

# Labor and Employment Bills of 2019\*

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\*Signed bills will become law effective January 1, 2020, unless otherwise specified.

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## CELA-Sponsored and Priority Legislation

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- ❖ **Harassment and Discrimination Statute of Limitations.** [AB 9](#) (Reyes) - This bill was a reintroduction of AB 1870, which was vetoed last year by Governor Brown. This bill would extend the filing deadline for employment complaints under the Fair Employment and Housing Act from one to three years. **Status:** *Signed!*
- ❖ **No Rehire Clauses.** [AB 749](#) (Stone) – This bill would ban “No Rehire” clauses that restrict employment opportunities for workers settling a sexual harassment or other employment dispute. **Status:** *Signed!*
- ❖ **Equal Pay.** [AB 758](#) (Carrillo) – This bill would clarify that workers need only one comparator to establish a claim under the Equal Pay Act, that gender non-binary individuals are covered under the law, and that that individuals have one year (not six months) to file an administrative retaliation complaint. **Status:** *Held in Assembly Appropriations Committee.*
- ❖ **Strategic Non-Payment of Arbitration Fees.** [SB 707](#) (Wieckowski and Hertzberg) – This bill would provide procedural remedies for consumers and employees when companies strategically withhold payment of arbitration fees in order to stall or impede the arbitration proceedings. The bill would allow arbitrators and courts to impose appropriate sanctions on the defaulting party, up to and including terminating sanctions. This bill would also address the issue of diversity in the arbitration industry by requiring arbitration companies to report the same kind of demographic information about their arbitrators as the Judicial Council is required to report about state court justices and judges. **Status:** *Signed!*
- ❖ **Family Leave and Job Protection.** [SB 135](#) (Stone) – This bill would: (1) expand the scope of the California Family Rights Act (CFRA) by reducing the employee threshold and time of service requirement to prohibit employers with five or more employees from refusing to grant an employee request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee had 180 days of service with the employer; (2) expand the list of individuals for which a worker can take leave under CFRA to include child-in-laws, grandparents, grandchildren, siblings, domestic partners, parent-in-laws, or a designated person; and (3) expand the scope of CFRA and Paid Family Leave to include time off to care for a seriously ill designated person or child-in-law, as defined, or to bond with a designated person or child-in-law within one year of the birth or placement of that individual. **Status:** *Held in the Senate.*
- ❖ **Forced Arbitration.** [AB 51](#) (Gonzalez Fletcher) – This bill was a reintroduction of AB 3080, which was vetoed last year by Governor Brown. This bill would prohibit employees from being forced to waive their rights under the FEHA or the Labor Code as a condition of employment. The bill would also prohibit employers from retaliating against a worker who refuses to sign an arbitration agreement. **Status:** *Signed!*
- ❖ **Retaliation and Whistleblower Protections.** [AB 403](#) (Kalra) – This bill would extend the statute of limitations for retaliation claims under Labor Code Section 98.7 from 6 months to 2 years and allow prevailing plaintiffs to recover their attorney's fees under Section 1102.5. This is the same bill that was held in the Assembly last year. **Status:** *Vetoed*

- ❖ **Protections for victims of Domestic Violence and Sexual Assault.** [AB 1478](#) (Carrillo) – This bill would provide a private right of action and remedies for an employee who is discriminated or retaliated against by their employer due to their status as a victim of domestic violence, sexual assault, and stalking. This bill would also entitle a prevailing plaintiff to reasonable attorney's fees. **Status:** *Vetoed*
  - ❖ **Late Paychecks.** [AB 673](#) (Carrillo) – This bill would allow workers to recover penalties through the Labor Commissioner for late paychecks. Current law sets out penalties for late paychecks that can only be recovered by the Labor Commissioner on behalf of the state. AB 673 would allow the worker to recover this penalty through the Labor Commissioner while also preserving the ability to enforce the penalty through PAGA. **Status:** *Signed!*
  - ❖ **Codification of Dynamex.** [AB 5](#) (Gonzalez Fletcher) – This bill would codify the ABC test, as set out in *Dynamex*, as the standard for determining whether a worker is an employee or an independent contractor under all provisions of the Labor Code and the Unemployment Insurance Code. This bill was amended to exempt specific professions from the ABC test (and restoring the *Borello* test for these professions), including professionals in the financial services industry (insurance agents, accountants, securities brokers, investment advisors), direct sales salespersons, real estate licensees, workers providing hairstyling or barbering services, and those performing work under a contract for professional services that require an active license, like law, dentistry, architecture, engineering, or accounting. **Status:** *Signed!*
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## Arbitration

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- [AB 51](#)      **(Gonzalez D) Employment discrimination: enforcement.**  
**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)  
**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 711, Statutes of 2019.  
**Summary:** Would prohibit a person from requiring any applicant for employment or any employee to waive any right, forum, or procedure for a violation of any provision of the California Fair Employment and Housing Act (FEHA) or other specific statutes governing employment as a condition of employment, continued employment, or the receipt of any employment-related benefit. The bill would also prohibit an employer from threatening, retaliating or discriminating against, or terminating any applicant for employment or any employee because of the refusal to consent to the waiver of any right, forum, or procedure for a violation of specific statutes governing employment.
- [AB 692](#)      **(Maienschein D) Attorneys: arbitration of attorney's fees.**  
**Current Text:** Chaptered: 6/26/2019 [\\_html\\_](#) [\\_pdf\\_](#)  
**Status:** 6/26/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 13, Statutes of 2019.  
**Summary:** Current law prohibits commencement of arbitration if a civil action requesting the same relief would be barred by existing law governing the time of commencing civil actions. Current law establishes an exception to that prohibition for a request for arbitration by a client pursuant to specified provisions for arbitration of attorney's fees, following the filing of a civil action by the attorney. This bill would instead allow commencement of arbitration upon a request for arbitration by a client pursuant to those provisions, following the commencement of an action in any court or any other proceeding by the attorney.
- [SB 179](#)      **(Nielsen R) Excluded employees: arbitration.**  
**Current Text:** Introduced: 1/28/2019 [\\_html\\_](#) [\\_pdf\\_](#)  
**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/5/2019)(May be acted upon Jan 2020)  
**Summary:** Would enact the Excluded Employee Arbitration Act to permit an employee organization that represents an excluded employee who has filed certain grievances with the Department of Human Resources to request arbitration of the grievance if specified conditions are met. The bill would require the designation of a standing panel of arbitrators and, under specified circumstances, the provision of arbitrators from the California State Mediation and Conciliation Service within the Public Employment Relations Board.
- [SB 707](#)      **(Wieckowski D) Arbitration agreements: enforcement.**  
**Current Text:** Chaptered: 10/13/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/13/2019-Signed by the Governor

**Summary:** Current law regulates arbitrations conducted pursuant to an agreement, as specified. In an employment or consumer arbitration in which the drafting party, as defined, is required to pay certain fees and costs before the arbitration can proceed, this bill would provide that if the fees or costs to initiate an arbitration proceeding are not paid within 30 days after the due date, the drafting party is in material breach of the arbitration agreement, is in default of the arbitration, and waives its right to compel arbitration. If the drafting party materially breaches the arbitration agreement and is in default of the arbitration, the bill would authorize the employee or consumer to either withdraw the claim from arbitration and proceed in a court of appropriate jurisdiction, or to compel arbitration in which the drafting party is required to pay reasonable attorney's fees and costs related to the arbitration. If the employee or consumer proceeds with an action in a court of appropriate jurisdiction, the bill would provide that the statute of limitations with regard to all claims brought or that relate back to any claim brought in arbitration are tolled, as specified.

