

**2020 Labor and Employment Bills**  
**For more information email [mariko@ccla.org](mailto:mariko@ccla.org)**

**AB 5**

**[AB 1850](#) ([Gonzalez D](#)) **Employee classification: still photographers, photojournalists: freelancers.****

**Current Text:** Amended: 2/27/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Re-referred to Com. on L. & E.

**Summary:** Current statutory law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the "ABC" test is met. Existing law exempts specified occupations and business relationships, including persons providing professional services under specified circumstances. 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. This bill would replace the submission limit and instead exempt still photographers, photojournalists, freelance writers, editors, and newspaper cartoonists from the application of *Dynamex* and these provisions based upon different specified criteria, including that these persons provide professional services pursuant to a contract that includes specified items, as provided.

**[AB 1925](#) ([Obernoite R](#)) **Worker status: independent contractors: small businesses.****

**Current Text:** Introduced: 1/14/2020 [html](#) [pdf](#)

**Status:** 2/14/2020-Referred to Com. on L. & E.

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. Current law exempts specified occupations and business relationships from the application of the *Dynamex* case and these provisions. Current law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would expand the above-described exemptions to also include small businesses, as defined.

**[AB 1928](#) ([Kiley R](#)) **Employment standards: independent contractors and employees.****

**Current Text:** Introduced: 1/15/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Motion to suspend Art. IV, Sec. 8(b)(1) of the Constitution and Assembly Rule 96(b) failed. (Ayes 15. Noes 55.)

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is commonly known as the "ABC" test. 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 *Dynamex* and these provisions. Current law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d (Borello). This bill would repeal those existing provisions and instead require a determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in *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. The bill would make related, conforming changes.

**[AB 2457](#) ([Melendez R](#)) **Worker status: independent contractors: pharmacists.****

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of *Dynamex* and these provisions. Current law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would expand specified exemptions to also include individuals who are licensed pharmacists.

- [AB 2458](#) (Melendez R) Worker status: independent contractors: physical therapists.**  
**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)  
**Status:** 2/27/2020-Referred to Com. on L. & E.  
**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions described above, including certain licensed medical professionals. Existing law instead provides that these exempt relationships are governed by the test adopted in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. This bill would also exempt individuals working as physical therapists from the provisions as specified.
- [AB 2465](#) (Gonzalez D) Worker status: independent contractors: barbering and cosmetology.**  
**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)  
**Status:** 2/27/2020-Referred to Coms. on L. & E. and B. & P.  
**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and these provisions, including a person licensed as an esthetician, electrologist, manicurist, barber, or cosmetologist who meets specified requirement. Existing law instead provides that these exempt relationships are governed by the test adopted in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. Current law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Current law authorizes the board to make rules and regulations in furtherance of the act. This bill would recast and reorganize the exemptions for a person licensed as an esthetician, electrologist, manicurist, barber, or cosmetologist.
- [AB 2489](#) (Choi R) Worker status: independent contractors: franchiser and franchisees.**  
**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)  
**Status:** 2/27/2020-Referred to Com. on L. & E.  
**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is commonly known as the ABC test. Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions described above. This bill would prohibit franchisees from being deemed employees of a franchisor, and would require that they be considered independent contractors, unless a court of competent jurisdiction determines specified requirements are met.
- [AB 2497](#) (Bigelow R) Worker status: independent contractors: livestock judges.**  
**Current Text:** Amended: 3/4/2020 [html](#) [pdf](#)  
**Status:** 3/4/2020-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.  
**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 Dynamex and the specified provisions, including various professional services provided by graphic designers, grant writers, and fine artists, among others. This bill would exempt a person providing services as a livestock judge from the application of Dynamex and specified provisions.
- [AB 2572](#) (Dahle, Megan R) Worker status: independent contractors.**  
**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)  
**Status:** 3/2/2020-Referred to Com. on L. & E.  
**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 Dynamex and specified provisions. This bill would also exempt timber operators, registered forest professionals, geologists and geophysicists, and land surveyors who meet certain statutory licensing requirements
- [AB 2750](#) (Bigelow R) Worker status: independent contractors.**  
**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)  
**Status:** 2/21/2020-From printer. May be heard in committee March 22.  
**Summary:** Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. Existing law exempts specified occupations and business relationships from the application of the "ABC" test. 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. This bill would make nonsubstantive changes to these provisions.
- [AB 2793](#) (Mathis R) Worker status: independent contractors.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is commonly known as the "ABC" test. Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions described above. Current law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would expand these exemptions to include individuals providing services as a licensed marriage and family therapist.

**[AB 2794](#) (Mathis R) Worker status: independent contractors: health facilities: health care providers.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractor. Current law exempts specified occupations and business relationships from the application of the ABC test described above, including licensed insurance agents, certain health care professionals, including physicians and surgeons, dentists, and podiatrists, subject to meeting certain conditions and license requirements. 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. This bill would expand the above-described exemptions to also include health facilities, as defined, which contract with companies that employ health care providers who provide services to patients at those facilities.

**[AB 2796](#) (Fong R) Worker status: independent contractors: newspaper distributors and newspaper carriers.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and specified provisions. These exemptions include a temporary exemption for newspaper distributors or newspaper carriers, as defined, until January 1, 2021. This bill would delete the above inoperative date of January 1, 2021, applicable to newspaper distributors or newspaper carriers, thereby making the above exemption apply indefinitely.

**[AB 2818](#) (Grayson D) Unemployment insurance: Employee status: definition.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be heard in committee March 22.

**Summary:** Current law governing unemployment insurance defines "employment" for those purposes, and exempts from this definition the services performed by certain persons. This bill would 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 2822](#) (Waldron R) Worker status: independent contractors: transportation network companies.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions as specified, including various professional services provided by graphic designers, grant writers, and fine artists, among others. This bill would also exempt transportation network companies from the application of Dynamex and the above provisions.

**[AB 2823](#) (Waldron R) Worker status: independent contractors.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions as specified. This bill would expand these exemptions to include an individual who holds an active license from the State of California and is practicing as a land surveyor, landscape architect, geologist, or geophysicist and to include an individual who is a construction manager or planner.

**[AB 2979](#) (Voepel R) Worker status: independent contractors: court interpreters.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current statutory law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is not an employee under the "ABC" test. Current law exempts specified occupations and business relationships from the application of the "ABC" test described above. 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. This bill would also exempt from the "ABC" test specified individuals working as interpreters and translators.

**[AB 3136](#) (Voepel R) Worker status: independent contractors: certified shorthand reporters.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions as specified, including various professional services provided by graphic designers, grant writers, and fine artists, among others. This bill would also exempt certified shorthand reporters from the application of Dynamex and the above provisions.

**[AB 3185](#) (Lackey R) Worker status: independent contractors: referee or umpire for an independent youth sports organization.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and these provisions. Current law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would expand the above-described exemptions to also include individuals providing services as a referee or umpire for an independent youth sports organization.

