

- [AB 25](#) (Kiley R) Worker classification: employees and independent contractors.**
Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)
Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified. 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 (Borello). This bill would generally repeal provisions relating to the "ABC" test for various specified occupations and business relationships. The bill would, instead, require the determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in Borello, 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.
- [AB 231](#) (Nguyen R) Worker classification: employees and independent contractors: licensed manicurists.**
Current Text: Introduced: 1/12/2021 [html](#) [pdf](#)
Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified. 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. These exemptions include services provided by a licensed manicurist, subject to the manicurist meeting specified conditions. Current law makes this exemption for licensed manicurists inoperative on January 1, 2022. This bill would delete the January 1, 2022, inoperative date, thereby making licensed manicurists subject to this exemption indefinitely.
- [AB 612](#) (Mayes I) Worker classification: business-to-business voluntary deposit arrangements.**
Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)
Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified, including, among others, a bona fide business-to-business contracting relationship, under specified conditions. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously established in the case of S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. his bill would create a new exemption from the ABC test, described above, for a bona fide business-to-business arrangement that involves a voluntary deposit, as described, under specified conditions.
- [AB 1008](#) (Grayson D) Unemployment insurance: employee status: definition.**
Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)
Summary: Current law governing unemployment insurance defines "employment" for those purposes, and exempts from this definition the services performed by certain persons, including various types of brokers or salespersons meeting specified conditions, including that the sale or demonstration of the product takes place in the buyer's home. Current law limits the exemption to sales that take place in other than a retail or wholesale establishment. This bill, among other things, would also exempt from the definition of employment, a seller that sells or demonstrates products in the buyer's business. The bill would also specify that certain types of vehicles used to sell specified tools do not qualify as a retail or wholesale establishment for purposes of these provisions.
- [AB 1227](#) (Levine D) Worker classification: employees and independent contractors: workers in seasonal live theatre.**
Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)
Summary: Under the ABC test, 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 of the same nature as that involved in the work performed. Current law exempts specified occupations and business relationships from the application of these provisions. Current law instead provides that these occupations and business relationships are governed by the test adopted in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341 (Borello). Existing law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. This bill would also exempt workers in seasonal live theatre.
- [AB 1433](#) (Irwin D) Worker classification: employees and independent contractors: trainees in a technology educational program.**
Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)
Summary: Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. Current law exempts specified occupations and business relationships from the

application of these provisions. Current law instead provides that these occupations and business relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (Borello). This bill would exempt from existing law the relationship between a trainee in a technology educational program receiving a scholarship or stipend and the provider of the technology educational program, as defined, under specified conditions. Under the bill, if the conditions are met, the determination of whether a trainee is an employee or independent contractor of the provider would be governed by Borello.

Administrative Enforcement

[SB 572](#) **(Hertzberg D) Labor Commissioner: enforcement: lien on real property.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Would authorize the Labor Commissioner to create, as an alternative to a judgment lien, a lien on real property to secure amounts due to the commissioner under any final citation, findings, or decision, as provided. The bill would require the commissioner, among other things, to include specified information on the certificate of lien to be recorded on the relevant party's real property and to issue a certificate of release once the amount due, including any interest and costs, have been paid.

Arbitration

[AB 272](#) **(Kiley R) Enrollment agreements.**

Current Text: Introduced: 1/19/2021 [html](#) [pdf](#)

Summary: Would authorize a minor to disaffirm a provision in an educational institution's enrollment agreement that purports to waive a legal right, remedy, forum, proceeding, or procedure, regardless of whether a parent or legal guardian has signed the enrollment agreement on the minor's behalf, to the extent that the provision is construed to require the minor to waive a legal right, remedy, forum, proceeding, or procedure arising out of a criminal sexual assault or criminal sexual battery, as defined, on that minor. The bill would apply only to enrollment agreements for public or private schools maintaining a kindergarten or any of grades 1 through 12.

[SB 762](#) **(Wieckowski D) Arbitration enforcement.**

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law provides that if an employment or consumer arbitration requires the party which drafted the arbitration agreement to pay fees and costs before arbitration can proceed, the drafting party is in breach of the agreement, in default of arbitration, and waives its right to compel arbitration if it does not pay the fees within 30 days after the date they are due. In that event, current law authorizes the employee or consumer to compel arbitration or proceed in a court of appropriate jurisdiction, as specified. This bill would make technical, nonsubstantive changes to these provisions.

Civil Procedure

[AB 1551](#) **(Santiago D) Court fees.**

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law requires each salaried officer of a superior court to charge, collect, and promptly deposit fees allowed in each case. Current law specifies that the officer is not required to accept coin in payment of those fees. This bill would make technical, nonsubstantive changes to those provisions.

[SB 212](#) **(Umberg D) Juries: peremptory challenges.**

Current Text: Introduced: 1/12/2021 [html](#) [pdf](#)

Summary: Current law prohibits 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. Current law allows a party to object to the use of a peremptory challenge to remove a prospective juror on these bases and requires the objection to be sustained if there is a substantial likelihood an objective observer would view these bases as a factor in the use of the peremptory challenge. This bill would state the intent of the Legislature to reform peremptory challenges.

[SB 241](#) **(Umberg D) Civil discovery.**

Current Text: Introduced: 1/21/2021 [html](#) [pdf](#)

Summary: Current law, the Civil Discovery Act, establishes processes for the discovery of information regarding any matter, not privileged, that is relevant to the subject matter involved in a pending action

or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. This bill would declare the intent of the Legislature to enact legislation that would streamline discovery processes in order to reduce costs to the courts and litigants.

[SB 666](#) (Umberg D) Civil litigation.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law specifies procedures that apply in civil litigation, including pretrial procedures, discovery of evidence, trial procedures, and enforcement of judgments. This bill would declare the intent of the Legislature, in light of the COVID-19 public health emergency, to enact legislation that would increase efficiency and reduce the cost of civil litigation.

[SB 774](#) (Hertzberg D) Evidence: opinion testimony.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law limits the types of opinion testimony from a witness who is not testifying as an expert. This bill would make nonsubstantive changes to that provision.

COVID-19

[AB 55](#) (Boerner Horvath D) Employment: telecommuting.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law promotes and develops the welfare of workers in California to improve working conditions and advance opportunities for profitable employment. Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry. This bill would declare the intent of the Legislature to enact future legislation to ensure certain rights and benefits for telecommuting employees.