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## Civil Procedure and Practice of Law

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### [AB 1349](#)

**(Obernolte R) Civil actions: discovery.**

**Current Text:** Chaptered: 8/30/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 8/30/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 190, Statutes of 2019.

**Summary:** Current law governs discovery in civil actions, and allows a party to obtain discovery from another party through written interrogatories and requests for admission, among others. Under current law, each response by the responding party to these discovery requests is required to include the same number or letter, and be in the same sequence, as the corresponding discovery request, as specified, but is not required to repeat the text of the particular discovery request. In order to facilitate the discovery process, this bill would, upon request in one of the aforementioned discovery methods, require a party to provide the requesting party with the document propounding or responding to the discovery request in electronic format within 3 court days of the request, except as specified.

### [AB 1361](#)

**(Obernolte R) Civil actions: satisfaction of money judgments.**

**Current Text:** Chaptered: 7/1/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/1/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 48, Statutes of 2019.

**Summary:** Current law requires money received in satisfaction of a money judgment to be credited against costs, interest, court fees, and the principal amount of the judgment in a specified order. This bill would provide that payment in satisfaction of a money judgment, or a severable portion thereof, does not constitute a waiver of the right to appeal, except under certain circumstances. The bill would state that these provisions are declaratory of current law.

### [SB 17](#)

**(Umberg D) Civil discovery: sanctions.**

**Current Text:** Chaptered: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/12/2019-Signed by the Governor

**Summary:** The Civil Discovery Act authorizes a party to a civil action to obtain discovery, as specified, by inspecting documents, tangible things, land or other property, and electronically stored information in the possession of any other party to the action. Current law authorizes a court, after notice to any affected party, person, or attorney, and after opportunity for hearing, to impose sanctions against anyone engaging in conduct that is a misuse of the discovery process, as specified. This bill would, upon order of the court following stipulation by all parties in a civil action, require a party to, within 45 days of the court order, provide to the other parties an initial disclosure that includes certain information related to discoverable information, as specified.

### [SB 41](#)

**(Hertzberg D) Civil actions: damages.**

**Current Text:** Chaptered: 7/30/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/30/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 136, Statutes of 2019.

**Summary:** Current law authorizes a person who suffers a loss or harm to that person or that person's property, from an unlawful act or omission of another to recover monetary compensation, known as damages, from the person in fault. Current law specifies the measure of damages as the amount which will compensate for the loss or harm, whether anticipated or not, and requires the damages awarded be reasonable. This bill would prohibit the estimation, measure, or calculation of past, present, or future damages for lost earnings or impaired earning capacity resulting from personal injury or wrongful death from being reduced based on race, ethnicity, or gender.

### [SB 370](#)

**(Umberg D) Discovery: response to inspection demands.**

**Current Text:** Chaptered: 8/30/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 8/30/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 208, Statutes of 2019.

**Summary:** The Civil Discovery Act requires any documents produced in response to an inspection demand to be

produced as they are kept in the usual course of business, or be organized and labeled to correspond with the categories in the demand. This bill would eliminate the option to produce documents as they are kept in the usual course of business, thereby requiring all documents or category of documents produced in response to a demand for inspection, copying, testing, or sampling to be identified with the specific request number to which the documents respond.

**SB 518**

**(Wieckowski D) Civil actions: settlement offers.**

**Current Text:** Vetoed: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/12/2019-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Summary:** Current law, in a civil action to be resolved by trial or arbitration, authorizes a party to serve an offer in writing on any other party to the action to allow judgment to be taken or an award to be entered in accordance with the terms and conditions stated at the time. Existing law shifts specified postoffer costs to a plaintiff who does not accept a defendant's offer if the plaintiff fails to obtain a more favorable judgment or award. Current law also authorizes a court or arbitrator to order a party who does not accept the opposing party's offer and fails to obtain a more favorable judgment or award to cover the postoffer costs for the services of expert witnesses, as specified. Current law exempts certain actions from those provisions, including any labor arbitration filed pursuant to a memorandum of understanding under the Ralph C. Dills Act. This bill would also exempt from those provisions any action to enforce the California Public Records Act.

**SB 749**

**(Durazo D) California Public Records Act: trade secrets.**

**Current Text:** Amended: 9/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/13/2019)(May be acted upon Jan 2020)

**Summary:** Would provide that specified records of a private industry employer that are prepared, owned, used, or retained by a public agency are not trade secrets and are public records, including certain records relating to employment terms and conditions of employees working for a private industry employer pursuant to a contract with a public agency, records of compliance with local, state, or federal domestic content requirements, and records of a private industry employer's compliance with job creation, job quality, or job retention obligations contained in a contract or agreement with a state or local agency.

**AB 424**

**(Gabriel D) Depositions: audio or video recordings.**

**Current Text:** Amended: 6/14/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was JUD. on 4/24/2019)(May be acted upon Jan 2020)

**Summary:** The Civil Discovery Act provides procedures for the recording of depositions by means of audio or video technology. A party who intends to offer an audio or video recording of the deposition in evidence must accompany the offer with a stenographic transcript prepared from the recording, unless a stenographic record was previously prepared. This bill would clarify that a stenographic transcript accompanying an audio or video recording of deposition testimony offered into evidence must be prepared by a certified shorthand reporter. It would also restate the ability of parties to modify the act's procedures for the recording of oral depositions by means of audio or video technology.

**AB 692**

**(Maienschein D) Attorneys: arbitration of attorney's fees.**

**Current Text:** Chaptered: 6/26/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 6/26/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 13, Statutes of 2019.

