685](#) (Reyes D) COVID-19: imminent hazard to employees: exposure: notification: serious violations.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-From committee: That the Senate amendments be concurred in. (Ayes 5. Noes 2.) (August 31). Assembly Rule 63 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would authorize the Division of Occupational Safety and Health, when, in its opinion, a place of employment, operation, or process, or any part thereof, exposes workers to the risk of infection with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2, also known as COVID-19), so as to constitute an imminent hazard to employees, to prohibit the performance of that operation or process, or entry into that place of employment. The bill would require the division to provide a notice thereof to the employer, to be posted in a conspicuous place at the place of employment. The bill would require such a prohibition to be limited to the immediate area in which the imminent hazard exists, as specified. The bill would require such a prohibition to be issued in a manner so as not to materially interrupt the performance of critical governmental functions essential to ensuring public health and safety functions or the delivery of electrical power or water.

[AB 2537](#) (Rodriguez D) Personal protective equipment: health care employees.

Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)

Status: 8/30/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 31. Noes 7.). In Assembly.

Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law requires an employer to furnish employment and a place of employment that is safe and healthful for the employees and to establish, implement, and maintain an effective injury prevention program, as prescribed. Regulations enacted by the Department of Industrial Relations regulate the nature and use personal protective equipment and regulate practices in health care facilities connected with aerosol transmissible diseases. This bill would require public and private employers of workers in a general acute care hospital, as defined, to supply those employees who provide direct patient care or provide services that directly support personal care with the personal protective equipment necessary to comply with the regulations described above, as specified. The bill would also require an employer to ensure that the employees use the personal protective equipment supplied to them.

[AB 3216](#) (Kalra D) Unemployment: rehiring and retention: state of emergency.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would require an employer, as defined, to offer its laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. The bill would define the term "laid-off employee" to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding the state of emergency giving rise to the application of the bill's provisions, and whose most recent separation from active service was due to a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the state of emergency, as defined.

[SB 275](#) (Pan D) Health Care and Essential Workers: personal protective equipment.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Assembly Rule 69(d) suspended. Read third time. Passed. (Ayes 44. Noes 0.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 31. Noes 8.) Ordered to engrossing and enrolling.

Summary: Current law establishes the State Department of Public Health to implement various programs throughout the state relating to public health, including licensing and regulating health facilities and control of infectious diseases. This bill would require the State Department of Public Health and the Office of Emergency Services, in coordination with other state agencies, to, upon appropriation and as necessary, establish a personal protective equipment (PPE) stockpile. The bill would require the department to establish guidelines for the procurement, management, and distribution of PPE, taking into account, among other things, the amount of each type of PPE that would be required for all health care workers and essential workers in the state during a 90-day pandemic or other health emergency.

[SB 1383](#) (Jackson D) Unlawful employment practice: family leave.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Read third time. Passed. (Ayes 46. Noes 16.) Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

Summary: Would revise and recast specified provisions to make it an unlawful employment practice for any employer to refuse to grant a request by an employee to take up to 12 workweeks of unpaid protected leave during any 12-month period to bond with a new child of the employee or to care for themselves or a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as specified. The bill would require an employer who employees' both parents of a child to grant leave to each employee.

Discrimination & Civil Rights

[AB 1906](#) (Salas D) Pregnant peace officers: duty assignment policy.

Current Text: Amended: 8/25/2020 [html](#) [pdf](#)

Status: 8/31/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would require the Department of Corrections and Rehabilitation, in consultation with the Department of Human Resources, on or before January 1, 2021, to establish a policy pursuant to which a pregnant peace officer shall be permitted to perform alternate, light duty assignments, subject to a medical certification that establishes the nature of their pregnancy-related limitations. The bill would require the policy to include specified elements.

[SB 905](#) (Archuleta D) Criminal history information requests.

Current Text: Enrolled: 9/2/2020 [html](#) [pdf](#)

Status: 8/31/2020-Assembly amendments concurred in. (Ayes 31. Noes 3.) Ordered to engrossing and enrolling.