[AB 93](#) (Garcia, Eduardo D) Pandemics: priority for medical treatment: food supply industry workers.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law requires various public safety protocols and protections for workers in response to the 2019 novel coronavirus disease, also known as COVID-19. These protocols include, among others, contact tracing and wearing face coverings under specified conditions, except as specified. This bill would state the intent of the Legislature to enact legislation to prioritize workers in the food supply industry, including, but not limited to, field workers and grocery workers, for rapid testing and vaccination programs in response to pandemics, including COVID-19.

[AB 654](#) (Reyes D) COVID-19: exposure: notification.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Summary: Would require the State Department of Public Health to make workplace and industry information received from local public health departments available on its internet website in a manner that, among other things, allows the public to track the number of COVID-19 cases and outbreaks by both workplace and industry.

[AB 757](#) (Davies R) Private employment: COVID-19: positive test or diagnosis: documentation.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Summary: Would authorize a private employer to request prescribed documentation of a positive COVID-19 test or diagnosis if an employee reports that the employee has been diagnosed or tested positive for COVID-19 and is unable to work and the employer determines that an employee may be subject to a 14-day exclusion from the workplace as required under certain law or regulations. The bill would require an employer, in requesting documentation pursuant to the bill and in receiving information in response to that request, to comply with existing privacy protections.

[AB 893](#) (Davies R) Emergency regulations: Division of Occupational Safety and Health: State Department of Public Health.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Summary: Would require the Division of Occupational Safety and Health or the State Department of Public Health, within 14 calendar days of the release of a federal recommendation that conflicts with an emergency regulation related to COVID-19 issued by the division or the department, to review the conflicting emergency regulation and make a determination to either amend the regulation or submit a report to the Legislature on the decision not to amend the regulation, as specified. The bill would require the division or department, before determining whether to amend the emergency regulation, to provide public notice and an opportunity for public comment. The bill would repeal these provisions 90 days after the termination of the state of emergency related to the COVID-19 pandemic declared by the Governor.

[AB 1105](#) (Rodriguez D) Hospital workers: COVID-19 testing.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law requires a public or private employer of workers in a general acute care hospital, as defined, to supply personal protective equipment, as defined, to employees who provide direct patient care or who provide services that directly support patient care. Current law provides that, except where another penalty is specifically provided, every employer and every officer, management official, or supervisor having direction, management, control, or custody of any employment, place of employment, or of any other employee, who repeatedly violates any standard, order, or special order, or any provision of specified employment safety laws so that such repeated violation creates a real and apparent hazard to employees is guilty of a misdemeanor. This bill would require the employer to supply personal protective equipment to an employee, regardless of whether or not the employee has received a vaccination for COVID-19.

[AB 1313](#) (Bigelow R) COVID-19: immunity from civil liability.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Would exempt a business, as defined, from liability for an injury or illness to a person due to coronavirus (COVID-19) based on a claim that the person contracted COVID-19 while at that business, or due to the actions of that business, if the business has substantially complied with all applicable state and local health laws, regulations, and protocols. The bill would define a business to include a sole proprietorship, partnership, corporation, association, or other group, including a nonprofit organization, as specified. The bill would not permit this exception to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business. The bill would include related legislative findings.

[AB 1460](#) (Bigelow R) State employment: COVID-19 telework: costs.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Would authorize CalHR to provide a one-time payment of an unspecified amount to employees who have been required to telework as a result of the COVID-19 pandemic in order to offset costs associated with working remotely.

[SB 46](#) (Stern D) Employment: contact tracing and safety policies: COVID-19.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law requires an employer to furnish employment and a place of employment that is safe and healthful for its employees. This bill would state the intent of the Legislature to enact legislation that would require an employer to develop and implement contact tracing and safety policies for its employees, including requiring notice to the employer when an employee receives a positive COVID-19 test.

[SB 95](#) (Skinner D) Employment: COVID-19: supplemental paid sick leave.

Current Text: Amended: 2/22/2021 [html](#) [pdf](#)

Summary: Would, beginning January 1, 2021, extend the COVID-19 food sector supplemental paid sick leave for food sector workers, and the COVID-19 supplemental paid sick leave for covered workers, if those workers are unable to work or telework due to certain reasons related to COVID-19 and meet specified conditions. The bill would expand the definition of a covered worker for COVID-19 supplemental paid sick leave to any employees at any public or private entity and to transportation network company drivers, as defined.

Discrimination & Civil Rights

[AB 13](#) (Chau D) Personal rights: automated decision systems.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Would enact the Automated Decision Systems Accountability Act of 2021. The bill would require a business in California that provides a person, as defined, with a program or device that uses an automated decision system (ADS) to take affirmative steps to ensure that there are processes in place to continually test for biases during the development and usage of the ADS, conduct an ADS impact assessment on its program or device to determine whether the ADS has a disproportionate adverse impact on a protected class, as specified, examine if the ADS in question serves reasonable objectives and furthers a legitimate interest, and compare the ADS to alternatives or reasonable modifications that may be taken to limit adverse consequences on protected classes.

[AB 57](#) (Gabriel D) Hate crimes.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Would state the intent of the Legislature to enact legislation to respond to the increase in hate crimes by, among other things, strengthening requirements for law enforcement training and education regarding hate crimes and enhancing statutory prohibitions against online hate and harassment.

[AB 412](#) (Reyes D) California Commission on Human Rights.

Current Text: Introduced: 2/3/2021 [html](#) [pdf](#)

Summary: Would establish in state government, the California Commission on Human Rights, as an advisory commission, and would require it to, among other things identify and evaluate California's successes and failures in protecting human rights of individuals living within the state, determine statutory, regulatory, or budgetary solutions to better protect human rights, and report, at least annually, on the status of human rights to the Legislature and the Governor with statutory and regulatory recommendations. The bill would require the commission to consist of 17 members, including, among others, members of the Assembly and the Senate. The bill would also create the California Commission on Human Rights Fund in the General Fund to, upon appropriation by the Legislature, carry out these provisions and support the commission. The bill would make related findings and declarations.

[AB 557](#) (Muratsuchi D) Hate crimes.

Current Text: Introduced: 2/11/2021 [html](#) [pdf](#)

Summary: Current law defines a "hate crime" as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Current law requires every state and local law enforcement agency to make available a brochure on hate crimes, as specified. This bill would make a technical, nonsubstantive change to those provisions.

[AB 600](#) (Arambula D) Hate crimes: immigration status.