**Summary:** Current law prohibits commencement of arbitration if a civil action requesting the same relief would be barred by existing law governing the time of commencing civil actions. Current law establishes an exception to that prohibition for a request for arbitration by a client pursuant to specified provisions for arbitration of attorney's fees, following the filing of a civil action by the attorney. This bill would instead allow commencement of arbitration upon a request for arbitration by a client pursuant to those provisions, following the commencement of an action in any court or any other proceeding by the attorney.

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## Discrimination & Civil Rights

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**AB 9**

**(Reyes D) Employment discrimination: limitation of actions.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 709, Statutes of 2019.

**Summary:** The California Fair Employment and Housing Act makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the

Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the above-described period to 3 years for complaints alleging employment discrimination, as specified. The bill would specify that the operative date of the verified complaint is the date that the intake form was filed with the Labor Commissioner.

**[AB 25](#) (Chau D) California Consumer Privacy Act of 2018.**

**Current Text:** Chaptered: 10/11/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/11/2019-Signed by the Governor

**Summary:** The California Consumer Privacy Act of 2018, beginning January 1, 2020, grants consumers various rights with regard to their personal information held by businesses, including the right to request a business to disclose specific pieces of personal information it has collected and to have information held by that business deleted, as specified. The act requires a business to disclose and deliver the required information to a consumer free of charge within 45 days of receiving a verifiable consumer request from the consumer. The act prohibits a business from requiring a consumer to create an account with the business in order to make a verifiable consumer request. This bill would provide an exception to that prohibition by authorizing a business to require authentication of the consumer that is reasonable in light of the nature of the personal information requested in order to make a verifiable consumer request.

**[AB 160](#) (Voepel R) Employment policy: voluntary veterans' preference.**

**Current Text:** Amended: 4/29/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was JUD. on 5/29/2019)(May be acted upon Jan 2020)

**Summary:** Would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring or retaining a veteran over another qualified applicant or employee. The bill would provide that the granting of a veterans' preference pursuant to the bill, in and of itself, shall be deemed not to violate any local or state equal employment opportunity law or regulation, including, but not limited to, the antidiscrimination provisions of California Fair Employment and Housing Act (FEHA).

**[AB 242](#) (Kamlager-Dove D) Courts: attorneys: implicit bias: training.**

**Current Text:** Chaptered: 10/2/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/2/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 418, Statutes of 2019.

**Summary:** Current law authorizes the Judicial Council to provide by rule of court for racial, ethnic, and gender bias, and sexual harassment training and training for any other bias based on sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation for judges, commissioners, and referees. This bill would authorize the Judicial Council to develop training on implicit bias with respect to these characteristics. The bill would require all court staff who interact with the public to complete 2 hours of any training developed by the Judicial Council pursuant to this authorization every 2 years. The bill would authorize the Judicial Council to adopt a rule of court, effective January 1, 2021, to implement these requirements.

**[AB 365](#) (Garcia, Cristina D) State civil service: examination and hiring processes.**

**Current Text:** Vetoed: 10/9/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/9/2019-Vetoed by Governor.

**Summary:** Under current state civil service law, the Department of Human Resources administers the Limited Examination and Appointment Program (LEAP) to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Until January 1, 2021, the program includes persons with a developmental disability, as defined. Current law, until January 1, 2021, specifies that LEAP is a voluntary, additional method of applying for state employment and is not a mandate on any state agency employer or job applicant, except as specified. Current law also, until January 1, 2021, requires the department to develop and create an internship program, in coordination with specified state entities, and establish several related requirements to that effect. This bill would extend all of the above described LEAP program provisions indefinitely.

**[AB 1372](#) (Grayson D) Employers: prohibited disclosure of information: arrest or detention.**

**Current Text:** Amended: 3/27/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was PUB. S. on 5/16/2019)(May be acted upon Jan 2020)

**Summary:** Current law prohibits an employer, as specified, from asking an applicant to disclose, or from utilizing as a factor in determining any condition of employment, information concerning a conviction that has been judicially dismissed or ordered sealed, except in specified circumstances. Applicants for employment as peace officers, or with the Department of Justice, or with other criminal justice agencies, or persons already employed as peace officers, are an exception to these prohibitions, so that information about applicants for these positions or employees may be disclosed or sought. This bill would additionally include persons already employed as nonsworn members of a criminal justice agency, as specified, within the exception to these prohibitions, so that information about these employees may be

disclosed or sought.

**[AB 1478](#)**

**(Carrillo D) Employment discrimination.**

**Current Text:** Vetoed: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/12/2019-Vetoed by the Governor

**Summary:** Current law authorizes an aggrieved employee to file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations. Current law, the Labor Code Private Attorneys General Act of 2004, authorizes an aggrieved employee on behalf of that employee and other current or former employees to bring a civil action to recover specified civil penalties, which would otherwise be assessed and collected by the Labor and Workforce Development Agency, for the violation of certain provisions affecting employees. The act prescribes specified civil penalties for violations brought under these provisions. This bill, as an alternative to filing a complaint with the division, would authorize an employee aggrieved under the provisions prohibiting specified types of discrimination described above to bring a private civil action against the employee's employer and would not require that employee to pursue any other remedy prior to bringing that action.

**[SB 188](#)**

**(Mitchell D) Discrimination: hairstyles.**

**Current Text:** Chaptered: 7/3/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/3/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 58, Statutes of 2019.

**Summary:** The California Fair Employment and Housing Act prohibits housing discrimination based on specified personal characteristics, including race. The act also prohibits discrimination because of a perception that a person has one of those protected characteristics or is associated with a person who has, or is perceived to have, any of those characteristics. Current law defines terms such as race, religious beliefs, and sex, among others, for purposes of the act. This bill would provide that the definition of race for these purposes also include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, and would define protective hairstyles for purposes of these provisions.

**[SB 218](#)**

**(Bradford D) Employment: discrimination enforcement: local government.**

**Current Text:** Vetoed: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/12/2019-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Summary:** Would authorize a local government to create a local agency to enforce local antidiscrimination laws (local enforcement agency). The bill would additionally authorize a local government to designate a local enforcement agency to act as a fair employment practice agency (FEPA) if that local enforcement agency agrees to accept all charges of employment discrimination that would be accepted by the federal government, subject to requirements described below. The bill would authorize a local enforcement agency to perform certain administrative, investigative, and enforcement actions, including the award of the full scope of remedies available under FEHA and any remedies available under the local antidiscrimination ordinance. The bill would require that the local agency establish a specified internet website and publish an annual report relating to complaints accepted. The bill would authorize a party to seek judicial review of an agency's binding determination under these provisions. This bill contains other related provisions and other existing laws.

**[SB 310](#)**

**(Skinner D) Jury service.**

**Current Text:** Chaptered: 10/8/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/8/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 591, Statutes of 2019.