**[AB 3281](#) (Brough R) Worker status: independent contractors: business-to-business contracting relationship.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law exempts specified occupations and business relationships from the application of the "ABC" test, including a business-to-business contracting relationship, that meets specified requirements, including that a business is a "contracting business" if it demonstrates that it meets specified criteria. 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. This bill would also include as a "contracting business" for purposes of a business-to-business contracting relationship, or business that subject to specified tax provisions relating to sale proprietorships on limited partnerships.

**[ACA 19](#) (Kiley R) Right to Earn a Living Act.**

**Current Text:** Introduced: 1/15/2020 [html](#) [pdf](#)

**Status:** 1/16/2020-From printer. May be heard in committee February 15.

**Summary:** The California Constitution grants many rights to persons, including the right to speak and write freely, as specified, and to be free from cruel and unusual punishment. Current statutory law requires that a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor, for specified purposes, 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, both under the contract for the performance of the work and in fact, 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. This measure, "The Right to Earn a Living Act," would require determinations of whether a person is an employee or an independent contractor to be made using a specified multifactor test that differs from the test described above.

**[SB 806](#) (Grove R) Worker status: employees: independent contractors.**

**Current Text:** Amended: 2/26/2020 [html](#) [pdf](#)

**Status:** 2/26/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

**Summary:** Would establish a new test that, for purposes of specific provisions of the Labor Code governing the relationship of employer and employees, 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 (1) free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact, determined by a preponderance of factors, with no single factor of control being determinative, and either that (2) the person performs work that is outside the usual course of the hiring entity's business, or the work performed is outside the place of business of the hiring entity, or the worker is responsible for the costs of the place of the business where the work is performed, or

that (3) the person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

**[SB 867](#) (Bates R) Worker status: independent contractors: newspaper distributors or newspaper carriers.**

**Current Text:** Introduced: 1/17/2020 [html](#) [pdf](#)

**Status:** 1/29/2020-Referred to Com. on L., P.E. & R.

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is commonly known as the "ABC" test, as described above. Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. Existing law exempts specified occupations and business relationships from the application of Dynamex and the provisions described above. These exemptions include a temporary exemption for newspaper distributors or newspaper carriers, as defined, until January 1, 2021. This bill would delete the above inoperative date of January 1, 2021, applicable to newspaper distributors or newspaper carriers, thereby making the above exemption apply indefinitely.

**[SB 881](#) (Jones R) Worker status: independent contractors: musicians and music industry professionals.**

**Current Text:** Introduced: 1/23/2020 [html](#) [pdf](#)

**Status:** 2/6/2020-Referred to Com. on L., P.E. & R.

**Summary:** Current law, as established in the case of *Dynamex Operations W. v. Superior Court* (2018) 4 Cal.5th 903 (*Dynamex*), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for purposes of specified wage orders. Current law exempts specified occupations and business relationships from the application of *Dynamex* and these provisions. Existing law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would expand the above-described exemptions to also include a musician or music industry professional, except as specified.

**[SB 1039](#) (Galgiani D) Independent workers.**

**Current Text:** Introduced: 2/14/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Com. on RLS.

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is commonly known as the "ABC" test. Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. This bill, known as "The Independent Worker Rights Act of 2020," would set forth legislative findings regarding the intent of the Legislature to develop a modern policy framework that facilitates independent work for those who voluntarily choose it by creating a third classification of workers with basic rights and protections relative to work opportunities, including minimum wage and occupational accident coverage.

**[SB 1236](#) (Stern D) Worker status: independent contractors.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be acted upon on or after March 22.

**Summary:** Current statutory law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is not an employee under the ABC test. Existing 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 the ABC test described above. 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. This bill would make nonsubstantive changes to these provisions.

- [AB 2200](#) (Kalra D) Labor Commissioner.**  
**Current Text:** Introduced: 2/12/2020 [html](#) [pdf](#)  
**Status:** 2/13/2020-From printer. May be heard in committee March 14.  
**Summary:** Current law authorizes the Labor Commissioner to investigate various employee complaints and authorizes the Labor Commissioner to provide for a hearing in any action to recover wages, penalties, and other demands for compensation, as specified. This bill would make various nonsubstantive changes to that provision.
- [SB 900](#) (Hill D) Department of Industrial Relations.**  
**Current Text:** Introduced: 1/30/2020 [html](#) [pdf](#)  
**Status:** 2/12/2020-Referred to Com. on L., P.E. & R.  
**Summary:** Current law expressly authorizes the Department of Industrial Relations to assist and cooperate with the federal Wage and Hour Division and the federal Children’s Bureau in enforcing of the federal Fair Labor Standards Act of 1938 within this state. This bill would recast those provisions and would delete the express authorization for the department to assist and cooperate with the bureau.
- [SB 1384](#) (Monning D) Industrial Welfare Commission.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.  
**Summary:** Current law establishes the Industrial Welfare Commission within the Department of Industrial Relations and specifies that the commission consists of 5 members appointed by the Governor with the consent of the Senate. This bill would make a nonsubstantive change to that provision.
- [SB 1433](#) (Skinner D) Director of Industrial Relations.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.  
**Summary:** Current law establishes the Department of Industrial Relations for specified purposes and provides for its administration by the Director of Industrial Relations. This bill would make nonsubstantive changes to that administration provision.
- [SB 1457](#) (Borgeas R) State regulatory action: reduction or waiver of civil penalties.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.  
**Summary:** Would, with certain exceptions, require a state agency to assist a small business, as defined, in complying with all statutes and regulations administered by the state agency and in any enforcement action by the state agency. The bill would require a state agency to establish a policy, by January 1, 2022, that provides for the reduction or waiver of civil penalties for violations of regulatory or statutory requirements by a small business under appropriate circumstances. The bill would authorize the state agency to update the policy to reflect current issues and conditions affecting small businesses and the state agency.

## CELA Sponsored Bills

- [AB 1947](#) (Kalra D) Employment violation complaints: requirements: time.**  
**Current Text:** Introduced: 1/17/2020 [html](#) [pdf](#)  
**Status:** 1/30/2020-Referred to Coms. on L. & E. and JUD.  
**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 2947](#) (Bonta D) Discrimination: employee complaint: standard of proof.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**Summary:** Would provide that an intentional violation of the California Fair Employment and Housing Act regarding employment occurs when a person intends to discriminate using any of the protected characteristics of any person as a motivating factor in the employment action or decision even though other factors may have also motivated the action or decision, as proven by direct or circumstantial

evidence.

**[AB 3265](#) (McCarty D) Whistleblower protection.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** The California Whistleblower Protection Act requires the California State Auditor to administer its provisions and to investigate and report on improper governmental activities. The act authorizes the auditor to conduct an investigative audit upon receiving specific information that an employee or state agency has engaged in an improper governmental activity, as defined. The act finds and declares that state employees should be free to report waste, fraud, abuse of authority, violation of law, or threat to public health without fear of retribution and that public servants best serve the citizenry when they can be candid and honest without reservation in conducting the people's business. This bill would make technical, nonsubstantive changes to those findings and declarations.