Current Text: Introduced: 2/11/2021 [html](#) [pdf](#)

Summary: Current law makes an act punishable as a hate crime if it is a criminal act committed, in whole or in part, because of an actual or perceived characteristic of the victim relating to the victim's disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Current law defines "nationality" for this purpose to include citizenship, country of origin, and national origin. Under existing law, a person who commits a crime that is a hate crime is required to receive an enhanced sentence. This bill would expand the definition of nationality to include immigration status, thereby making it a hate crime to commit a criminal act, in whole or in part, because of the victim's actual or perceived immigration status

[AB 1119](#) (Wicks D) Employment discrimination.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: The California Fair Employment and Housing Act (FEHA), protects the right to seek, obtain, and hold employment without discrimination because of prescribed characteristics. FEHA makes various employment practices unlawful and empowers the Department of Fair Employment and Housing to investigate and prosecute complaints alleging unlawful practices. This bill would expand the protected characteristics to include family responsibilities, defined to mean the obligations of an employee to provide direct and ongoing care for a minor child or a care recipient. The bill would define additional terms for this purpose.

[AB 1122](#) (Garcia, Cristina D) Workforce diversity.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Would state the intent of the Legislature to enact legislation that would encourage employers to develop and implement personnel policies that incorporate workforce diversity.

[AB 1256](#) (Quirk D) Employment discrimination: cannabis screening test.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Would prohibit an employer from discriminating against a person in hiring, termination, or any term or condition of employment because a drug screening test has found the person to have tetrahydrocannabinol in their urine. The bill would exempt from its provisions an employer that is required to conduct testing for tetrahydrocannabinol by federal law or regulations, or that would lose a monetary or licensing-related benefit for failing to conduct testing for tetrahydrocannabinol. The bill would also exempt employment in the building and construction trades.

[SB 2](#) (Bradford D) Peace officers: certification: civil rights.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Would state the intent of the Legislature to enact legislation amending the Tom Bane Civil Rights Act and to provide a decertification process for peace officers.

[SB 238](#) (Melendez R) Fair employment and housing protections: political affiliation.

Current Text: Introduced: 1/21/2021 [html](#) [pdf](#)

Summary: The California Fair Employment and Housing Act (FEHA), protects the right to seek, obtain, and hold employment without discrimination because of specified characteristics and prescribes various employment, labor, and apprenticeship practices, among other things, in this regard. Among the protected characteristics are race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military or veteran status. FEHA also makes unlawful

various practices connected to obtaining and financing housing accommodations, among other things, if those practices discriminate based on specified characteristics. Current law creates the Department of Fair Employment and Housing to administer and enforce these provisions. This bill would add political affiliation as a protected characteristic in connection with the above-described employment and housing provisions of the California Fair Employment and Housing Act.

[SB 331](#) (Leyva D) Settlement and nondisparagement agreements.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Summary: Current law prohibits a settlement agreement from preventing the disclosure of factual information regarding specified acts related to a claim filed in a civil action or a complaint filed in an administrative action. These acts include sexual assault, as defined; sexual harassment, as defined; an act of workplace harassment or discrimination based on sex, failure to prevent such an act, or retaliation against a person for reporting such an act; and an act of harassment or discrimination based on sex by the owner of a housing accommodation, as defined, or retaliation against a person for reporting such an act. This bill would clarify that this prohibition includes provisions which restrict the disclosure of the information described above. The bill would also expand the prohibition to include acts of workplace harassment or discrimination not based on sex and an act of harassment or discrimination not based on sex by the owner of a housing accommodation.

[SB 665](#) (Umberg D) Employment policy: voluntary veterans' preference.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring or retaining a veteran over another qualified applicant or employee. The bill would provide that the granting of a veterans' preference pursuant to the bill, in and of itself, shall be deemed not to violate any local or state equal employment opportunity law or regulation, including, but not limited to, the antidiscrimination provisions of FEHA. The bill would revise the existing veteran status provision in FEHA to remove references to discrimination on account of sex and to Vietnam-era veterans, and would, instead, provide that nothing in that act relating to discrimination affects the right of an employer to use veteran status as a factor in hiring decisions if the employer maintains a veterans' preference employment policy established in accordance with the Voluntary Veterans' Preference Employment Policy Act.

Employer Provided Benefits

[AB 1179](#) (Carrillo D) Employer provided benefit: backup childcare.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Would require an employer to provide an employee, on or after January 1, 2022, who works in California for the same employer for 30 or more days within a year from the commencement of employment, with up to 60 hours of paid backup childcare benefits, to be accrued and used as provided. The bill would define "backup childcare" as childcare provided by a qualified backup childcare provider to the employee's child when the employee's regular childcare provider cannot be utilized, and "paid backup childcare" as an employee benefit consisting of the employer paying for a qualified backup childcare provider to provide backup childcare for an employee's child that is compensated at the state minimum wage or the federal minimum wage, whichever is higher.

Family & Medical & Sick Leave

[AB 84](#) (Ting D) Employment: COVID-19: supplemental paid sick leave.

Current Text: Amended: 2/22/2021 [html](#) [pdf](#)

Summary: Would, beginning January 1, 2021, extend the COVID-19 food sector supplemental paid sick leave for food sector workers, and the COVID-19 supplemental paid sick leave for covered workers, if those workers are unable to work or telework due to certain reasons related to COVID-19 and meet specified conditions. The bill would expand the definition of a covered worker for COVID-19 supplemental paid sick leave to any employees at any public or private entity and to transportation network company drivers, as defined. The bill would additionally entitle a food sector worker or a covered worker to leave if, among other reasons, the worker is experiencing symptoms related to a COVID-19 vaccine that prevents the worker from being able to work, or is caring for an individual whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19.

[AB 95](#) (Low D) Employees: bereavement leave.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Would enact the Bereavement Leave Act of 2021. The bill 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. The bill would require an employer with fewer than 25 employees to grant up to 3 business days of leave, in accordance with these provisions. The bill would prohibit an employer from interfering with or restraining the exercise or attempt to exercise the employee's right to take this leave.

[AB 123](#) (Gonzalez, Lorena D) Paid family leave: weekly benefit amount.

Current Text: Introduced: 12/18/2020 [html](#) [pdf](#)

Summary: Current law establishes, within the Unemployment Compensation Disability Fund program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits for up to 8 weeks 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 defines "weekly benefit amount" for purposes of both employee contributions and benefits under this program to mean the amount of weekly benefits available to qualifying disabled individuals pursuant to unemployment compensation disability law, calculated pursuant to specified formulas partly based on the applicable percentage of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, but not to exceed the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations. This bill would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2022, by redefining the weekly benefit amount to be equal to 90% of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations.

[AB 415](#) (Rivas, Robert D) Employment: workers' compensation.