**Summary:** The Trial Jury Selection and Management Act prohibits persons who have been convicted of malfeasance in office or a felony, and whose civil rights have not been restored, from being eligible and qualified to be a prospective trial juror. This bill would delete the prohibition relative to persons who have been convicted of a felony from being eligible and qualified to be a prospective trial juror, and instead would prohibit persons while they are incarcerated in any prison or jail, persons who have been convicted of a felony and are currently on parole, postrelease community supervision, felony probation, or mandated supervision for the conviction of a felony, and persons who are currently required to register as a sex offender based on a felony conviction.

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## Family & Medical Leave

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**[AB 196](#)**

**(Gonzalez D) Paid family leave.**

**Current Text:** Amended: 3/26/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was L., P.E. & R. on 6/6/2019)(May be acted upon Jan 2020)

**Summary:** Would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2020, by redefining the weekly benefit amount

to be equal to 100% of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations.

**[AB 372](#) (Voepel R) State employees: Infant at Work programs.**

**Current Text:** Vetoed: 10/8/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/8/2019-Vetoed by Governor.

**Summary:** Would, from January 1, 2020, until January, 1, 2022, establish the Infant at Work Pilot Program. The bill would authorize a state agency, as defined, to participate in the pilot program to allow an employee of the agency who is a new parent or caregiver to an infant to bring the infant to the workplace. The bill would establish certain required elements for adult, as specified. the pilot program. The bill would authorize a state agency to adopt regulations that it determines necessary to participate in the pilot program.

**[AB 406](#) (Limón D) Disability compensation: paid family leave: application in non-English languages.**

**Current Text:** Chaptered: 9/30/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/30/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 386, Statutes of 2019.

**Summary:** Current law establishes, within the state disability insurance program administered by the Employment Development Department, 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. This bill, beginning January 1, 2025, would require the department to distribute the application for family temporary disability insurance benefits, in addition to the application in English, in all non-English languages spoken by a substantial number of non-English-speaking applicants, as defined.

**[AB 500](#) (Gonzalez D) School and community college employees: paid maternity leave.**

**Current Text:** Vetoed: 10/13/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/13/2019-Vetoed by the Governor

**Summary:** Would require the governing board of a school district, the governing body of a charter school, and the governing board of a community college district to provide at least 6 weeks of a leave of absence with full pay for a certificated employee, or an academic employee, of the district or charter school who is required to be absent from duty because of pregnancy, miscarriage, childbirth, and recovery from those conditions. The bill would authorize the paid leave to begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, or a related condition.

**[AB 555](#) (Gonzalez D) Paid sick leave.**

**Current Text:** Amended: 4/29/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 6/4/2019-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 5/30/2019)

**Summary:** Would modify a employer's alternate sick leave accrual method to require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing not less than 40 hours or 5 days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment. The bill would also provide that an employer is under no obligation to allow an employee's total accrual of paid sick leave to exceed 80 hours or 10 days, as specified.

**[AB 1223](#) (Arambula D) Living organ donation.**

**Current Text:** Chaptered: 9/20/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/20/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 316, Statutes of 2019.

**Summary:** Would require a private or public employer to grant an employee an additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of organ donation. The bill would require a public employee to first exhaust all available sick leave before taking that unpaid leave.

**[SB 135](#) (Jackson D) Paid family leave.**

**Current Text:** Amended: 3/25/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 6/4/2019-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 5/30/2019)

**Summary:** Current law prohibits an employer with 50 or more employees in a 75-mile radius to refuse to grant an employee a request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee worked 1,250 hours in the prior 12 months. Current law includes within "family care and medical leave" the birth, adoption, or foster care placement of a child and the serious health condition of the employee's child, parent, or spouse. This bill would expand the scope of those provisions to instead prohibit an employer with 5 or more employees to refuse to grant an employee a request to take up to 12 weeks of unpaid leave for family care and medical leave if the employee had 180 days of service with the employer.

[SB 142](#)

**(Wiener D) Employees: lactation accommodation.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 720, Statutes of 2019.

**Summary:** Would require an employer to provide a lactation room or location that includes prescribed features and would require an employer, among other things, to provide access to a sink and refrigerator in close proximity to the employee's workspace, as specified. The bill would deem denial of reasonable break time or adequate space to express milk a failure to provide a rest period in accordance with state law. The bill would prohibit an employer from discharging, or in any other manner discriminating or retaliating against, an employee for exercising or attempting to exercise rights under these provisions and would establish remedies that include filing a complaint with the Labor Commissioner.

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## Health & Safety

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[AB 35](#)

**(Kalra D) Worker safety: blood lead levels: reporting.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 710, Statutes of 2019.

**Summary:** Would require the State Department of Public Health (department) to consider a report from a laboratory of an employee's blood lead level at or above 20 micrograms per deciliter to be injurious to the health of the employee and to report that case within 5 business days of receiving the report to the Division of Occupational Safety and Health (division). The bill would further provide that the above-described report would constitute a serious violation and subject the employer or place of employment to an investigation, as provided, by the division, and would require the division to make any citations or fines imposed as a result of the investigation publicly available on an annual basis.

[AB 61](#)

**(Ting D) Gun violence restraining orders.**

**Current Text:** Chaptered: 10/11/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/11/2019-Signed by the Governor

**Summary:** Current law authorizes a court to issue an ex parte gun violence restraining order prohibiting the subject of the petition from having in their custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition when it is shown that there is a substantial likelihood that the subject of the petition poses a significant danger of self-harm or harm to another in the near future by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to the subject of the petition or another, as specified. Current law authorizes renewal of a gun violence restraining order within 3 months of the order's expiration. Petitions for ex parte, one-year, and renewed gun violence restraining orders may be made by an immediate family member of the person or by a law enforcement officer. This bill would, commencing September 1, 2020, similarly authorize an employer, a coworker who has substantial and regular interactions with the person and approval of their employer, or an employee or teacher of a secondary or postsecondary school, with approval of a school administrator or a school administration staff member with a supervisory role, that the person has attended in the last 6 months to file a petition for an ex parte, one-year, or renewed gun violence restraining order.

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## Human Trafficking

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[SB 35](#)

**(Chang R) Human trafficking: California ACTS Task Force.**

**Current Text:** Vetoed: 10/13/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/13/2019-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Summary:** Would establish the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force to collect and organize data on the nature and extent of trafficking of persons in California. The bill would require the task force to examine collaborative models between local and state governments and nongovernmental organizations for protecting victims of trafficking, among other, related duties. Under the bill, the task force would be comprised of specified state officials and specified individuals who have expertise in human trafficking or provide services to victims of human trafficking, as specified.