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

**Current Text:** Introduced: 2/11/2020 [html](#) [pdf](#)

**Status:** 2/20/2020-Referred to Coms. on L., P.E. & R. and JUD.

**Summary:** Current law establishes the Department of Fair Employment and Housing (DFEH) within the Business, Consumer Services, and Housing Agency to enforce civil rights laws with respect to housing and employment and to protect and safeguard the right of all persons to obtain and hold employment without discrimination based on specified characteristics or status. The DFEH has specified powers, including the power to receive, investigate, conciliate, mediate, and prosecute certain complaints. 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 of Labor Standards Enforcement, to adopt procedures to ensure that only one of the departments investigates or takes enforcement action in response to the same operative set of facts.

**[SB 1257](#) (Durazo D) Domestic work employees: labor standards.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.

**Summary:** The Domestic Worker Bill of Rights, until July 1, 2024, regulates the hours of work of certain domestic work employees. Current law requires the Division of Labor Standards Enforcement, upon appropriation of funds, to establish and maintain an outreach and education program for the purpose of promoting awareness of, and compliance with, labor protections that affect the domestic work industry, as specified. This bill would make a nonsubstantive change to those provisions.

## Civil Procedure

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

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on JUD.

**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 or agent who is authorized by a party to sign on that party's behalf.

**[AB 2875](#) (Obernoite R) Civil actions: summary judgment: service.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law authorizes documents to be served electronically in civil actions, as specified. If a document is served electronically, any prescribed period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, is extended by 2 court days, unless an exception applies. This bill would clarify that the required 75-day notice period for motions for summary judgment is extended by 2 court days if notice of the motion is served electronically.

**[AB 3062](#) (Obernoite R) Civil actions: pleadings and motions.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law provides that, in a civil action, before filing a demurrer, motion to strike, or motion for judgment on the pleadings, a party is required to meet and confer with the opposing party to try to resolve the objections or claims that would be raised in the demurrer, motion to strike, or motion for judgment on the pleadings. Current law imposes certain requirements, exceptions, and limits on the meet and confer process. This bill would impose similar meet and confer requirements for

special motions to strike (anti-SLAPP motions).

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

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Would 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. The bill would allow a party to object to the use of a peremptory challenge to raise the issue of improper bias 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.

**[AB 3117](#) (Kalra D) Civil actions: costs.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law sets forth a list of costs that a prevailing party may recover in any civil action or proceeding, including filing, motion, and jury fees, travel expenses to attend depositions, attorney's fees when authorized by statute, court reporter's fees, and other like items. This bill would add travel expenses to attend trial to the list of costs a prevailing party may recover.

**[AB 3323](#) (Gabriel D) Civil actions: pleadings.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law provides that variance between the allegation in a pleading and the proof for that allegation shall not be deemed material unless it has actually misled the adverse party to its prejudice in maintaining an action or defense upon the merits. Current law provides that if it appears a party has been so misled, the court may order the pleading to be amended, upon such terms as may be just. This bill would make technical, nonsubstantive changes to this provision.

**[SB 1105](#) (Umberg D) Civil actions: pleadings and settlement.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Com. on JUD.

**Summary:** Current law requires a motion for summary judgment or summary adjudication in a civil action or proceeding to be served and filed at least 75 days before the hearing on the motion. Current law requires an opposition to the motion to be served and filed at least 14 days before the hearing and a reply to the opposition to be served and filed at least 5 days before the hearing. This bill would change the deadline for a party to file a motion for summary judgment or summary adjudication to at least 81 days before the hearing on the motion. The bill would change the deadlines for filing an opposition to at least 20 days before the hearing and for filing a reply to at least 11 days before the hearing.

**[SB 1146](#) (Umberg D) Civil procedure: motions.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be acted upon on or after March 22.

**Summary:** Current law prescribes the written notice that must be made for certain motions. This bill would make technical, nonsubstantive changes to this provision of law.

**[SB 1334](#) (Chang R) Civil damages: protective order.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.

**Summary:** Current law authorizes the court, for good cause, to grant the defendant a protective order requiring the plaintiff to produce evidence of a prima facie case of liability for exemplary and punitive damages prior to the introduction of evidence of the defendant's financial condition or certain profits. This bill would authorize a court to permit evidence of defendant's financial condition and certain profits under specified circumstances, including if the defendant transferred, as specified, assets that are recoverable under the Uniform Voidable Transactions Act, removed or concealed a majority of assets, or absconded.

## Contracts

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

**Current Text:** Amended: 3/2/2020 [html](#) [pdf](#)

**Status:** 3/4/2020-Re-referred to Com. on JUD.

**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 2317](#) (Weber D) Employer obligations: waiver.**

**Current Text:** Introduced: 2/14/2020 [html](#) [pdf](#)

**Status:** 2/15/2020-From printer. May be heard in committee March 16.

**Summary:** Current law regulates the terms and conditions of employment. Current law voids a contract made by an employee to waive specified obligations that the law imposes on employers. This bill would make nonsubstantive changes to these provisions.

**[SB 1135](#) (Hertzberg D) Settlement agreements: confidentiality.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/20/2020-From printer. May be acted upon on or after March 21.

**Summary:** Current law prohibits a provision in a settlement agreement that prevents the disclosure of factual information relating to certain claims of sexual assault, sexual harassment, or harassment or discrimination based on sex, that are filed in a civil or administrative action. Current law provides that a court may consider the pleadings and other papers in the record, or any other findings of the court, in determining the factual foundation of the causes of action specified in these provisions. This bill would delete the specific authorization that a court may consider other findings of the court.

## Discrimination & Civil Rights

**[AB 2355](#) (Bonta D) Employment discrimination: medical cannabis.**

**Current Text:** Introduced: 2/18/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Coms. on L. & E. and JUD.

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

**[AB 2487](#) (Reyes D) California Commission on Human Rights.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/20/2020-From printer. May be heard in committee March 21.

**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.

**[AB 2790](#) (Gabriel D) Personal rights.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be heard in committee March 22.

**Summary:** Current law provides that, in addition to other rights, a person has, subject to the qualifications and restrictions provided by law, the right of protection from bodily restraint or harm, from personal insult, from defamation, and from injury to their personal relations. This bill would make a nonsubstantive change to that provision.

**[AB 2947](#) (Bonta D) Discrimination: employee complaint: standard of proof.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

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

**[AB 3236](#) (Chau D) Consumer credit reports.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law prohibits an employer or prospective employer from using a consumer credit

report for employment purposes unless the person for whom the report is sought is of a specified position. Current law requires the user of a consumer credit report to provide written notice to the person involved before requesting the report for employment purposes, as specified. This bill would make nonsubstantive changes to those provisions.

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

**Current Text:** Introduced: 2/3/2020 [html](#) [pdf](#)

**Status:** 3/4/2020-Set for hearing March 17.

**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 prohibit the department from requiring the applicant's residence address for the purpose of these requests.

**[SB 1241](#) (Gonzalez, Lena D) Discrimination in employment: employment tests and selection procedures.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be acted upon on or after March 22.