Current Text: Amended: 2/12/2021 [html](#) [pdf](#)

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of the employee's employment. This bill would define "injury," for certain employees of a city, county, city and county, district, or other municipal corporation or political subdivision regularly exposed to active fires or health hazards directly resulting from firefighting operations, to include cancer that develops or manifests during a period in which the individual demonstrates that they were exposed to a known carcinogen while in the employment of the city, county, city and county, district, or other municipal corporation or political subdivision. The bill would establish a presumption that the cancer in those cases arose out of, and in the course of, employment, unless the presumption is controverted by evidence that the primary site of the cancer has been established and that the carcinogen to which the person has demonstrated exposure is not reasonably linked to the disabling cancer.

[AB 867](#) (Kiley R) Family care leave: child deceased in childbirth.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Summary: Would expand eligibility for benefits under the paid family leave program by expanding bonding leave relating to a child's birth to include leave for a parent who was pregnant with a child, if the child dies unexpectedly during childbirth at 37 weeks or more of pregnancy.

[AB 995](#) (Gonzalez, Lorena D) Paid sick days: accrual and use.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law authorizes an employer to use a different accrual method as long as an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period. Current law also provides that an employer may satisfy the accrual requirements by providing not less than 24 hours or 3 days of paid sick leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment. This bill would modify the employer's alternate sick leave accrual method to require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period.

[AB 1033](#) (Bauer-Kahan D) Small employer family leave mediation: pilot program.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law, the Moore-Brown-Roberti Family Rights Act, commonly known as the California Family Rights Act, which is a part of FEHA, makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period for family care and medical leave, as specified. Current law defines family care and medical leave to include, among other things, leave to care for a parent. This bill would additionally include leave to care for a parent-in-law within the definition of family care and medical leave, and would make other conforming changes.

[AB 1041](#) (Wicks D) Leave.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Would expand the population that an employee can take leave to care for to include any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.

[SB 95](#)

(Skinner D) Employment: COVID-19: supplemental paid sick leave.

Current Text: Amended: 2/22/2021 [html](#) [pdf](#)

Summary: Would, beginning January 1, 2021, extend the COVID-19 food sector supplemental paid sick leave for food sector workers, and the COVID-19 supplemental paid sick leave for covered workers, if those workers are unable to work or telework due to certain reasons related to COVID-19 and meet specified conditions. The bill would expand the definition of a covered worker for COVID-19 supplemental paid sick leave to any employees at any public or private entity and to transportation network company drivers, as defined.

[SB 205](#)

(Leyva D) School and community college employees: absences due to illness or accident.

Current Text: Introduced: 1/11/2021 [html](#) [pdf](#)

Summary: Would require a certificated or classified school employee, and an academic or classified community college employee, who exhausts all available sick leave and continues to be absent from duties on account of illness or accident for an additional period of 5 months to receive the employee's full salary during those 5 months. The bill would make numerous related conforming and clarifying changes.

Harassment

[SB 435](#)

(Cortese D) Civil law: personal rights: online sex trafficking: sexual photographs.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Summary: Current law grants a cause of action to a depicted individual, as defined, against a person who either (1) creates and intentionally discloses sexually explicit material if the person knows or reasonably should have known the depicted individual did not consent to its creation or disclosure or (2) intentionally discloses sexually explicit material that the person did not create if the person knows the depicted individual did not consent to its creation. Current law also specifies that a victim of human trafficking may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief. This bill would allow a person to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, specified statutory damages, and any other appropriate relief, against any person or entity that makes, obtains, or distributes, including through electronic distribution, actionable material.

Health & Safety

[AB 1256](#)

(Quirk D) Employment discrimination: cannabis screening test.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Would prohibit an employer from discriminating against a person in hiring, termination, or any term or condition of employment because a drug screening test has found the person to have tetrahydrocannabinol in their urine. The bill would exempt from its provisions an employer that is required to conduct testing for tetrahydrocannabinol by federal law or regulations, or that would lose a monetary or licensing-related benefit for failing to conduct testing for tetrahydrocannabinol. The bill would also exempt employment in the building and construction trades.

[AB 1506](#)

(Kalra D) Occupational safety and health: discharge or discrimination.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law prohibits a person from discharging or discriminating against an employee because the employee has taken any of specified actions, including making an oral or written complaint to the Division of Occupational Safety and Health, or participating in an occupational health and safety committee. This bill would make nonsubstantive changes in those provisions.

[SB 321](#)

(Durazo D) Employment safety standards: household domestic services.

Current Text: Introduced: 2/5/2021 [html](#) [pdf](#)

Summary: Current law defines "employment," for purposes of the California Occupational Safety and Health Act of 1973, 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. The bill would provide, however, that "employment" does not include household domestic service that is publicly funded, as specified, unless

it is subject to certain regulatory provisions. The bill would make coverage for household domestic service operative on January 1, 2023, as specified. By expanding the scope of a crime, the bill would impose a state-mandated local program.

[SB 606](#) ([Gonzalez D](#)) **Workplace safety: citations: employer retaliation.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law gives the Division of Occupational Safety and Health, within the Department of Industrial Relations, the power, jurisdiction, and supervision over every employment and place of employment in this state, which is necessary to adequately enforce and administer all laws requiring that employment and places of employment be safe, and requiring the protection of the life, safety, and health of every employee in that employment or place of employment. Current law requires the division to enforce all occupational safety and health standards, as specified, and to issue a citation for a violation relating to those standards. This bill would require the division to issue a citation to an egregious employer, as defined, for each willful violation, and each employee exposed to that violation would be required to be considered a separate violation for purposes of the issuance of fines and penalties, as provided.

[SB 704](#) ([Gonzalez D](#)) **Occupational safety and health.**

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law requires every employer to furnish and use safety devices and safeguards, and to adopt and use practices that are reasonably adequate to render the employment and place of employment safe and healthful. This bill would make nonsubstantive changes to this provision.

Immigrant Employee Rights

[AB 857](#) ([Kalra D](#)) **Employers: Labor Commissioner: required disclosures.**

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

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.

[AB 1510](#) ([Garcia, Eduardo D](#)) **Unauthorized workers: Essential Worker and Economic Stability Act of 2021.**

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current federal law regulate immigration. Current state law establishes the Employment Development Department (department), which is administered by the Director of Employment Development who is vested with certain duties relating to, among other things, job creation and unemployment compensation. This bill would require the department to determine the extent of labor shortages in the state's essential critical infrastructure workforce sectors and provide that information to specified federal government entities. The bill would require the department to convene a working group to address the issues relating to a work permit program for unauthorized persons who are essential critical infrastructure workforce 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.