Summary: Current law authorizes a human resource agency or an employer to request from the Department of Justice records of all convictions or any arrest pending adjudication involving specified offenses of a person who applies for a license, employment, or volunteer position, in which they would have supervisory or disciplinary power over a minor or any person under their care. Current law requires a request for records to include the applicant's fingerprints and any other data specified by the department. Current law requires the department to furnish the information to the requesting employer and to send a copy of the information to the applicant. This bill would establish procedures for individuals, organizations, and agencies to request a fingerprint-based criminal history information check from the Department of Justice. This bill would establish a process for communication between the department and the Federal Bureau of Investigation and require a department response to the requesting individual, organization, or agency.

Family & Medical & Sick Leave

[AB 2017](#) (Mullin D) Employee: sick leave: kin care.

Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)

Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

Summary: Current law requires an employer who provides sick leave for employees to permit an employee to use the employee's accrued and available sick leave entitlement to attend to the illness of a family member and prohibits an employer from denying an employee the right to use sick leave or taking specific discriminatory action against an employee for using, or attempting to exercise the right to use, sick leave to attend to such an illness. This bill would provide that the designation of the sick leave taken under these provisions is at the sole discretion of the employee.

[AB 2399](#) (Committee on Insurance) Paid family leave: qualifying exigency.

Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)

Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

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, and, on and after January 1, 2021, to take time off to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individuals' spouse, domestic partner, child, or parent in the Armed Forces of the United States. Current law defines terms for paid family leave purposes, including defining the terms "care recipient," "care provider," and "family care leave." This bill would revise those definitions for the purpose of the qualifying exigency provisions. The bill would define "military member" for the purpose of that term's use in those revised definitions.

[AB 2992](#) (Weber D) Employment practices: leave time.

Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)

Status: 8/30/2020-Senate amendments concurred in. To Engrossing and Enrolling.

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, for taking time off from work to obtain or attempt to obtain relief to help ensure the health, safety, or welfare of the victim or victim's child. Current law authorizes an employee to file a complaint with the Division of Labor Standards Enforcement for a violation of that prohibition, and 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 expand the above provision to prohibit an employer from discharging, or discriminating or retaliating against, an employee who is a victim of crime or abuse for taking time off from work to obtain or attempt to obtain relief, as prescribed.

[AB 3216](#) (Kalra D) Unemployment: rehiring and retention: state of emergency.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would require an employer, as defined, to offer its laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. The bill would define the term "laid-off employee" to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding the state of emergency giving rise to the application of the bill's provisions, and whose most recent separation from active service was due to a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the state of emergency, as defined.

[SB 1383](#) (Jackson D) Unlawful employment practice: family leave.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Read third time. Passed. (Ayes 46. Noes 16.) Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

Summary: Would revise and recast specified provisions to make it an unlawful employment practice for any employer to refuse to grant a request by an employee to take up to 12 workweeks of unpaid protected leave during any 12-month period to bond with a new child of the employee or to care for themselves or a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as specified. The bill would require an employer who employees' both parents of a child to grant leave to each employee.

Health & Safety

[AB 2658](#) **(Burke D) Occupational safety and health: hazards.**

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law prohibits an employee from being laid off or discharged for refusing to perform work in violation of prescribed safety standards, where the violation would create a real and apparent hazard to the employee or fellow employees. Current law creates a cause of action for wages for the time an employee laid off or discharged for such a refusal is without work as a result. Current law defines the term "employment" for these and other purposes to exclude household domestic service. This bill, notwithstanding that definition or any other provision, for purposes of the hazard provisions, would define the term "employee" to include a domestic work employee, except for a person who performs household domestic service that is publicly funded, including publicly funded household domestic service provided to a recipient, client, or beneficiary with a share of cost in that service.

[SB 275](#) **(Pan D) Health Care and Essential Workers: personal protective equipment.**

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Assembly Rule 69(d) suspended. Read third time. Passed. (Ayes 44. Noes 0.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 31. Noes 8.) Ordered to engrossing and enrolling.

Summary: Current law establishes the State Department of Public Health to implement various programs throughout the state relating to public health, including licensing and regulating health facilities and control of infectious diseases. This bill would require the State Department of Public Health and the Office of Emergency Services, in coordination with other state agencies, to, upon appropriation and as necessary, establish a personal protective equipment (PPE) stockpile. The bill would require the department to establish guidelines for the procurement, management, and distribution of PPE, taking into account, among other things, the amount of each type of PPE that would be required for all health care workers and essential workers in the state during a 90-day pandemic or other health emergency.