**Summary:** Would create a presumption that an employer's decision relating to hiring or promotion based on a test or other selection procedure is not discriminatory, if the test or procedure meets specified criteria, including, among other things, that it is job related and meets a business necessity, as defined by the bill for purposes of these provisions and specified existing law, and that the test or procedure utilizes pretested assessment technology that, upon use, resulted in an increase in the hiring or promotion of a protected class compared to prior workforce composition.

## Education and Outreach

**[AB 3313](#) (Bonta D) Mandatory training: employment laws.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Would require education and training on federal, state, and local jurisdiction employment laws for certain individuals who work in facilities licensed under the California Community Care Facilities Act, including, among others, a facility manager and direct childcare workers in a group home and crisis nursery and staff in adults residential care facilities. The bill would require the training to, among other things, be consistent with information in the Division of Labor Standards Enforcement Policies and Interpretations Manual governing residential facilities.

## Family & Medical & Sick Leave

**[AB 1844](#) (Chu D) Paid sick leave: behavioral health conditions.**

**Current Text:** Introduced: 1/6/2020 [html](#) [pdf](#)

**Status:** 1/17/2020-Referred to Com. on L. & E.

**Summary:** Current law requires employers to provide their employees paid sick leave that is accrued at a specified rate. Current law authorizes an employee to request a paid sick day for prescribed purposes, including diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. This bill would expand the prescribed purposes to also include diagnosis, care, or treatment of an existing behavioral health condition of, or preventive care for, an employee or an employee's family member.

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

**Current Text:** Amended: 2/25/2020 [html](#) [pdf](#)

**Status:** 2/26/2020-Re-referred to Com. on L. & E.

**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 prohibit an employer from designating a sick day, taken by the employee for themselves, as a kin care day, unless the employee authorizes the designation.

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

**Current Text:** Introduced: 2/18/2020 [html](#) [pdf](#)

**Status:** 2/19/2020-From printer. May be heard in committee March 20.

**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 and unemployment benefits.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** The Moore-Brown-Roberti Family Rights Act, or the California Family Rights Act (CFRA), 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 makes this leave available to an employee with more than 12 months of service with the employer and at least 1,250 hours of service with the employer within the last 12 months. Current law creates an exception to this provision, by prescribing that it is not an unlawful employment practice for an employer to refuse to grant a request for family care and medical leave by an employee if the employer employs less than 50 employees within 75 miles of the worksite where that employee is employed. This bill would delete that exception.

**[AB 2999](#) (Low D) Employees: bereavement leave.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Would prohibit an employer from refusing to grant a request by any employee to take up to 10 days of bereavement leave or to interfere with or restrain an employee from doing so. This bill would authorize an employee who has been discharged, disciplined, or discriminated against for exercising their right to bereavement leave to bring a civil action against their employer for reinstatement, specified damages, and attorney's fees. The provisions of the bill would not apply to an employee who is covered by a valid collective bargaining agreement that provides for bereavement leave and other specified working conditions.

**[SB 796](#) (Leyva D) School and community college employees: absences due to illness or accident.**

**Current Text:** Amended: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/19/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on ED.

**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.

**[SB 805](#) (Portantino D) School employees: leaves of absence: natural disasters and evacuation orders.**

**Current Text:** Introduced: 1/8/2020 [html](#) [pdf](#)

**Status:** 3/3/2020-Set for hearing March 25.

**Summary:** Would prohibit the governing board of a school district from requiring an employee of the school district who is employed in a position requiring certification qualifications or a classified employee to use sick, vacation, or other paid leave if the school is forced to close because of a natural disaster or an evacuation order, or if the employee is unable to report to work because they reside in an area affected by a natural disaster or that is subject to an evacuation order.

## Health & Safety

**[AB 2461](#) (Grayson D) Occupational health and safety.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/20/2020-From printer. May be heard in committee March 21.

**Summary:** Current law creates the Occupational Safety and Health Standards Board in the Department of Industrial Relations and prescribes its composition. The board consists of 7 members appointed by the Governor, as specified, and requires the Governor to designate a chairman of the board from among them. The chairman holds the office at the pleasure of the Governor. This bill would make nonsubstantive changes to these provisions.

**[AB 2654](#) (Cervantes D) Emergency services.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be heard in committee March 22.

**Summary:** Would express the intent of the Legislature to enact legislation that would respond to the California State Auditor's Office's December 2019 report, entitled "California is Not Adequately Prepared to Protect its Most Vulnerable Residents from Natural Disasters," that discusses its audit of the Office of Emergency Services and specified counties for emergency preparedness and protection of vulnerable populations.

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

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be heard in committee March 22.

**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. Existing 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 person receiving employment for household domestic service.

**[SB 1103](#) (Hurtado D) Occupational safety: carcinogens: civil penalties.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Com. on JUD.

**Summary:** Current law, the Occupational Carcinogens Control Act of 1976, defines carcinogens, and requires the Occupational Safety and Health Standards Board to adopt standards for carcinogens pursuant to specified standards. Current law prescribes civil penalties applicable to violations of standards and special orders regulating the use of carcinogens, including a civil penalty for repeated serious violations of not less than \$10,000. This bill would change the civil penalty for a repeated serious violation of standards and special orders regulating the use of carcinogens to not less than \$15,000.

**[SB 1257](#) (Durazo D) Domestic work employees: labor standards.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.

**Summary:** The Domestic Worker Bill of Rights, until July 1, 2024, regulates the hours of work of certain domestic work employees. Current law requires the Division of Labor Standards Enforcement, upon appropriation of funds, to establish and maintain an outreach and education program for the purpose of promoting awareness of, and compliance with, labor protections that affect the domestic work industry, as specified. This bill would make a nonsubstantive change to those provisions.

**[SB 1426](#) (Bradford D) Occupational safety and health: complaints: retaliation.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.

**Summary:** Under current law, it is unlawful to discharge or discriminate against an employee for making a complaint regarding employee safety or health, instituting or testifying in a proceeding relating to the employee's rights, participating in an occupational health and safety committee, or reporting a work-related fatality, injury, or illness. Current law makes it a misdemeanor for an employer to willfully refuse to rehire, promote, or otherwise restore an employee who has been determined to be eligible for rehiring or promotion, as specified. This bill would make nonsubstantive changes to these provisions.

## Immigrant Employee Rights

**[SB 1102](#) (Monning D) Employers of H-2A workers: Labor Commissioner: disclosures.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Coms. on L., P.E. & R. and JUD.

**Summary:** Would require an employer to provide an H-2A employee, as specified, on the day the employee begins work in the state, a written notice in Spanish and, if requested by the employee, in English, containing specified information relative to an H-2A employee's rights pursuant to federal and state law. The bill would also require the commissioner to create a template, in English and Spanish, for purposes of carrying out this requirement, including a separate section of the template listing key legal rights of H-2A workers under California Law, and to make the template available to employers in the manner as determined by the commissioner no later than January 2, 2021. The bill would also make conforming changes.