Labor Relations

[AB 314](#) ([Gonzalez, Lorena D](#)) **Collective bargaining: Legislature.**

Current Text: Introduced: 1/25/2021 [html](#) [pdf](#)

Summary: Would enact the Legislature Employer-Employee Relations Act, to provide employees of the Legislature, including some supervisory and managerial employees, the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.

Occupational Safety

[AB 73](#) ([Rivas, Robert D](#)) **Employment safety: agricultural workers: wildfire smoke.**

Current Text: Amended: 2/2/2021 [html](#) [pdf](#)

Summary: Would, among other things, require the Division of Occupational Safety and Health to designate a wildfire smoke strike team within each regional office for purposes of enforcing regulations regarding air quality safety for agricultural workers, as defined. The bill would require the division, by January 1, 2023, to establish a stockpile of N95 filtering facepiece respirators, as defined, of sufficient size to adequately equip all agricultural workers during wildfire smoke emergencies. The bill would require the department to establish guidelines for procurement, management, and distribution of the N95 respirators.

Privacy

[AB 13](#) **(Chau D) Personal rights: automated decision systems.**

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Would enact the Automated Decision Systems Accountability Act of 2021. The bill would require a business in California that provides a person, as defined, with a program or device that uses an automated decision system (ADS) to take affirmative steps to ensure that there are processes in place to continually test for biases during the development and usage of the ADS, conduct an ADS impact assessment on its program or device to determine whether the ADS has a disproportionate adverse impact on a protected class, as specified, examine if the ADS in question serves reasonable objectives and furthers a legitimate interest, and compare the ADS to alternatives or reasonable modifications that may be taken to limit adverse consequences on protected classes.

[SB 46](#) **(Stern D) Employment: contact tracing and safety policies: COVID-19.**

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law requires an employer to furnish employment and a place of employment that is safe and healthful for its employees. This bill would state the intent of the Legislature to enact legislation that would require an employer to develop and implement contact tracing and safety policies for its employees, including requiring notice to the employer when an employee receives a positive COVID-19 test.

Public Employment

[AB 53](#) **(Low D) Election day holiday.**

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law designates specific days as holidays in this state. Current law designates holidays on which community colleges and public schools are required to close. Current law entitles state employees, with specified exceptions, to be given time off with pay for specified holidays. Current law designates optional bank holidays. This bill would add the day on which a statewide general election is held, which is the first Tuesday after the first Monday in November of any even-numbered year, to these lists of holidays. The bill would require community colleges and public schools to close on any day on which a statewide general election is held. The bill would require that state employees, with specified exceptions, be given time off with pay for days on which a statewide general election is held. The bill would provide that the third Monday in February, also known as Washington Day, is observed only in odd-numbered years.

[AB 316](#) **(Cooper D) State employees: pay equity: under-represented groups.**

Current Text: Introduced: 1/25/2021 [html](#) [pdf](#)

Summary: Would state the intent of the Legislature to enact legislation that would achieve pay equity in state employment across gender, racial, ethnic, and under-represented groups.

[AB 1032](#) **(Cooper D) Public employment: adverse action.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law requires an appointing power, before taking adverse action against an employee for one or more enumerated causes for discipline, to serve written notice on the employee that includes specified information relating to the adverse action. This bill would make a nonsubstantive change to those provisions.

[AB 1301](#) **(Gray D) Labor Code: protections, obligations, and prohibitions: Legislature.**

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law provides specified protections for employees and specified obligations and prohibitions for employers in regard to payment of wages, gratuities, working conditions, bonds and photographs required by employers, contracts and applications for employment, purchases by employees, employee working hours, agreements regarding joining or becoming a member of a labor organization or employer organization, solicitation of employees by misrepresentation, enrollment in

drug and alcohol rehabilitation programs, employee political affiliations, public works, employee indemnification and contributory negligence, provision of health benefits, termination, and occupational safety and health. A violation of several of these provisions by an employer or an agent, manager, superintendent, or officer of an employer is a misdemeanor or infraction, as specified. This bill would expressly provide that these provisions apply to the Legislature and legislative employees, as specified.

[AB 1484](#) (Kiley R) School employees: labor relations: fair share services fee or alternative fee: deduction.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law prohibits an employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or financially supporting employee organizations from being required to join, maintain membership in, or financially support any employee organization as a condition of employment, except that the employee may be required, in lieu of a fair share service fee, to pay sums equal to the fair share service fee either to a nonreligious, nonlabor organization, or a charitable fund exempt from taxation, as provided. This bill would prohibit a public school employer from deducting the amount of the fair share service fee or the alternative fee described above from the wages and salary of a public school employee unless the employer has received permission from the employee, and would require an employee's authorization to only be valid for the calendar year in which it is given unless terminated, as provided.

[SB 270](#) (Durazo D) Public employment: labor relations: employee information.

Current Text: Introduced: 1/28/2021 [html](#) [pdf](#)

Summary: Current, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act, among others, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Current law requires these public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire. This bill, commencing July 1, 2022, would authorize an exclusive representative to file a charge of an unfair labor practice with the board, as specified, alleging a violation of the above-described requirements only if specified conditions are met, including that the exclusive representative gives written notice of the alleged violation and that the public employer fails to cure the violation, as specified. The bill would limit a public employer's opportunity to cure certain violations.

[SB 550](#) (Dahle R) Legislature: employment.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law regulates the employment practices of employers in the state. Certain of these provisions do not apply to state agencies, including the Legislature. This bill would apply the state's laws regulating the employment practices of private employers to the Legislature. Because the violation of various employment laws is a crime, this bill would impose a state-mandated local program.

Sexual Harassment

[SB 352](#) (Eggman D) The military: sexual harassment.

Current Text: Introduced: 2/9/2021 [html](#) [pdf](#)

Summary: Would additionally make a member of the active militia who has been lawfully ordered to any type of state duty and who commits sexual harassment punishable by specified military proceedings or by a court-martial. The bill would also state that these provisions do not preclude any other military or civilian authority from exercising its jurisdiction over any act or omission that violates any local, state, or federal law.