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# Immigrant Employee Rights

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- AB 589** (Gonzalez D) **Employment: unfair immigration-related practices.**  
**Current Text:** Vetoed: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)  
**Status:** 10/12/2019-Vetoed by the Governor  
**Summary:** Would make it unlawful for an employer to knowingly destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person in the course of committing, or with the intent to commit, trafficking, peonage, slavery, involuntary servitude, or a coercive labor practice. The bill would impose specified civil and criminal penalties for a violation.
- AB 668** (Gonzalez D) **Courthouses: Privilege from civil arrest.**  
**Current Text:** Chaptered: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)  
**Status:** 10/12/2019-Signed by the Governor  
**Summary:** Would clarify the power of judicial officers to prohibit activities that threaten access to courthouses, including by protecting the privilege from arrest at a courthouse. The bill would provide that no person shall be subject to civil arrest in a courthouse while attending a court proceeding or having legal business in the courthouse.
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## Labor Relations

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- AB 314** (Bonta D) **Public employment: labor relations: release time.**  
**Current Text:** Vetoed: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)  
**Status:** 10/12/2019-Vetoed by the Governor  
**Summary:** Would prescribe requirements relating to release time that would apply to all of the public employers and employees subject to the acts described above and would generally repeal the provisions relating to release time in those acts. The bill would require these public employers to grant a reasonable number of employee representatives of the exclusive representative reasonable time off without loss of compensation or other benefits for specified activities. This requirement would apply to activities to investigate and process grievances or otherwise enforce a collective bargaining agreement or memorandum of understanding; to meet and confer or meet and negotiate with the public employer on matters within the scope of representation, including preparation for the activities specified in these provisions; to testify or appear as the designated representative of the exclusive representative in conferences, hearings, or other proceedings before the Public Employment Relations Board or similar bodies, as specified; to testify or appear as the designated representative of the exclusive representative before the governing body of the public employer, or a personnel, civil service, or merit commission, among others, and to serve as a representative of the exclusive representative for new employee orientations. The bill would require the exclusive representative to provide reasonable notice requesting an absence in this connection. The bill would specify that its provisions prescribe minimum release time rights and would prescribe requirements regarding the relation of its provisions to other labor agreements that address release time. The bill would prohibit the Public Employment Relations Board from enforcing these provisions with regard to public transit workers that are not otherwise subject to the board's jurisdiction.
- AB 378** (Limón D) **Childcare: family childcare providers: bargaining representative.**  
**Current Text:** Chaptered: 9/30/2019 [\\_html\\_](#) [\\_pdf\\_](#)  
**Status:** 9/30/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 385, Statutes of 2019.  
**Summary:** The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer childcare and development programs that offer a full range of services for eligible children from infancy to 13 years of age, including, among others, resource and referral programs, alternative payment programs, and family childcare home education networks. This bill would authorize family childcare providers to form, join, and participate in the activities of provider organizations, as defined, and to seek the certification of a provider organization to act as the representative for family childcare providers on matters related to childcare subsidy programs pursuant to a petition and election process overseen by the Public Employment Relations Board or a neutral 3rd party designated by the board.
- AB 418** (Kalra D) **Evidentiary privileges: union agent-represented worker privilege.**  
**Current Text:** Amended: 6/21/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/12/2019)(May be acted upon Jan 2020)

**Summary:** Would establish a privilege between a union agent, as defined, and a represented employee or represented former employee to refuse to disclose any confidential communication between the employee or former employee and the union agent made while the union agent was acting in the union agent's representative capacity, except as specified. The bill would permit a represented employee or represented former employee to prevent another person from disclosing a privileged communication, except as specified.

[AB 1066](#) **(Gonzalez D) Unemployment insurance: trade disputes: eligibility for benefits.**

**Current Text:** Amended: 8/30/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was THIRD READING on 9/3/2019)(May be acted upon Jan 2020)

**Summary:** Would restore eligibility for unemployment benefits after the first 3 weeks of a trade dispute for an employee who left work because of the trade dispute. The bill would also codify specified case law that holds that employees who left work due to a lockout by the employer, even if it was in anticipation of a trade dispute, are eligible for benefits. The bill would specify that the bill's provisions do not diminish eligibility for benefits of individuals deprived of work due to an employer lockout or similar action, as specified.

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## Occupational Safety

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[AB 1124](#) **(Maienschein D) Employment safety: outdoor workers: wildfire smoke.**

**Current Text:** Amended: 7/1/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 8/15/2019-Ordered to inactive file at the request of Senator McGuire.

**Summary:** Would require, by July 18, 2019, the Occupational Safety and Health Standards Board to adopt emergency regulations that require employers to make respirators available to outdoor workers on any day the outdoor worker could reasonably be expected to be exposed to harmful levels of smoke from wildfires, or burning structures due to a wildfire, while working. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

[AB 1805](#) **(Committee on Labor and Employment) Occupational safety and health.**

**Current Text:** Chaptered: 8/30/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 8/30/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 200, Statutes of 2019.

**Summary:** Current law defines "serious injury or illness" and "serious exposure" for purposes of reporting serious occupational injury or illness to the Division of Occupational Safety and Health and for purposes of establishing the division's duty to investigate employment accidents and exposures. This bill would recast the definition of "serious injury or illness" by removing the 24-hour minimum time requirement for qualifying hospitalizations, excluding those for medical observation or diagnostic testing, and explicitly including the loss of an eye as a qualifying injury. The bill would delete loss of a body member from the definition of serious injury and would, instead, include amputation.

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## Public Employment

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[AB 372](#) **(Voepel R) State employees: Infant at Work programs.**

**Current Text:** Vetoed: 10/8/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/8/2019-Vetoed by Governor.

**Summary:** Would, from January 1, 2020, until January 1, 2022, establish the Infant at Work Pilot Program. The bill would authorize a state agency, as defined, to participate in the pilot program to allow an employee of the agency who is a new parent or caregiver to an infant to bring the infant to the workplace. The bill would establish certain required elements for adult, as specified. the pilot program. The bill would authorize a state agency to adopt regulations that it determines necessary to participate in the pilot program.

[SB 179](#) **(Nielsen R) Excluded employees: arbitration.**

**Current Text:** Introduced: 1/28/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/5/2019)(May be acted upon Jan 2020)

**Summary:** Would enact the Excluded Employee Arbitration Act to permit an employee organization that represents an excluded employee who has filed certain grievances with the Department of Human Resources to request arbitration of the grievance if specified conditions are met. The bill would require the designation of a standing panel of arbitrators and, under specified circumstances, the provision of arbitrators from the California State Mediation and Conciliation Service within the Public Employment Relations Board.