**[AB 3240](#) (Gray D) Labor disputes: strike pay.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law prohibits an employer from discontinuing or changing coverage for medical or other health benefits for its employees without providing specified notice of the termination or change at least 15 days in advance. This bill would prohibit an employer of 25 or more employees from terminating, reducing, or modifying the employer's contribution to an employee's health care coverage while the employee is engaged in a lawful strike.

**[SB 1173](#) (Durazo D) Public employment: labor relations: employee information.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be acted upon on or after March 22.

**Summary:** Current law, 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. Current law also requires the public employers to provide this information for all employees in a bargaining unit at least every 120 days, except as specified. This bill would impose liability on a public employer for violations of the above-described requirements if the violations occur 3 or more times in a 12-month period.

## Practice of Law

**[AB 1842](#) (Salas D) Commission on Judicial Performance: complaints against judges.**

**Current Text:** Introduced: 1/6/2020 [html](#) [pdf](#)

**Status:** 1/30/2020-Referred to Com. on JUD.

**Summary:** Would require the Commission on Judicial Performance to establish and implement a procedure to permit the electronic filing of complaints against judges on or before January 1, 2022. The bill would require the commission to prepare and submit to each courthouse an informational bulletin describing the commission's mission, the procedure for filing a complaint with the commission, and the definition of judicial misconduct, and to ensure that the informational bulletin is publicly displayed at each courthouse in this state. The bill would require the commission to report to the Legislature on or before May 1 of each year, until the requirements of the bill have been completed, regarding, among other things, the commission's progress in implementing these requirements and in purchasing and implementing a new electronic case management system.

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

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Would 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. The bill would allow a party to object to the use of a peremptory challenge to raise the issue of improper bias 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.

**[AB 3194](#) (Weber D) Attorneys.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** The State Bar Act provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation governed by a board of trustees. The act imposes specified requirements to be certified to the Supreme Court for admission and a license to practice law. This bill would state the intent of the Legislature to enact legislation that would pertain to the requirements to practice law.

**[SB 444](#) (Umberg D) University of California: Berkeley and Irvine law schools: Pro Se Indigent Litigant Pilot Project.**

**Current Text:** Amended: 1/15/2020 [html](#) [pdf](#)

**Status:** 1/30/2020-In Assembly. Read first time. Held at Desk.

**Summary:** Would request the Regents of the University of California to enact, no later than July 1, 2021, a resolution to authorize the university's Berkeley and Irvine law schools, in consultation with the superior courts of the Counties of Alameda and Orange, respectively, to participate in a pilot project to develop artificial intelligence or machine-learning solutions to address issues of access to justice faced by pro se indigent litigants who are residents of those counties.

**[SB 1107](#) (Bradford D) Lawyer-client privilege: confidential communication.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 3/4/2020-Set for hearing March 24.

**Summary:** Current law defines a confidential communication between client and lawyer for the purposes of the lawyer-client privilege as information transmitted between a client and the client's lawyer in the course of that relationship and in confidence by a means which, so far as the client is aware, discloses the information to no third persons other than those present to further client's interest or those necessary to transmit the information or accomplish the purpose of the consultation with the lawyer. This bill would provide that a confidential communication between client and lawyer includes a communication of the type described above that occurs when the client is an inmate in custody at specified institutions, or that occurs off the record of a proceeding inside a courthouse or courthouse facility, even if the client is aware that the communication is overheard or intentionally or unintentionally recorded by specified persons.

## Public Employment

**[AB 2438](#) (Chau D) California Public Records Act: conforming revisions.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Com. on JUD.

**Summary:** The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2022.

**[SB 1173](#) (Durazo D) Public employment: labor relations: employee information.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be acted upon on or after March 22.

**Summary:** Current law, 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. Current law also requires the public employers to provide this information for all employees in a bargaining unit at least every 120 days, except as specified. This bill would impose liability on a public employer for violations of the above-described requirements if the violations occur 3 or more times in a 12-month period.

## Sexual Harassment

**[AB 628](#) (Bonta D) Employment: victims of sexual harassment: protections.**

**Current Text:** Amended: 5/16/2019 [html](#) [pdf](#)

**Status:** 2/3/2020-Died on unfinished business file, reconsideration pending.

**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 because of the employee's status as a victim, if the employer has notice or knowledge of that status. Current law additionally prohibits an employer with 25 or more employees from discharging, or discriminating or retaliating against, an employee who is a victim, in this regard, who takes time off to obtain specified services or counseling. This bill would extend these employment protections to victims of sexual harassment, as defined. The bill would also extend these employment protections to specified family members, as defined, of the victims for taking time off from work to provide assistance to the victims when seeking relief or obtaining those services and counseling, as specified.

**[AB 2043](#) (Gonzalez D) Unlawful business practices: employer liability: contracted supervisor.**

**Current Text:** Introduced: 2/3/2020 [html](#) [pdf](#)

**Status:** 2/14/2020-Referrred to Coms. on L. & E. and JUD.

**Summary:** The California Fair Employment and Housing Act, among other things, prohibits an employer, a labor organization, an employment agency, an apprenticeship training program, or any training program leading to employment from harassing, based upon enumerated protected characteristics, such as race or gender, an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract. This bill would also make a client employer responsible for the acts of a contracted supervisor, as those terms are defined, for specified prohibited harassment under these provisions.

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

**Current Text:** Amended: 3/2/2020 [html](#) [pdf](#)

**Status:** 3/4/2020-Re-referred to Com. on JUD.

**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 2915](#) (Rivas, Robert D) Farm labor contractors: licensing: sexual harassment prevention training.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law prohibits a person from acting as a farm labor contractor, as defined, without a license from the Labor Commissioner and imposes civil penalties for a violation of this requirement. Current law requires that a person satisfy various requirements prior to obtaining or renewing a license, including providing a written statement to the Labor Commissioner attesting that all employees have been trained, as provided, in identifying, preventing, and reporting sexual harassment in the workplace. This bill would make nonsubstantive changes to the provisions requiring a written statement to the Labor Commissioner attesting that all employees have been trained in identifying, preventing, and reporting sexual harassment in the workplace

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

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**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 practicing at a medical clinic owned and operated by the University of California, or a physician with active privileges at a hospital owned and operated by the University of California, between January 1, 1980, 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. This bill contains other related provisions.

## Unemployment

**[AB 1993](#) (Kamlager D) Unemployment insurance: benefits.**

**Current Text:** Introduced: 1/27/2020 [html](#) [pdf](#)

**Status:** 1/28/2020-From printer. May be heard in committee February 27.

**Summary:** 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.

**[AB 2818](#) (Grayson D) Unemployment insurance: Employee status: definition.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be heard in committee March 22.

**Summary:** Current law governing unemployment insurance defines "employment" for those purposes, and exempts from this definition the services performed by certain persons. This bill would 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.

## Wage and Hour

**[AB 1850](#) (Gonzalez D) Employee classification: still photographers, photojournalists: freelancers.**

**Current Text:** Amended: 2/27/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Re-referred to Com. on L. & E.

**Summary:** Current statutory law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the "ABC" test is met. Existing law exempts specified occupations and business relationships, including persons providing professional services under specified circumstances. 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. This bill would replace the submission limit and instead exempt still photographers, photojournalists, freelance writers, editors, and newspaper cartoonists from the application of *Dynamex* and these provisions based upon different specified criteria, including that these persons provide professional services pursuant to a contract that includes specified items, as provided.