Unemployment

[AB 8](#) (Smith R) Unemployment benefits: direct deposit.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law requires unemployment compensation benefits that are directly deposited to an account of the recipient's choice to be deposited to a qualifying account. Current law defines "qualifying account" for these purposes to mean a demand deposit or savings account at an insured financial institution in the name of the person entitled to receipt of public assistance payments or a prepaid card account that meets certain requirements, including that the prepaid card account may not be attached to any credit or overdraft feature that is automatically repaid from the account after

delivery of the payment. This bill would, by July 1, 2021, provide that the recipient of the unemployment compensation benefits has the right to choose whether the benefits payments are directly deposited into a qualifying account or applied to a prepaid debit card.

[AB 19](#) (Santiago D) Unemployment insurance compensation: COVID-19 pandemic: temporary benefits.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: The federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) temporarily provides for expanded unemployment benefits through the federal Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC) provisions of the CARES Act. This bill would require the Employment Development Department to provide, until July 1, 2022, following the termination of assistance pursuant to PUA and PEUC or any other federal or state supplemental unemployment compensation payments for unemployment due to the COVID-19 pandemic, in addition to an individual's weekly benefit amount as otherwise provided for by existing unemployment compensation law, unemployment compensation benefits equivalent to the terminated federal or state supplemental unemployment compensation payments for the remainder of the duration of time the individual is unemployed due to the COVID-19 pandemic, notwithstanding the weekly benefit cap. The bill would prohibit any unemployment compensation benefits authorized by the bill from being charged against the reserve account of any employer.

[AB 24](#) (Waldron R) Unemployment insurance: benefit determination deadlines.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law establishes procedures for the filing, determination, and payment of benefit claims, and those benefits are payable from the Unemployment Fund. Current law requires the department to promptly pay benefits if it finds the claimant is eligible and to promptly deny benefits if it finds the claimant is ineligible for benefits. Current law requires the department to consider facts submitted by an employer in making this determination and also provides for the department to audit claims, as specified. Existing law provides a procedure for a claimant or a base employer to challenge a determination of the computation or recomputation of the benefits. This bill would require the department to provide a claimant with a notification of the computation used to determine their benefits within 30 days of the receipt of the claim and to respond to a challenge by the claimant or the base employer based on the computation or recomputation of benefits within 15 days of the receipt of the protest, except as specified.

[AB 42](#) (Lackey R) Unemployment insurance: advisory committee on unemployment insurance.

Current Text: Amended: 2/18/2021 [html](#) [pdf](#)

Summary: Would require the Employment Development Department to establish, upon appropriation by the Legislature, an advisory committee to advise the department on matters within the department's jurisdiction, including, but not limited to, unemployment insurance. The bill would require the committee to include members representing a diverse spectrum of private and public employers and employees impacted by programs overseen by the department, as provided. The bill would require the committee to hold open and public meetings in compliance with the Bagley-Keene Open Meeting Act at least once a quarter. The bill would require, commencing on January 1, 2023, the committee to prepare and publicly publish an annual report describing its activities, including, but not limited to, recommendations made by the advisory committee and the department's response to those recommendations.

[AB 74](#) (Gonzalez, Lorena D) Unemployment and disability benefit payments: direct deposit.

Current Text: Amended: 2/18/2021 [html](#) [pdf](#)

Summary: Current law authorizes the Employment Development Department to administer the state unemployment insurance compensation program and the disability insurance compensation program, which includes family temporary disability insurance benefits. Current law requires the department, among other duties, to make unemployment and disability compensation payments, as prescribed by the Director of Employment Development. Current law requires unemployment insurance compensation benefits that are directly deposited to an account of the recipient's choice to be deposited to a qualifying account, as defined. This bill would require the Employment Development Department, before commencing payment, to provide a person entitled to receive benefits under the state unemployment insurance compensation program or the disability insurance compensation program the option to receive payments either directly deposited by electronic fund transfer into a qualifying account of the recipient's choice, in addition to other alternative disbursement payment methods such as checks.

Wage and Hour

[AB 7](#) (Rodriguez D) Emergency ambulance employees: subsidized protective gear.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Would require an emergency ambulance provider to establish a voluntary personal protective equipment (PPE) program that allows for the purchase of subsidized multithreat body protective gear that is bullet, strike, slash, and stab resistant by an emergency ambulance employee

pursuant to an employer-funded stipend, and authorize an employee to voluntarily participate in a PPE program and to wear the PPE while on duty. The bill would require a provider to inform an employee of the opportunity to purchase subsidized multithreat body protective gear through a PPE program.

[AB 25](#) (Kiley R) Worker classification: employees and independent contractors.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified. 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 (Borello). This bill would generally repeal provisions relating to the "ABC" test for various specified occupations and business relationships. The bill would, instead, require the determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in Borello, 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.

[AB 55](#) (Boerner Horvath D) Employment: telecommuting.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law promotes and develops the welfare of workers in California to improve working conditions and advance opportunities for profitable employment. Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry. This bill would declare the intent of the Legislature to enact future legislation to ensure certain rights and benefits for telecommuting employees.

[AB 230](#) (Voepel R) Employment: flexible work schedules.

Current Text: Introduced: 1/12/2021 [html](#) [pdf](#)

Summary: Would enact the Workplace Flexibility Act of 2021. The bill 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 231](#) (Nguyen R) Worker classification: employees and independent contractors: licensed manicurists.

Current Text: Introduced: 1/12/2021 [html](#) [pdf](#)

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified. 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. These exemptions include services provided by a licensed manicurist, subject to the manicurist meeting specified conditions. Current law makes this exemption for licensed manicurists inoperative on January 1, 2022. This bill would delete the January 1, 2022, inoperative date, thereby making licensed manicurists subject to this exemption indefinitely.

[AB 257](#) (Gonzalez, Lorena D) Fast food industry: working standards.

Current Text: Introduced: 1/15/2021 [html](#) [pdf](#)

Summary: Would enact the FAST Recovery Act. The bill would make a statement of findings regarding the fast food industry, particularly with respect to the COVID-19 pandemic, and state the intent of the Legislature to enact legislation relating to the fast food industry.

[AB 316](#) (Cooper D) State employees: pay equity: under-represented groups.

Current Text: Introduced: 1/25/2021 [html](#) [pdf](#)

Summary: Would state the intent of the Legislature to enact legislation that would achieve pay equity in state employment across gender, racial, ethnic, and under-represented groups.

[AB 385](#) (Flora R) Labor Code Private Attorneys General Act of 2004:

Current Text: Introduced: 2/2/2021 [html](#) [pdf](#)

Summary: Would prohibit an aggrieved employee from maintaining an action on behalf of themselves or any other aggrieved employee under the Labor Code Private Attorneys General Act of 2004 if certain conditions apply, including if the aggrieved employee has brought an action under the act in conjunction with, or in addition to, claims for monetary damages or penalties for violations of the Labor Code arising out of the same period of employment that occurred between March 4, 2020, and the state of emergency termination date, as defined.