[AB 1007](#)

**(Jones-Sawyer D) State Civil Service Act: adverse action: notice.**

**Current Text:** Amended: 6/25/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/4/2019)(May be acted upon Jan 2020)

**Summary:** Would prohibit adverse action based on fraud, embezzlement, falsification of records, harassment on specified bases, sexual assault, or a cause for discipline that is the subject of a criminal investigation or criminal prosecution for a felony, from being valid unless notice is served within 3 years after the discovery of the cause for discipline. The bill would also prohibit adverse action from being valid unless notice is served within one year after the discovery of the cause for discipline if the cause for discipline is not of those excepted bases specified in the previous sentence and it was discovered on or after January 1, 2020.

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## Sexual Harassment

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[AB 9](#)

**(Reyes D) Employment discrimination: limitation of actions.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 709, Statutes of 2019.

**Summary:** The California Fair Employment and Housing Act makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the above-described period to 3 years for complaints alleging employment discrimination, as specified. The bill would specify that the operative date of the verified complaint is the date that the intake form was filed with the Labor Commissioner.

[AB 171](#)

**(Gonzalez D) Employment: sexual harassment.**

**Current Text:** Vetoed: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/12/2019-Vetoed by the Governor

**Summary:** Current law prohibits an employer from discharging or in any manner discriminating or retaliating against an employee who is a victim of domestic violence, sexual assault, or stalking for taking time off work to obtain specified relief or because of the employee's status as a victim of domestic violence, sexual assault, or stalking, if the victim provides notice to the employer of the status or the employer has actual knowledge of the status. Current law authorizes an employee to file a complaint with the Division of Labor Standards Enforcement for a violation of these prohibitions within one year from the date of occurrence of the violation. Current law makes it a misdemeanor for an employer to refuse to rehire, promote, or restore an employee who has been determined to be so eligible by a grievance procedure or legal hearing. This bill would expand the scope of these provisions by defining "employer" for purposes of these provisions to mean any person employing another under any appointment or contract of hire and to include the state, political subdivisions of the state, and municipalities.

[AB 547](#)

**(Gonzalez D) Janitorial workers: sexual violence and harassment prevention training.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 715, Statutes of 2019.

**Summary:** Current law requires employers of at least one employee and one or more covered workers, as defined, who provide janitorial services, as specified, to register with the Labor Commissioner annually and prohibits them from conducting business without a registration. Current law requires an application for registration to be in a form prescribed by the commissioner and subscribed and sworn to by the employer, as specified. This bill would require the division to issue 2 types of registrations, one for registrants without employees and one for registrants with employees, and prohibit the division from approving a registration, as described above, if the employer does not include, among other things, in their written application the name of any subcontractor or franchise servicing contracts affiliated with branch locations and the name of any subcontractor on franchise servicing the contracts.

[AB 628](#)

**(Bonta D) Employment: victims of sexual harassment: protections.**

**Current Text:** Amended: 5/16/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was THIRD READING on 5/29/2019)(May be acted upon Jan 2020)

**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 749](#) **(Stone, Mark D) Settlement agreements: restraints in trade.**

**Current Text:** Chaptered: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/12/2019-Signed by the Governor

**Summary:** Would prohibit 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.

[SB 71](#) **(Leyva D) Political Reform Act of 1974: campaign expenditures: limitations.**

**Current Text:** Chaptered: 10/8/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/8/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 564, Statutes of 2019.

**Summary:** The Political Reform Act of 1974 authorizes certain candidates and elective officers to establish a separate legal defense fund campaign account to defray attorney's fees and other related legal costs incurred in the defense of the candidate or elective officer who is subject to one or more civil, criminal, or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officers' governmental activities and duties, as specified. This bill would prohibit the expenditure of funds in a legal defense fund campaign account to pay or reimburse a candidate or elected officer for a penalty, judgment, or settlement related to a claim of sexual assault, sexual abuse, or sexual harassment filed against the candidate or elective officer in any civil, criminal, or administrative proceeding.

[SB 530](#) **(Galgiani D) Construction industry: discrimination and harassment prevention.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 722, Statutes of 2019.

**Summary:** Would authorize a building and construction trades apprenticeship program to provide prevention of harassment training programs for journey-level workers, and would require the apprenticeship program to maintain certain records and to issue a certificate of completion to the apprentice or journey-level worker.

[SB 778](#) **(Committee on Labor, Public Employment and Retirement) Employers: sexual harassment training: requirements.**

**Current Text:** Chaptered: 8/30/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 8/30/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 215, Statutes of 2019.

**Summary:** Current law, by January 1, 2020, requires an employer with 5 or more employees to provide at least 2 hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least 1 hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California within 6 months of their assumption of a position. Current law also specifies that an employer who has provided this training to an employee after January 1, 2019, is not required to provide sexual harassment training and education by the January 1, 2020, deadline. This bill would require an employer with 5 or more employees to provide the above-described training and education by January 1, 2021, and thereafter once every 2 years.

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## Wage and Hour

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[AB 5](#) **(Gonzalez D) Worker status: employees and independent contractors.**

**Current Text:** Chaptered: 9/18/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/18/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 296, Statutes of 2019.

**Summary:** Would state the intent of the Legislature to codify the decision in the Dynamex case and clarify its application. The bill would provide that for purposes of the provisions 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 shall be 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. The bill, notwithstanding this provision, would provide that any statutory exception from employment status or any extension of employer status or liability remains in effect, and that if a court rules that the 3-part test cannot be applied, then the determination of employee or independent contractor status shall be governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (Borello). The bill would exempt specified occupations from the application of Dynamex, and would instead provide that these occupations are governed by Borello.

**[AB 170](#) (Gonzalez D) Worker status: employees and independent contractors.**

**Current Text:** Chaptered: 10/2/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/2/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 415, Statutes of 2019.

**Summary:** As established in the case of *Dynamex Operations W. Inc. v. Superior Court* (2018) 4 Cal.5th 903 (Dynamex), current law 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 establish that a worker is an independent contractor for those purposes. AB 5 of the 2019–20 Regular Session states the intent of the Legislature to codify the decision in the Dynamex case and clarify its application. AB 5 provides that for purposes of the provisions 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 shall be 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. AB 5 also exempts specified occupations from the application of Dynamex, and would instead provide that these occupations are governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (Borello). This bill would, until January 1, 2021, also exempt a newspaper distributor working under contract with a newspaper publisher and a newspaper carrier working under contract, either with a newspaper publisher or newspaper distributor, from the Dynamex provisions proposed to be added by AB 5 described above.