**[AB 1925](#) (Obernoite R) Worker status: independent contractors: small businesses.**

**Current Text:** Introduced: 1/14/2020 [html](#) [pdf](#)

**Status:** 2/14/2020-Referred to Com. on L. & E.

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. Current law exempts specified occupations and business relationships from the application of the *Dynamex* case and these provisions. Current law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would expand the above-described exemptions to also include small businesses, as defined.

**[AB 1928](#) (Kiley R) Employment standards: independent contractors and employees.**

**Current Text:** Introduced: 1/15/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Motion to suspend Art. IV, Sec. 8(b)(1) of the Constitution and Assembly Rule 96(b) failed. (Ayes 15. Noes 55.)

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is commonly known as the "ABC" test. 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 *Dynamex* and these provisions. Current law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d (Borello). This bill would repeal those existing provisions and instead require a determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in *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. The bill would make related, conforming changes.

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

**Current Text:** Introduced: 1/17/2020 [html](#) [pdf](#)

**Status:** 1/30/2020-Referred to Coms. on L. & E. and JUD.

**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 2120](#) (Patterson R) Income taxes: failure to withhold.**

**Current Text:** Introduced: 2/6/2020 [html](#) [pdf](#)

**Status:** 2/20/2020-Referred to Com. on REV. & TAX.

**Summary:** Under current law, unless it is shown that the failure is due to reasonable cause, any person who fails to withhold from any payments any amount required to be withheld or who fails to transmit the withheld amounts to the Franchise Tax Board on or before the due date is liable for the amount actually withheld, or the amount of taxes due from the taxpayer to whom the payments are made, whichever is greater, but not in excess of the amount required to be withheld. Current law also requires interest to be assessed if any amount required to be withheld is not paid to the Franchise Tax Board on or before the due date, computed from the due date to the date paid. This bill would specify that interest is assessed as specified unless it shown that the failure to pay is due to reasonable cause and not willful neglect.

**[AB 2252](#) (Diep R) Labor Code Private Attorneys General Act of 2004.**

**Current Text:** Introduced: 2/13/2020 [html](#) [pdf](#)

**Status:** 2/14/2020-From printer. May be heard in committee March 15.

**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.

**[AB 2389](#) (Garcia, Cristina D) Adult performers: employment rights.**

**Current Text:** Amended: 2/27/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Re-referred to Com. on L. & E.

**Summary:** Would prohibit adult entertainers or performers from working at an adult entertainment business or working in an adult entertainment video unless they have received a certificate of training completion regarding their employment rights, as specified. The bill would, on and after July 1, 2022, require these entertainers and performers to complete a specified biennial training program regarding safety and working rights for adult entertainer workers. The bill would, by January 1, 2022, require the Department of Industrial Relations to create the training program and to convene an advisory group, composed of specified representatives of the adult performance industry, to provide recommendations for the creation and dissemination of the training.

**[AB 2457](#) (Melendez R) Worker status: independent contractors: pharmacists.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and these provisions. Current law instead provides that these exempt relationships are governed by the test adopted in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. This bill would expand specified exemptions to also include individuals who are licensed pharmacists.

**[AB 2458](#) (Melendez R) Worker status: independent contractors: physical therapists.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions described above, including certain licensed medical professionals. Existing law instead provides that these exempt relationships are governed by the test adopted in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. This bill would also exempt individuals working as physical therapists from the provisions as specified.

**[AB 2463](#) (Wicks D) Enforcement of money judgments: execution: homestead.**

**Current Text:** Amended: 3/2/2020 [html](#) [pdf](#)

**Status:** 3/4/2020-Re-referred to Com. on JUD.

**Summary:** Would prohibit a sale under execution of a judgment lien of a judgment debtor's principal place of residence if the underlying judgment is based on an unsecured consumer debt, as defined.

**[AB 2465](#) (Gonzalez D) Worker status: independent contractors: barbering and cosmetology.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Coms. on L. & E. and B. & P.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and these provisions, including a person licensed as an esthetician, electrologist, manicurist, barber, or cosmetologist who meets specified requirement. Existing law instead provides that these exempt relationships are governed by the test adopted in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. Current law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Current law authorizes the board to make rules and regulations in furtherance of the act. This bill would recast and reorganize the exemptions for a person licensed as an esthetician, electrologist, manicurist, barber, or cosmetologist.

- [AB 2479](#) (Gipson D) Rest periods: petroleum facilities: safety-sensitive positions.**  
**Current Text:** Amended: 3/4/2020 [html](#) [pdf](#)  
**Status:** 3/4/2020-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.  
**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 2497](#) (Bigelow R) Worker status: independent contractors: livestock judges.**  
**Current Text:** Amended: 3/4/2020 [html](#) [pdf](#)  
**Status:** 3/4/2020-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.  
**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 Dynamex and the specified provisions, including various professional services provided by graphic designers, grant writers, and fine artists, among others. This bill would exempt a person providing services as a livestock judge from the application of Dynamex and specified provisions.
- [AB 2530](#) (Fong R) Labor Code Private Attorneys General Act of 2004: filing requirements.**  
**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)  
**Status:** 3/2/2020-Referred to Coms. on L. & E. and JUD.  
**Summary:** The Labor Code Private Attorneys General Act of 2004 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 of which of the subdivision of the act the action is being brought under and to inform the employer if statutory right to cure provisions apply.
- [AB 2572](#) (Dahle, Megan R) Worker status: independent contractors.**  
**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)  
**Status:** 3/2/2020-Referred to Com. on L. & E.  
**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 Dynamex and specified provisions. This bill would also exempt timber operators, registered forest professionals, geologists and geophysicists, and land surveyors who meet certain statutory licensing requirements
- [AB 2588](#) (Kalra D) Educational programs and training: costs: employees and applicants providing direct patient care.**  
**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)  
**Status:** 2/21/2020-From printer. May be heard in committee March 22.  
**Summary:** Current law requires an employer to indemnify the employer's employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of the employee's duties, or of the employee's obedience to the employer's directions, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful. This bill would provide that the expense or cost of any employer-provided or employer-required educational program or training, as defined, for an employee providing direct patient care or an applicant for direct patient care employment constitutes a necessary expenditure or loss incurred by the employee in direct consequence of the discharge of the employee's duties.
- [AB 2750](#) (Bigelow R) Worker status: independent contractors.**  
**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)  
**Status:** 2/21/2020-From printer. May be heard in committee March 22.  
**Summary:** Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. Existing law exempts specified occupations and business relationships from the application of the "ABC" test. 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. This bill would make nonsubstantive changes to these provisions.
- [AB 2758](#) (Cooper D) Alternative workweek schedule.**  
**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be heard in committee March 22.