[AB 436](#) (Fong R) Wages: records: inspection and copying.

Current Text: Introduced: 2/4/2021 [html](#) [pdf](#)

Summary: Current law requires a person completing a certificate of death to record the decedent's gender identity as reported by the informant, unless the person is presented with specified legal

documents showing a different gender identity. Current law requires the person completing the certificate of death to record the decedent's gender identity as indicated in the specified legal documents, or if the specified documents are not presented, as indicated by the person or a majority of persons with control over the disposition of the remains, as specified. This bill would authorize the decedent's gender identity to be recorded as female, male, or nonbinary.

[AB 513](#) (Bigelow R) Employment: telecommuting employees.

Current Text: Introduced: 2/9/2021 [html](#) [pdf](#)

Summary: Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified. This bill would authorize an employee working from home to receive legally required notices and postings electronically and sign certain documents electronically. The bill would also require that a working from home employee's wages due at the time of separation of employment be deemed to have been paid on the date that the wages are mailed to the employee.

[AB 530](#) (Fong R) Labor Code Private Attorneys General Act of 2004: filing requirements.

Current Text: Introduced: 2/10/2021 [html](#) [pdf](#)

Summary: 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 also require 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.

[AB 572](#) (Kalra D) Minimum wage violations.

Current Text: Introduced: 2/11/2021 [html](#) [pdf](#)

Summary: Current law establishes, within the Labor and Workforce Development Agency, the Department of Industrial Relations, which is under the control of the Director of Industrial Relations, and establishes within the department the Division of Labor Standards Enforcement, which is under the control of the Labor Commissioner. Current law vests with the commissioner the authority to receive, investigate, and hear employee complaints regarding the payment of wages and other employment-related issues and authorizes citations to be served, as specified. Under current law, any employer or other person acting either individually or as an officer, agent, or employee of another person, who pays or causes to be paid to any employee a wage less than the minimum fixed by applicable state or local law or an order of the Industrial Welfare Commission, is subject to a civil penalty, restitution of wages, liquidated damages payable to the employee, and applicable specified penalties, as provided. This bill, would make a nonsubstantive change to these provisions.

[AB 676](#) (Holden D) Franchises.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Summary: The California Franchise Relations Act sets forth certain requirements related to the termination, nonrenewal, and transfer of franchises between a franchisor, subfranchisor, and franchisee, as those terms are defined. Existing law provides that the act applies to any franchise when either the franchisee is domiciled in this state or the franchised business is or has been operated in this state. This bill would additionally require that any provision of a franchise agreement requiring the franchisee to waive the provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

[AB 701](#) (Gonzalez, Lorena D) Warehouse distribution centers.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Summary: Would require specified employers to provide to each employee, defined as a nonexempt employee who works at a warehouse distribution center, a written description of each quota to which the employee is subject, including the quantified number of tasks to be performed, or materials to be produced or handled, within the defined time period, and any potential adverse employment action that could result from failure to meet the quota. The bill would require, if the quota or the adverse consequences for failure to meet the quota have changed, the employer to provide the employee with a revised written description. The bill would prohibit an employer from taking adverse action against an employee for failure to meet a quota that has not been disclosed or for failure to meet a quota that does not allow a worker to comply with health and safety laws.

[AB 755](#) (Flora R) Labor Commissioner: unlawful discrimination: report.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Summary: Current law prohibits an employer from paying any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, unless the

employer demonstrates that one or more specific factors, reasonably applied, account for the entire wage differential. Current law also similarly prohibits an employer from paying any of its employees at wage rates less than the rates paid to employees of another race or ethnicity for substantially similar work. Current law authorizes an employee paid lesser wages in violation of these prohibitions to file a complaint with the division, and authorizes the commencement of a civil action. Existing law requires the Labor Commissioner to submit an annual report to the Legislature by February 15 of each year providing specific information with respect to discrimination complaints under the above provisions for the previous calendar year. This bill would change the deadline for that report to March 15 of each year, commencing with March 15, 2022.

AB 790 **(Quirk-Silva D) Consumer Legal Remedies Act**

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Summary: Current law, the Consumer Legal Remedies Act, provides that specified unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or that result in the sale or lease of goods or services to any consumer are unlawful. This bill would make nonsubstantive changes to these provisions.

AB 857 **(Kalra D) Employers: Labor Commissioner: required disclosures.**

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

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.

AB 991 **(Ward D) Wages.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

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 1008 **(Grayson D) Unemployment insurance: employee status: definition.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law governing unemployment insurance defines "employment" for those purposes, and exempts from this definition the services performed by certain persons, including various types of brokers or salespersons meeting specified conditions, including that the sale or demonstration of the product takes place in the buyer's home. Current law limits the exemption to sales that take place in other than a retail or wholesale establishment. This bill, among other things, would also exempt from the definition of employment, a seller that sells or demonstrates products in the buyer's business. The bill would also specify that certain types of vehicles used to sell specified tools do not qualify as a retail or wholesale establishment for purposes of these provisions.

AB 1023 **(Flora R) Contractors and subcontractors: records: penalties.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law establishes various requirements applicable to all public works projects including, among other things, that the call for bids and contract documents specify that the project is subject to compliance monitoring and enforcement by the Department of Industrial Relations, and that each contractor or subcontractor furnish certain payroll records directly to the Labor Commissioner, as specified. This bill would require that a contractor or subcontractor furnish those payroll records to the Labor Commissioner no later than their final day of work performed on the project. The bill would also make a contractor or subcontractor who fails to furnish those records in the manner specified liable for a penalty of \$100 per day, as specified, not to exceed \$5,000 per project, to be deposited into the State Public Works Enforcement Fund.

AB 1028 **(Seyarto R) Telework Flexibility Act.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law, with various exceptions, generally establishes 8 hours as a day's work and a 40-hour workweek and requires the payment of prescribed overtime compensation for additional hours worked. This bill would permit an individual nonexempt employee to request an employee-selected remote work 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.

AB 1074 **(Gonzalez, Lorena D) Employment: rehiring and retention: displaced workers.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

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 January 1, 2020, 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 COVID-19 pandemic.

[AB 1227](#) (Levine D) Worker classification: employees and independent contractors: workers in seasonal live theatre.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Under the ABC test, 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 of the same nature as that involved in the work performed. Current law exempts specified occupations and business relationships from the application of these provisions. Current law instead provides that these occupations and business relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (Borello). Existing law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. This bill would also exempt workers in seasonal live theatre.