**[AB 233](#) (Cooley D) Insurance: licensees.**

**Current Text:** Amended: 4/11/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was INS. on 5/22/2019)(May be acted upon Jan 2020)

**Summary:** Current law requires the license of a residential property broker-agent, casualty broker-agent, personal lines broker-agent, or limited lines automobile insurance agent to be prominently displayed in the holder's office. Current law requires the Insurance Commissioner to impose a \$200 fine for the first violation of that requirement if it is not corrected within 45 days, and authorizes the commissioner to impose a \$400 fine if another violation is committed within 3 years of the first violation. This bill would require a broker-agent, agent, or licensed organization that maintains multiple offices to prominently display a copy of its license in each office.

**[AB 267](#) (Chu D) Employment of infants: entertainment industry.**

**Current Text:** Chaptered: 9/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/12/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 283, Statutes of 2019.

**Summary:** Current law regulates the employment of minors in the entertainment industry and requires the written consent of the Labor Commissioner for a minor under 16 years of age to take part in certain types of employment. Current law requires specified certification from a physician and surgeon in order for an infant under the age of one month to be employed on any motion picture set or location. Current law makes it a crime to violate the provisions regarding infant employment. This bill would expand the certification requirements for infants to cover any employment in the entertainment industry. The bill would define the term "entertainment industry" for purposes of the bill and current law.

**[AB 271](#) (Cooper D) Civil service: Personnel Classification Plan: salary equalization.**

**Current Text:** Enrollment: 9/11/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/15/2019-9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was DESK on 9/11/2019)(May be acted upon Jan 2020)

**Summary:** Would require the Department of Human Resources to, by December 31, 2020, and every 2 years thereafter, evaluate all civil service classifications and prepare a detailed report on gender and ethnicity pay equity in each classification where there is an underrepresentation of women and minorities. The bill would require each state agency to submit specified information to the department about each state civil service classification within the agency.

**[AB 403](#) (Kalra D) Division of Labor Standards Enforcement: complaint.**

**Current Text:** Vetoed: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/12/2019-Vetoed by the Governor

**Summary:** Current law authorizes a person who believes they have been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. Current law establishes specified exceptions to the 6-month deadline for certain violations relating to discrimination or retaliation for taking time off, imposing instead a one-year filing deadline. This bill, for a violation subject to that 6-month deadline, would extend the period to file a complaint to within 2 years after the occurrence of the violation.

**[AB 467](#) (Boerner Horvath D) Competitions on state property: prize compensation: gender equity.**

**Current Text:** Chaptered: 9/9/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/9/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 276, Statutes of 2019.

**Summary:** Would require the Department of Parks and Recreation, the State Lands Commission and the California Coastal Commission to include in permit or lease conditions, for a competition event to be held on land under the jurisdiction of the entity, as described, and that awards prize compensation, as defined, to competitors in gendered categories, a requirement that the prize compensation be identical between the gendered categories at each participant level.

**[AB 529](#) (Ramos D) Psychiatric technicians and psychiatric technician assistants: overtime.**

**Current Text:** Introduced: 2/13/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2019)(May be acted upon Jan 2020)

**Summary:** Would prohibit a PT or psychiatric technician assistant (PTA) employed by the State of California in a specified type of facility from being compelled to work in excess of the regularly scheduled workweek or work shift, except under certain circumstances. The bill would authorize a PT or PTA to volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift, but the refusal to accept those additional hours would not constitute patient abandonment or neglect or be grounds for discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the PT or PTA.

**[AB 555](#) (Gonzalez D) Paid sick leave.**

**Current Text:** Amended: 4/29/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 6/4/2019-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 5/30/2019)

**Summary:** Would modify an employer's alternate sick leave accrual method to require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing not less than 40 hours or 5 days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment. The bill would also provide that an employer is under no obligation to allow an employee's total accrual of paid sick leave to exceed 80 hours or 10 days, as specified.

**[AB 673](#) (Carrillo D) Failure to pay wages: penalties.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 716, Statutes of 2019.

**Summary:** Current law provides for a civil penalty, in addition to, and entirely independent and apart from other penalties, on every person who fails to pay the wages of each employee, as specified, including a provision prohibiting wage differential on the basis of sex, as provided in specified provisions of the Labor Code. Current law requires the Labor Commissioner to recover that penalty as part of a hearing held to recover unpaid wages and penalties or in an independent civil action. Current law requires that a specified percentage of the penalty recovered under that provision be paid into a fund within the Labor and Workforce Development Agency dedicated to educating employers about state labor laws and that the remainder be paid into the State Treasury to the credit of the General Fund. This bill would also authorize the affected employee to bring an action to recover specified statutory penalties against the employer as part of a hearing held to recover unpaid wages.

**[AB 789](#) (Flora R) Itemized wage statements: violations: actions: Labor Code Private Attorneys General Act of 2004.**

**Current Text:** Amended: 3/21/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. & E. on 3/21/2019)(May be acted upon Jan 2020)

**Summary:** The Labor Code Private Attorneys General Act of 2004 provides, as an alternative to civil penalties being assessed and collected by the Labor and Workforce Development Agency, that civil penalties may be recovered through a civil action brought by an aggrieved employee on behalf of himself and other employees. The act requires the employee to follow prescribed procedures before bringing an action and authorizes an employer to cure specified itemized wage statement violations within 33 days of receiving notice of the violation. This bill would require, for an action under any of the above provisions to recover for any violation of the itemized wage statement requirement, that an employee or representative give prescribed notice of the alleged violation to the employer.

[AB 1768](#)

**(Carrillo D) Prevailing wage: public works.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 719, Statutes of 2019.

**Summary:** Would expand the definition of public works to include work conducted during site assessment or feasibility studies. This bill would also specify that preconstruction work, including design, site assessment, feasibility studies, and land surveying, is deemed to be part of a public work, regardless of whether any further construction work is conducted. This bill contains other related provisions and other existing laws.

[SB 1](#)

**(Atkins D) California Environmental, Public Health, and Workers Defense Act of 2019.**

**Current Text:** Vetoed: 9/27/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/27/2019-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Summary:** Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species. This bill would, until January 20, 2025, require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. By imposing new duties on local agencies, this bill would impose a state-mandated local program.

[SB 171](#)

**(Jackson D) Employers: annual report: pay data.**

**Current Text:** Amended: 7/5/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/14/2019)(May be acted upon Jan 2020)

**Summary:** Would require, on or before March 31, 2021, and on or before March 31 each year thereafter, a private employer that has 100 or more employees and who is required to file an annual Employer Information Report under federal law, to submit a pay data report to the Department of Fair Employment and Housing that contains specified wage information. The bill would require the Department of Fair Employment and Housing to make the reports available to the Division of Labor Standards Enforcement upon request.

[SB 229](#)

**(Hertzberg D) Discrimination: complaints: administrative review.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 721, Statutes of 2019.