**Summary:** Current law authorizes an employer to propose a regularly scheduled alternative workweek, as specified, that will be adopted if it receives approval in a secret ballot election by at least 2/3 of affected employees in a work unit. This bill would make nonsubstantive changes to those provisions.

**AB 2793 (Mathis R) Worker status: independent contractors.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is commonly known as the "ABC" test. Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions described above. Current law instead provides that these exempt relationships are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would expand these exemptions to include individuals providing services as a licensed marriage and family therapist.

**AB 2794 (Mathis R) Worker status: independent contractors: health facilities: health care providers.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractor. Current law exempts specified occupations and business relationships from the application of the ABC test described above, including licensed insurance agents, certain health care professionals, including physicians and surgeons, dentists, and podiatrists, subject to meeting certain conditions and license requirements. 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. This bill would expand the above-described exemptions to also include health facilities, as defined, which contract with companies that employ health care providers who provide services to patients at those facilities.

**AB 2796 (Fong R) Worker status: independent contractors: newspaper distributors and newspaper carriers.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and specified provisions. These exemptions include a temporary exemption for newspaper distributors or newspaper carriers, as defined, until January 1, 2021. This bill would delete the above inoperative date of January 1, 2021, applicable to newspaper distributors or newspaper carriers, thereby making the above exemption apply indefinitely.

**AB 2822 (Waldron R) Worker status: independent contractors: transportation network companies.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions as specified, including various professional services provided by graphic designers, grant writers, and fine artists, among others. This bill would also exempt transportation network companies from the application of Dynamex and the above provisions.

**AB 2823 (Waldron R) Worker status: independent contractors.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 3/2/2020-Referred to Com. on L. & E.

**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions as specified. This bill would expand these exemptions to include an individual who holds an active license from the State of California and is practicing as a land surveyor, landscape architect, geologist, or geophysicist and to include an individual who is a construction manager or planner.

**AB 2850 (Low D) Wages.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law prohibits an employer from collecting or receiving any part of the wages paid to an employee. This bill would make nonsubstantive changes to that provision.

- [AB 2905](#) (Ramos D) Internships.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**Summary:** Would state the intent of the Legislature to enact legislation to incentivize employers to provide internship opportunities.
- [AB 2930](#) (Petrie-Norris D) Wages.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**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 2941](#) (Flora R) Itemized wage statements.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**Summary:** Current law requires an employer, either semimonthly or at the time of each payment of wages, to furnish their employees with an accurate itemized wage statement showing specified information. This bill would make nonsubstantive changes to these provisions.
- [AB 2979](#) (Voepel R) Worker status: independent contractors: court interpreters.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**Summary:** Current statutory law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is not an employee under the "ABC" test. Current law exempts specified occupations and business relationships from the application of the "ABC" test described above. 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. This bill would also exempt from the "ABC" test specified individuals working as interpreters and translators.
- [AB 3096](#) (Chiu D) Division of Labor Standards Enforcement.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**Summary:** Current law creates the Division of Labor Standards Enforcement within the Department of Industrial Relations. Current law provides that an executive officer, known as the Chief of the Division of Labor Standards Enforcement, shall be appointed by the Governor, and serve at the pleasure of the Director of Industrial Relations, as specified. This bill would make a nonsubstantive change to those provisions.
- [AB 3136](#) (Voepel R) Worker status: independent contractors: certified shorthand reporters.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and the provisions as specified, including various professional services provided by graphic designers, grant writers, and fine artists, among others. This bill would also exempt certified shorthand reporters from the application of Dynamex and the above provisions.
- [AB 3185](#) (Lackey R) Worker status: independent contractors: referee or umpire for an independent youth sports organization.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**Summary:** Current law exempts specified occupations and business relationships from the application of Dynamex and these provisions. Current law instead provides that these exempt relationships are governed by the test adopted in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. This bill would expand the above-described exemptions to also include individuals providing services as a referee or umpire for an independent youth sports organization.
- [AB 3187](#) (Petrie-Norris D) Employment: wages and hours: overtime.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-Read first time.  
**Summary:** Current law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Current law authorizes the adoption by 2/3 of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek. Current law

defines terms for those purposes. This bill would make nonsubstantive changes to those definitions.

**[AB 3281](#) (Brough R) Worker status: independent contractors: business-to-business contracting relationship.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** Current law exempts specified occupations and business relationships from the application of the "ABC" test, including a business-to-business contracting relationship, that meets specified requirements, including that a business is a "contracting business" if it demonstrates that it meets specified criteria. 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. This bill would also include as a "contracting business" for purposes of a business-to-business contracting relationship, or business that subject to specified tax provisions relating to sale proprietorships on limited partnerships.

**[ACA 19](#) (Kiley R) Right to Earn a Living Act.**

**Current Text:** Introduced: 1/15/2020 [html](#) [pdf](#)

**Status:** 1/16/2020-From printer. May be heard in committee February 15.

**Summary:** The California Constitution grants many rights to persons, including the right to speak and write freely, as specified, and to be free from cruel and unusual punishment. Current statutory law requires that a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor, for specified purposes, 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, both under the contract for the performance of the work and in fact, 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. This measure, "The Right to Earn a Living Act," would require determinations of whether a person is an employee or an independent contractor to be made using a specified multifactor test that differs from the test described above.

**[SB 806](#) (Grove R) Worker status: employees: independent contractors.**

**Current Text:** Amended: 2/26/2020 [html](#) [pdf](#)

**Status:** 2/26/2020-From committee with author's amendments. Read second time and amended. Referred to Com. on RLS.

**Summary:** Would establish a new test that, for purposes of specific provisions of the Labor Code governing the relationship of employer and employees, 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 (1) free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact, determined by a preponderance of factors, with no single factor of control being determinative, and either that (2) the person performs work that is outside the usual course of the hiring entity's business, or the work performed is outside the place of business of the hiring entity, or the worker is responsible for the costs of the place of the business where the work is performed, or that (3) the person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

**[SB 850](#) (Leyva D) Work hours: scheduling.**

**Current Text:** Introduced: 1/13/2020 [html](#) [pdf](#)

**Status:** 1/22/2020-Referred to Coms. on L., P.E. & R. and JUD.

**Summary:** Would require an employer, which includes a grocery store establishment, restaurant, or retail store establishment, to provide its employees with a work schedule at least 7 calendar days prior to the first shift on that work schedule, except as specified. The bill would require an employer, except as specified, to pay its employees modification pay for each previously scheduled shift that the employer cancels or moves to another date or time, for any previously unscheduled shift that the employer requires an employee to work, or for each on-call shift for which an employee is required to be available but is not called in to work that shift. The bill would require an employer to post a poster containing specified information regarding an employee's right to receive modification pay and would require the Labor Commissioner to create the poster and make it available.