[AB 1528](#) (Santiago D) Wages: final payments.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law regulates the terms and conditions of employment and, specifically, the payment of wages. Current law generally requires that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately. Current law authorizes a state employee to provide for certain amounts, including those associated with unpaid vacation, to be contributed to specified supplemental retirement plans. Current law also authorizes a state employee to defer certain payments until the next calendar year in certain circumstances. This bill would make nonsubstantive changes to these provisions

[AB 1530](#) (Wicks D) Private employment: mass layoffs.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law prohibits an employer from ordering a mass layoff, relocation, or termination at a covered establishment, as defined, unless, 60 days before the order takes effect, the employer gives written notice to affected employees, as specified. Under current law, an employer who fails to give the necessary notice is liable to employees who were entitled to notice who lost their jobs for back pay and the value of the cost of benefits, as specified. This bill would make nonsubstantive changes in the provisions relating to employer liability described above.

[SB 62](#) (Durazo D) Employment: garment manufacturing.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Summary: Current law makes garment manufacturers liable for guaranteeing payment of wages to employees of their contractors. This bill would expand the definition of garment manufacturing to include dyeing, altering a garment's design, and affixing a label to a garment. The bill would prohibit any employee engaged in the performance of garment manufacturing to be paid by the piece or unit, or by the piece rate, except as specified. The bill would impose statutory damages of \$200 against a garment manufacturer or contractor, payable to the employee, for each pay period in which the employee is paid by the piece rate.

[SB 236](#) (Ochoa Bogh R) The Labor Code Private Attorneys General Act of 2004.

Current Text: Introduced: 1/21/2021 [html](#) [pdf](#)

Summary: Current law, the Labor Code Private Attorneys General Act of 2004, permits an aggrieved employee, on behalf of themselves and other current or former employees, to bring a civil action pursuant to specified procedures for a violation of a provision of the Labor Code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency. This bill would make nonsubstantive changes to these provisions.

[SB 338](#) (Gonzalez D) Port drayage motor carriers: customers: joint and several liability.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Summary: Current law requires the Division of Labor Standards Enforcement to post on its internet website a list of port drayage motor carriers with unsatisfied court judgments, tax assessments, tax liens, or any order, decision, or award finding that the port drayage motor carrier has engaged in illegal conduct including failure to pay wages, imposing unlawful expenses on employees, and other labor violations. Current law, except as specified, imposes joint and several liability on the port drayage motor carrier and any customer that obtained port drayage services after the date the port drayage motor carrier appeared on the division's list for all civil legal responsibility and liability owed to a port

drayage driver, including unpaid wages, unreimbursed expenses, and damages and penalties that are due, as specified. This bill would make nonsubstantive changes to those provisions.

[SB 430](#) ([Borgeas R](#)) Small businesses: reduction or waiver of civil penalties for violation of regulations or statutes.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Summary: Would require a state agency to establish a policy, by January 1, 2023, that provides for the reduction or waiver of civil penalties for a violation of a regulatory or statutory requirement by a small business if the violation did not involve willful or criminal conduct and did not pose a serious health, safety, or environmental threat. The bill would require the policy to include various factors the state agency would be required to consider when making a determination as to whether to reduce or waive the civil penalty. The bill would authorize the state agency to update the policy to reflect current issues and conditions affecting small businesses and the state agency.

[SB 505](#) ([Hertzberg D](#)) Wages: withholdings: written authorizations.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Summary: Under current law, it is not unlawful for an employer to withhold or divert a portion of an employee's wages when the employer is required or empowered to do so by state or federal law or in other specified cases. Under current law, the Division of Labor Standards Enforcement is charged with investigating and enforcing violations of the wage laws. This bill would require an employer, absent fraud, misrepresentation, or theft, to make a good faith effort to consult with an employee to obtain a written authorization to resolve a monetary obligation before utilizing third-party collection services or commencing a civil action. The bill would require the written authorization to include a mutual agreement between the employer and employee and, to the extent possible, would prohibit that written authorization from placing an undue financial burden upon the employee.

[SB 558](#) ([Caballero D](#)) COVID-19.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Current law requires a public or private employer or representative of the employer, except as specified, that receives a notice of potential exposure to COVID-19, to provide specified notifications to its employees within one business day of the notice of potential exposure. This bill would state the intent of the Legislature to enact legislation that would provide wage replacement for farmworkers and food production workers who need to quarantine because of exposure to, or infection by, COVID-19.

[SB 572](#) ([Hertzberg D](#)) Labor Commissioner: enforcement: lien on real property.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Summary: Would authorize the Labor Commissioner to create, as an alternative to a judgment lien, a lien on real property to secure amounts due to the commissioner under any final citation, findings, or decision, as provided. The bill would require the commissioner, among other things, to include specified information on the certificate of lien to be recorded on the relevant party's real property and to issue a certificate of release once the amount due, including any interest and costs, have been paid.

[SB 639](#) ([Durazo D](#)) Minimum wages: persons with disabilities.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law establishes a minimum wage for all industries and makes it a crime to pay an employee less than the minimum wage fixed by the Industrial Welfare Commission. Current law, however, permits the commission to issue an employee who is mentally or physically disabled, or both, a special license authorizing the employment of the licensee for a period not to exceed one year from date of issue, at a wage less than the minimum wage. Current law requires the commission to fix a special minimum wage for the licensee, which may be renewed on a yearly basis. This bill would prohibit new special licenses from being issued after January 1, 2022. The bill would permit a license to only be renewed for existing licenseholders who meet requisite benchmarks.

[SB 657](#) ([Ochoa Bogh R](#)) Employment: electronic documents.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Summary: Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified. The bill would also authorize an employee working from home to receive legally required notices and postings electronically and sign or acknowledge certain documents electronically.

Workers Comp

[SB 213](#) ([Cortese D](#)) Workers' compensation: hospital employees.

Current Text: Introduced: 1/12/2021 [html](#) [pdf](#)

Summary: Would define "injury," for a hospital employee who provides direct patient care in an acute care hospital, to include infectious diseases, cancer, musculoskeletal injuries, post-traumatic stress

disorder, and respiratory diseases. The bill would create rebuttable presumptions that these injuries that develop or manifest in a hospital employee who provides direct patient care in an acute care hospital arose out of and in the course of the employment. The bill would extend these presumptions for specified time periods after the hospital employee's termination of employment. The bill would also make related findings and declarations.

Total Measures: 107

Total Tracking Forms: 107