[SB 1257](#) **(Durazo D) Employment safety standards: household domestic services.**

Current Text: Enrollment: 8/30/2020 [html](#) [pdf](#)

Status: 8/30/2020-Assembly amendments concurred in. (Ayes 28. Noes 10.) Ordered to engrossing and enrolling.

Summary: The California Occupational Safety and Health Act of 1973 requires employers to comply with certain standards ensuring healthy and safe working conditions, as specified. Current law charges the Division of Occupational Safety and Health within the Department of Industrial Relations with enforcement of the act, subject to oversight by the Chief of the Division of Occupational Safety (chief). Existing law makes a violation of the act a crime. Current law defines "employment," for purposes of the act, to include the carrying on of any trade, enterprise, project, industry, business, occupation, or work, including all excavation, demolition, and construction work, or any process or operation in any way related thereto, in which any person is engaged or permitted to work for hire, except household domestic service. This bill would delete the above-described exception for household domestic service, thereby making it subject to the act.

Immigrant Employee Rights

[SB 1102](#) **(Monning D) Employers: Labor Commissioner: required disclosures.**

Current Text: Enrolled: 9/2/2020 [html](#) [pdf](#)

Status: 8/31/2020-Assembly amendments concurred in. (Ayes 28. Noes 10.) Ordered to engrossing and enrolling.

Summary: Current law requires an employer to provide an employee, at the time of hiring, a written notice including specified information in the language the employer normally uses to communicate employment-related information to the employee. Current law requires the Labor Commissioner to prepare a template that includes the specified information mentioned above and to make the template

available to employers in the manner as determined by the commissioner. This bill would require an employer to include in their written notice to all employees, specified information required in the event of a federal or state declared disaster or applicable to the county or counties in which the employee will be employed. The bill would prohibit an employer from retaliating against an employee for raising questions about the declarations' requirements or recommendations.

Practice of Law

[AB 3070](#) **(Weber D) Juries: peremptory challenges.**

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 21. Noes 16.). In Assembly. Concurrence in Senate amendments pending. Assembly Rule 63 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would, for all jury trials in which jury selection begins on or after January 1, 2022, prohibit a party from using a peremptory challenge to remove a prospective juror on the basis of the prospective juror's race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or the perceived membership of the prospective juror in any of those groups. The bill would allow a party, or the trial court on its own motion, to object to the use of a peremptory challenge based on these criteria. Upon objection, the bill would require the party exercising the challenge to state the reasons the peremptory challenge has been exercised. The bill would require the court to evaluate the reasons given, as specified, and, if the court grants the objection, would authorize the court to take certain actions, including, but not limited to, starting a new jury selection, declaring a mistrial at the request of the objecting party, seating the challenged juror, or providing another remedy as the court deems appropriate.

Privacy

[AB 1281](#) **(Chau D) Privacy: California Consumer Privacy Act of 2018.**

Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)

Status: 8/30/2020-Senate amendments concurred in. To Engrossing and Enrolling. (Enrolled Text Released 9/01/2020)

Summary: The California Consumer Privacy Act of 2018, until January 1, 2021, exempts from its provisions certain information collected by a business about a natural person in the course of the natural person acting as a job applicant, employee, owner, director, officer, medical staff member, or contractor, as specified. The act also, until January 1, 2021, exempts from specified provisions personal information reflecting a written or verbal communication or a transaction between the business and the consumer, if the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency and whose communications or transaction with the business occur solely within the context of the business conducting due diligence regarding, or providing or receiving a product or service to or from that company, partnership, sole proprietorship, nonprofit, or government agency. This bill would extend both exemptions until January 1, 2022.

Sexual Harassment

[AB 2143](#) **(Stone, Mark D) Settlement agreements: employment disputes.**

Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)

Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

Summary: Current law prohibits an agreement to settle an employment dispute from containing a provision that prohibits, prevents, or otherwise restricts a settling party that is an aggrieved person, as defined, from working for the employer against which the aggrieved person has filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer. This bill would require the aggrieved person to have filed the claim in good faith for the prohibition to apply.