**[SB 867](#) (Bates R) Worker status: independent contractors: newspaper distributors or newspaper carriers.**

**Current Text:** Introduced: 1/17/2020 [html](#) [pdf](#)

**Status:** 1/29/2020-Referred to Com. on L., P.E. & R.

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently

established trade, occupation, or business. This test is commonly known as the “ABC” test, as described above. Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. Existing law exempts specified occupations and business relationships from the application of Dynamex and the provisions described above. These exemptions include a temporary exemption for newspaper distributors or newspaper carriers, as defined, until January 1, 2021. This bill would delete the above inoperative date of January 1, 2021, applicable to newspaper distributors or newspaper carriers, thereby making the above exemption apply indefinitely.

**[SB 881](#) (Jones R) Worker status: independent contractors: musicians and music industry professionals.**

**Current Text:** Introduced: 1/23/2020 [html](#) [pdf](#)

**Status:** 2/6/2020-Referred to Com. on L., P.E. & R.

**Summary:** Current law, as established in the case of Dynamex Operations W. v. Superior Court (2018) 4 Cal.5th 903 (Dynamex), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Current law requires a 3-part test, commonly known as the “ABC” test, to determine if workers are employees or independent contractors for purposes of specified wage orders. Current law exempts specified occupations and business relationships from the application of Dynamex and these provisions. Existing law instead provides that these exempt relationships are governed by the test adopted in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. This bill would expand the above-described exemptions to also include a musician or music industry professional, except as specified.

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

**Current Text:** Introduced: 2/11/2020 [html](#) [pdf](#)

**Status:** 2/20/2020-Referred to Coms. on L., P.E. & R. and JUD.

**Summary:** Current law establishes the Department of Fair Employment and Housing (DFEH) within the Business, Consumer Services, and Housing Agency to enforce civil rights laws with respect to housing and employment and to protect and safeguard the right of all persons to obtain and hold employment without discrimination based on specified characteristics or status. The DFEH has specified powers, including the power to receive, investigate, conciliate, mediate, and prosecute certain complaints. 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 of Labor Standards Enforcement, to adopt procedures to ensure that only one of the departments investigates or takes enforcement action in response to the same operative set of facts.

**[SB 1039](#) (Galgiani D) Independent workers.**

**Current Text:** Introduced: 2/14/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Com. on RLS.

**Summary:** Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is commonly known as the “ABC” test. Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. This bill, known as “The Independent Worker Rights Act of 2020,” would set forth legislative findings regarding the intent of the Legislature to develop a modern policy framework that facilitates independent work for those who voluntarily choose it by creating a third classification of workers with basic rights and protections relative to work opportunities, including minimum wage and occupational accident coverage.

**[SB 1129](#) (Dodd D) Employment: itemized wage statements: violations: actions.**

**Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)

**Status:** 2/27/2020-Referred to Coms. on L., P.E. & R. and JUD.

**Summary:** Would require an employee alleging a violation of itemized wage statement provisions to meet specified requirements before bringing an action against the employer, which would include providing written notice by certified mail to the employer of the alleged violation, including the facts and theories to support the alleged violation, and would allow the employer 65 calendar days of the postmark date of the notice to cure the violation, as specified.

**[SB 1159](#) (Hill D) Wages.**

**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)

**Status:** 2/21/2020-From printer. May be acted upon on or after March 22.

**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.

- [SB 1236](#) (Stern D) Worker status: independent contractors.**  
**Current Text:** Introduced: 2/20/2020 [html](#) [pdf](#)  
**Status:** 2/21/2020-From printer. May be acted upon on or after March 22.  
**Summary:** Current statutory law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is not an employee under the ABC test. Existing 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 the ABC test described above. 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. This bill would make nonsubstantive changes to these provisions.
- [SB 1331](#) (Bradford D) Local government: overtime enforcement.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.  
**Summary:** Current law authorizes the Labor Commissioner, in a jurisdiction where a local entity has the legal authority to issue a citation against an employer for a violation of any applicable local overtime law, on request from the local entity, to issue a citation against an employer for a violation of any applicable local overtime law if the local entity has not cited the employer for the same violation. Existing law prohibits a local entity from issuing a citation to the employer if the commissioner has already issued a citation to that employer for the same violation. Current law provides specified civil penalties for violations of these provisions. This bill would increase the amount of those civil penalties for violations of these provisions.
- [SB 1368](#) (Durazo D) Protected employee conduct.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.  
**Summary:** Current law prohibits a person from discharging an employee or in any manner discriminating, retaliating, or taking any adverse action against any employee or applicant for employment because the employee or applicant engaged in protected conduct, as specified. Current law makes it a misdemeanor for an employer to willfully refuse to hire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law. Current law also prohibits a person from retaliating against an employee because the employee is a family member of a person who has, or is perceived to have, engaged in specified protected conduct. This bill would make nonsubstantive changes to these provisions.
- [SB 1452](#) (Morrell R) The Labor Code Private Attorneys General Act of 2004.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.  
**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 1457](#) (Borgeas R) State regulatory action: reduction or waiver of civil penalties.**  
**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)  
**Status:** 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.  
**Summary:** Would, with certain exceptions, require a state agency to assist a small business, as defined, in complying with all statutes and regulations administered by the state agency and in any enforcement action by the state agency. The bill would require a state agency to establish a policy, by January 1, 2022, that provides for the reduction or waiver of civil penalties for violations of regulatory or statutory requirements by a small business under appropriate circumstances. The bill would authorize the state agency to update the policy to reflect current issues and conditions affecting small businesses and the state agency.

## Whistleblower

- [AB 1947](#) (Kalra D) Employment violation complaints: requirements: time.**  
**Current Text:** Introduced: 1/17/2020 [html](#) [pdf](#)  
**Status:** 1/30/2020-Referred to Coms. on L. & E. and JUD.  
**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 1961](#) (Patterson R) Whistleblower protection.**

**Current Text:** Introduced: 1/21/2020 [html](#) [pdf](#)

**Status:** 1/22/2020-From printer. May be heard in committee February 21.

**Summary:** The California Whistleblower Protection Act defines a "protected disclosure" to mean, among other things, a good faith communication that discloses information that may evidence an improper governmental activity. The act specifically includes in "protected disclosure" a good faith communication to the California State Auditor's Office alleging an improper governmental activity and any evidence delivered to the California State Auditor's Office in support of the allegation. Under the act, "protected disclosure" also includes, but is not limited to, a complaint made to the Commission on Judicial Performance. This bill would expand the definition of the term "protected disclosure" to include a complaint made to a Member of the Legislature, the Legislature, or any subdivision thereof.

**[AB 3265](#) (McCarty D) Whistleblower protection.**

**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)

**Status:** 2/24/2020-Read first time.

**Summary:** The California Whistleblower Protection Act requires the California State Auditor to administer its provisions and to investigate and report on improper governmental activities. The act authorizes the auditor to conduct an investigative audit upon receiving specific information that an employee or state agency has engaged in an improper governmental activity, as defined. The act finds and declares that state employees should be free to report waste, fraud, abuse of authority, violation of law, or threat to public health without fear of retribution and that public servants best serve the citizenry when they can be candid and honest without reservation in conducting the people's business. This bill would make technical, nonsubstantive changes to those findings and declarations.

**Total Measures: 136**

**Total Tracking Forms: 136**