**Summary:** Current law prohibits a person from discharging or otherwise discriminating, retaliating, or taking any adverse action against any employee or applicant for employment because the employee or applicant engaged in specified protected conduct. Current law authorizes the Labor Commissioner to issue citations to persons determined to be responsible for violations. Current law requires a petitioner seeking a writ of mandate to first post a bond equal to the total amount of any minimum wages, liquidated damages, and overtime compensation. Current law requires an employer who willfully refuses to comply with a final order pursuant to these provisions to pay prescribed civil penalties directly to the affected employee. This bill, among other things would require the commissioner, within 10 days, to file a certified copy of a final citation with the superior court for judicial enforcement in any county in which the person assessed the penalty has or had property or a place of business, unless the person cited requests an informal hearing to challenge the citation, as specified.

[SB 286](#)

**(Durazo D) Payment of wages: professional sports organization employees.**

**Current Text:** Chaptered: 10/9/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/9/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 700, Statutes of 2019.

**Summary:** Current law provides that generally if an employee is discharged or laid off, wages earned by the employee are due and payable immediately. Current law provides specified requirements for certain occupations, including temporary services employees, employees engaged in the production or broadcasting of motion pictures, and employees at venues that host live theatrical or concert events. Current law provides that an employee engaged in the production or broadcasting of motion pictures whose employment terminates is entitled to receive payment of wages earned at the time of termination by the next regular payday. Current law provides for civil penalties for violations of these provisions. This bill would provide that an "events employee," as defined, whose employment terminates is entitled to receive payment of wages earned at the time of termination by the next regular payday, except as specified. The bill would provide that these provisions do not apply to the payment of wages of specified public employees. The bill would make conforming changes to the provisions requiring payment of wages due upon termination of employment.

[SB 671](#)

**(Hertzberg D) Employment: payment of wages: print shoot employees.**

**Current Text:** Chaptered: 9/5/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 9/5/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 253, Statutes of 2019.

**Summary:** Current law generally requires that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately. Current law establishes specific provisions that entitle an

employee engaged in the production or broadcasting of motion pictures, as defined, whose employment terminates, to receive payment of the wages earned and unpaid at the time of the termination by the next regular payday, as defined. Current law establishes penalties for certain violations relating to payment in accordance with these specific provisions. This bill would establish similar specific provisions for a print shoot employee, as defined.

[SB 688](#)

**(Monning D) Failure to pay wages: penalties.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 723, Statutes of 2019.

**Summary:** Would provide that if the Labor Commissioner determines that an employer has paid a wage less than the wage set by contract in excess of minimum wage, the Labor Commissioner may issue a citation to the employer to recover restitution of the amounts owed. This bill contains other related provisions and other existing laws.

[SB 698](#)

**(Leyva D) Employee wages: payment.**

**Current Text:** Chaptered: 10/3/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/3/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 508, Statutes of 2019.

**Summary:** Would require that employees of the Regents of the University of California be paid on a regular payday. The bill would require those university employees who are paid on a monthly basis to be paid no later than 5 days after the close of the monthly payroll period and would also provide that those employees who are paid on a more frequent basis be paid in accordance with the pay policies announced in advance by the university.

[SB 730](#)

**(Stern D) Commission on Tech Equity.**

**Current Text:** Amended: 7/1/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/14/2019)(May be acted upon Jan 2020)

**Summary:** Would, until January 1, 2025, establish in state government the advisory Commission on Tech Equity, which would consist of 7 appointed members, as specified, and the Director of the Governor's Office of Business and Economic Development and the Director of Finance serving as ex officio members. The bill would require the commission to develop recommendations on a policy framework to manage the development, deployment, regulation, taxation, and fair distribution of the benefits of innovation and technology, as specified, and submit the recommendations to the Legislature and to the Governor no later than January 1, 2021, and annually on or before January 1, thereafter.

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## Whistleblower

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[AB 333](#)

**(Eggman D) Whistleblower protection: county patients' rights advocates.**

**Current Text:** Chaptered: 10/2/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/2/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 423, Statutes of 2019.

**Summary:** Current law relating to mental health advocacy requires each local mental health director to appoint, or contract for the services of, one or more county patients' rights advocates to perform prescribed duties. Current law prohibits the knowing obstruction of a county patients' rights advocate in the performance of the advocate's duties. This bill would establish similar whistleblower protections specifically for county patients' rights specifically for county patients' rights advocates.

[AB 403](#)

**(Kalra D) Division of Labor Standards Enforcement: complaint.**

**Current Text:** Vetoed: 10/12/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/12/2019-Vetoed by the Governor

**Summary:** Current law authorizes a person who believes they have been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. Current law establishes specified exceptions to the 6-month deadline for certain violations relating to discrimination or retaliation for taking time off, imposing instead a one-year filing deadline. This bill, for a violation subject to that 6-month deadline, would extend the period to file a complaint to within 2 years after the occurrence of the violation.

[SB 322](#)

**(Bradford D) Health facilities: inspections: employee reporting.**

**Current Text:** Chaptered: 7/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 7/10/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 72, Statutes of 2019.

**Summary:** Current law provides for the licensure and regulation of health facilities by the State Department of Public Health. Current law prohibits a health facility from discriminating or retaliating against a patient, employee, member of the medical staff, or other healthcare worker of the health facility because that person has presented a grievance,

complaint, or report to the facility, or has initiated, participated, or cooperated in an investigation or administrative proceeding related to the quality of care, services, or conditions at the facility. This bill would provide an employee or the employee's representative with the right to discuss possible regulatory violations or patient safety concerns with the department's inspector privately during the course of an investigation or inspection by the department.

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## Workers Comp

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**AB 346** (Cooper D) **Workers' compensation: leaves of absence.**

**Current Text:** Vetoed: 10/13/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/13/2019-Vetoed by the Governor

**Summary:** Would add police officers employed by a school district, county office of education, or community college district to the list of public employees entitled to a leave of absence without loss of salary, in lieu of temporary disability payments, while disabled by injury or illness arising out of and in the course of employment.

**AB 1400** (Kamlager-Dove D) **Employment safety: firefighting equipment: mechanics.**

**Current Text:** Chaptered: 10/10/2019 [\\_html\\_](#) [\\_pdf\\_](#)

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 717, Statutes of 2019.

**Summary:** Current law requires the Commission on Health and Safety and Workers' Compensation to conduct a continuing examination of the workers' compensation system and of the state's activities to prevent industrial injuries and occupational diseases. This bill would require the commission, in partnership with the County of Los Angeles and relevant labor organizations, on or before January 1, 2021, to submit a study to the Legislature, the Occupational Safety and Health Standards Board, and the Los Angeles County Board of Supervisors on the risk of exposure to carcinogenic materials and incidence of occupational cancer in mechanics who repair and clean firefighting vehicles.