[AB 3092](#) **(Wicks D) Sexual assault and other sexual misconduct: statutes of limitations on civil actions.**

Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)

Status: 8/30/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would revive claims for damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician while employed by a medical clinic owned and operated by the University of California, Los Angeles, or a physician who held active privileges at a hospital owned and operated by the University of California, Los Angeles, at the time

that the sexual assault or other inappropriate contact, communication, or activity of a sexual nature occurred, between January 1, 1983, and January 1, 2019, that would otherwise be barred before January 1, 2021, solely because the applicable statute of limitations has or had expired, and would authorize a cause of action to proceed if already pending in court on January 1, 2021, or, if not filed by that date, to be commenced between January 1, 2021, and December 31, 2021.

Unemployment

[AB 1993](#) ([Kamlager D](#)) **Unemployment and disability insurance: benefits: in-home supportive services and waiver personal care services.**

Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)

Status: 8/30/2020-Urgency clause adopted. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law provides for the payment of unemployment compensation benefits and extended benefits to eligible individuals who meet specified requirements. Current law provides definitions for "employment" for purposes of these provisions. Current federal and state law excludes services performed by a child in the employ of a parent, a parent in the employ of their child, or a person in the employ of their spouse, from the definition of "employment" for purposes of unemployment taxes and unemployment insurance benefit eligibility, as specified. This bill would provide that the definition of "employment" for the purposes of unemployment insurance coverage includes services performed by an individual in the employ of their parent, child, or spouse if that individual is providing services through the In-Home Supportive Services program or the Waiver Personal Care Services program.

Wage and Hour

[AB 323](#) ([Rubio, Blanca D](#)) **Newspapers: state agency advertising: worker status: independent contractors.**

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law sets out the various responsibilities of the Department of General Services and state agencies in overseeing and implementing state contracting procedures and policies. Current law also provides that whenever any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required by law to be published in a newspaper, the publication is required to be made only in a newspaper of general circulation, as specified. This bill would require the department to publish, on the department's internet website, an annual report by July 1 of each year containing specified information relating to payments for placement of marketing or outreach advertising material by each state agency. The bill would provide that these provisions are not intended to amend any of the above-described provisions relating to required publications of official advertising, notices, resolutions, orders, or other matters.

[AB 1512](#) ([Carrillo D](#)) **Security officers: rest periods.**

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-From committee: That the Senate amendments be concurred in. (Ayes 7. Noes 0.) (August 31). Assembly Rule 63 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Would, until January 1, 2027, authorize a person employed as a security officer who is registered pursuant to the Private Security Services Act, and whose employer is a registered private patrol operator, to be required to remain on the premises during rest periods and to remain on call, and carry and monitor a communication device, during rest periods. The bill would require a security officer to be permitted to restart a rest period anew as soon as practicable if the officer's rest period is interrupted and would provide that a subsequent uninterrupted rest period satisfies the rest period obligation.

[AB 1947](#) ([Kalra D](#)) **Employment violation complaints: requirements: time.**

Current Text: Enrollment: 8/27/2020 [html](#) [pdf](#)

Status: 8/27/2020-Enrolled and presented to the Governor at 3:30 p.m.

Summary: Current law creates the Division of Labor Standards Enforcement, which is headed by the Labor Commissioner, and commits to it the general authority to enforce the requirements of the Labor Code. Current law generally authorizes people who believe that they have been discharged or otherwise discriminated against in violation of any law enforced by the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. Existing law generally requires the Labor Commissioner to commence actions to enforce labor standards within 3 years of their accrual, as specified. This bill would extend the period of time

within which people may file complaints subject to the 6-month deadline, described above, to within one year after the occurrence of the violations.

[AB 2257](#) (Gonzalez D) Worker classification: employees and independent contractors: occupations: professional services.

Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)

Status: 8/31/2020-Read third time. Urgency clause adopted. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as described. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. Existing exemptions include persons providing professional services under specified circumstances, including certain services provided by still photographers, photojournalists, freelance writers, editors, and newspaper cartoonists. This bill would revise and recast these provisions. The bill would additionally exempt certain occupations in connection with creating, marketing, promoting, or distributing sound recordings or musical compositions.

[AB 2479](#) (Gipson D) Rest periods: petroleum facilities: safety-sensitive positions.

Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)

Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

Summary: Current law prohibits an employer from requiring an employee to work during a mandated meal or rest or recovery period, as specified. Current law requires an employer who fails to provide an employee a mandated meal or rest or recovery period to pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest or recovery period was not provided. Current law provides, until January 1, 2021, an exemption from the rest period requirements for specified employees who hold a safety-sensitive position at a petroleum facility, as defined, to the extent that the employee is required to carry and monitor a communication device and to respond to emergencies, or is required to remain on employer premises to monitor the premises and respond to emergencies. This bill would extend that exemption until January 1, 2026.

[AB 3053](#) (Daly D) Labor Commissioner: unpaid wage claim process.

Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)

Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

Summary: Would, beginning July 1, 2021, require the Labor Commissioner to create an online portal on their internet website that would allow wage claimants to file unpaid wage claims, track those claims, and submit requested documents regarding those claims.

[AB 3075](#) (Gonzalez D) Wages: enforcement.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 28. Noes 3.). In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling.

Summary: Current law requires a statement of information to contain certain information, including specified statements regarding the general type of business that constitutes the principal business activity of the corporation or limited liability company. Current law provides that an individual who signs a statement of information for any limited liability company or foreign limited liability company affirms under penalty of perjury the information stated in the statement is accurate. This bill, beginning January 1, 2022, or upon certification by the Secretary of State that California Business Connect is implemented, whichever is earlier, would require the statement of information to also contain a statement indicating whether any officer or any director, or, in the case of a limited liability company, any member or any manager, has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.

[SB 973](#) (Jackson D) Employers: annual report: pay data.

Current Text: Enrollment: 8/30/2020 [html](#) [pdf](#)

Status: 8/30/2020-Assembly amendments concurred in. (Ayes 29. Noes 8.) Ordered to engrossing and enrolling.

Summary: Current law establishes within the Department of Industrial Relations the Division of Labor Standards Enforcement, which is vested with the general duty of enforcing various labor laws, including provisions prohibiting wage rates that discriminate on the basis of gender or race. This bill would authorize the DFEH to receive, investigate, conciliate, mediate, and prosecute complaints alleging practices unlawful under those discriminatory wage rate provisions. The bill would require the DFEH, in coordination with the division, to adopt procedures to ensure that the departments coordinate activities to enforce those provisions.

Whistleblower

[AB 1947](#) (Kalra D) Employment violation complaints: requirements: time.

Current Text: Enrollment: 8/27/2020 [html](#) [pdf](#)

Status: 8/27/2020-Enrolled and presented to the Governor at 3:30 p.m.

Summary: Current law creates the Division of Labor Standards Enforcement, which is headed by the Labor Commissioner, and commits to it the general authority to enforce the requirements of the Labor Code. Current law generally authorizes people who believe that they have been discharged or otherwise discriminated against in violation of any law enforced by the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. Existing law generally requires the Labor Commissioner to commence actions to enforce labor standards within 3 years of their accrual, as specified. This bill would extend the period of time within which people may file complaints subject to the 6-month deadline, described above, to within one year after the occurrence of the violations.

Workers Comp

[SB 1159](#) (Hill D) Workers' compensation: COVID-19: critical workers.

Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)

Status: 8/31/2020-Assembly Rule 69(d) suspended. Read third time. Urgency clause adopted. Passed. (Ayes 58. Noes 0.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending. Urgency clause adopted. Assembly amendments concurred in. (Ayes 30. Noes 8.) Ordered to engrossing and enrolling.

Summary: Would define "injury" for an employee to include illness or death resulting from the 2019 novel coronavirus disease (COVID-19) under specified circumstances, until January 1, 2023. The bill would create a disputable presumption, as specified, that the injury arose out of and in the course of the employment and is compensable, for specified dates of injury. The bill would limit the applicability of the presumption under certain circumstances. The bill would require an employee to exhaust their paid sick leave benefits and meet specified certification requirements before receiving any temporary disability benefits or, for police officers, firefighters, and other specified employees, a leave of absence. The bill would also make a claim relating to a COVID-19 illness presumptively compensable, as described above, after 30 days or 45 days, rather than 90 days.

Total Measures: 43

Total Tracking Forms: 43