

California Employment Lawyers Association

2020 Labor and Employment Legislation by Subject

AB 5

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

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

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

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

[AB 1850](#) **(Gonzalez D) Worker classification: employees and independent contractors.**

Current Text: Amended: 5/12/2020 [html](#) [pdf](#)

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. L., P.E. & R. on 7/1/2020)

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. Current exemptions include a bona fide business-to-business contracting relationship, as defined, under the specified conditions. Under current law, the business-to-business exemption does not apply to an individual worker, as opposed to a business entity, who performs labor or services for a contracting business. This bill would delete that individual worker provision.

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 2/14/2020)

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 2075](#) (Kiley R) Worker status: independent contractors: hiring entity liability.

Current Text: Amended: 3/12/2020 [html](#) [pdf](#)

Status: 3/16/2020-Re-referred to Com. on V.A. Re-referred to Com. on RLS. pursuant to Assembly Rule 96.

Summary: Would, until January 1, 2021, prohibit the application of the ABC test to determine the liability of a hiring entity for damages, injunctive relief, or civil penalties based upon the classification of workers as independent contractors, and instead would require that employer liability to be based upon the multifactor test set forth in the case of Borello. The bill would provide that its provisions apply retroactively, as specified.

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

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

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

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

[AB 2457](#) (Melendez R) Worker status: penalties and enforcement.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)

Status: 6/5/2020-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. L. & E. on 2/27/2020)

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 these provisions. This bill would prohibit an employer from being subject to a monetary fine or penalty for a violation of the above provisions with respect to an applicant who has applied for unemployment benefits and has previously acted as an independent contractor during the past 5 years.

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 2/27/2020)

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 2489](#) (Choi R) Worker status: employees: independent contractors: health care providers: COVID-19.

Current Text: Amended: 5/11/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 2/27/2020)

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously established in the case of S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. On March 4, 2020, the Governor declared a State of Emergency in accordance with the powers vested in the Governor under the California Constitution and statutes in order to preserve public health and safety throughout the state due to the threat of COVID-19. This bill would, during the timeframe in which a state of emergency is in effect due to COVID-19 and 90 days thereafter, prohibit the application of the ABC test for respiratory therapists and other medical personnel not otherwise covered by an existing exemption from the ABC test, and would instead require that the multifactor test set forth in the case of Borello apply.

[AB 2497](#) (Bigelow R) Worker status: independent contractors: livestock judges.

Current Text: Amended: 3/4/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: Amended: 3/9/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

Summary: Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors. 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 bill would exempt persons who perform work on forested landscapes as geologists and geophysicists, land surveyors, contractors, engineers, and persons in the pest control business and who meet certain statutory licensing requirements.

[AB 2793](#) (Mathis R) Worker status: independent contractors.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

Summary: 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 an individual providing services as a licensed clinical social worker, a licensed education psychologist, a licensed professional clinical counselor, or 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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/5/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/9/2020)

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: sports official: amateur sports event.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/9/2020)

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 sports official, as defined, for a youth or adult amateur sports event, unless the official is already exempted from the definition of employee under another statute or regulation, as specified.

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/9/2020)

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: 4/29/2020 [html](#) [pdf](#)

Status: 5/18/2020-May 14 set for first hearing. Failed passage in committee. (Ayes 1. Noes 4.)
Reconsideration granted.

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L., P.E. & R. on 1/29/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L., P.E. & R. on 2/6/2020)

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 975 **(Dahle R) Worker status: employees: independent contractors.**

Current Text: Amended: 3/26/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L., P.E. & R. on 2/20/2020)

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 these provisions. This bill would expand the above-described exemptions to also include licensed geologists, geophysicists, land surveyors, contractors, engineers, and pest control operators, when those persons are performing work on forested landscapes, as specified.

SB 997 **(Borgeas R) Worker status: employees and independent contractors.**

Current Text: Amended: 6/10/2020 [html](#) [pdf](#)

Status: 6/26/2020-Failed Deadline pursuant to Rule 61(b)(11). (Last location was S. L., P.E. & R.)

Summary: Current law provides that the addition of the ABC test to the Labor Code does not constitute a change in, but is declaratory of, existing law with regard to wage orders of the Industrial

Welfare Commission and violations of the Labor Code relating to wage orders. Current law also provides that insofar as the application of the above exemptions would relieve an employer from liability, those provisions apply retroactively to existing claims and actions to the maximum extent permitted by law. Current law provides that, notwithstanding the above retroactivity language, other provisions of this law apply to work performed on or after January 1, 2020. This bill would delete the above language providing that the addition of the ABC test to the Labor Code does not constitute a change in, but is declaratory of, existing law.

Administrative Enforcement

[AB 2200](#) **(Kalra D) Criminal procedure: discrimination.**

Current Text: Amended: 3/10/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was PUB. S. on 3/9/2020)

Summary: Current law allows a person who is unlawfully imprisoned or restrained of their liberty to prosecute a writ of habeas corpus to inquire into the cause of their imprisonment or restraint. Current law allows a writ of habeas corpus to be prosecuted for, among other things, relief based on the use of false evidence that is substantially material or probative to the issue of guilt or punishment that was introduced at trial. This bill would prohibit the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified. The bill would allow a writ of habeas corpus to be prosecuted on the basis of that prohibition.

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

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

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

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

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

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

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

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

[SB 1433](#) **(Skinner D) Director of Industrial Relations.**

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

Status: 3/12/2020-Referred to Com. on RLS.

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.

CELA Sponsored Bills

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Civil Procedure

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

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

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

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

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

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

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. JUD. on 6/23/2020)

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](#) (Oberholte R) Civil actions: pleadings and motions.

Current Text: Amended: 5/13/2020 [html](#) [pdf](#)

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. JUD. on

6/23/2020)

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 filing. Current law specifies certain requirements and procedures for this meet and confer process, and provides that these requirements and procedures are operative until January 1, 2021. This bill would extend these meet and confer requirements and procedures indefinitely.

AB 3070 (Weber D) Juries: peremptory challenges.

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

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

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

AB 3117 (Kalra D) Civil actions: costs.

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

Status: 6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 3/9/2020)

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: 6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/21/2020)

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: settlement.

Current Text: Amended: 7/27/2020 [html](#) [pdf](#)

Status: 8/14/2020-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. JUD. on 6/18/2020)

Summary: Current law provides that if parties to pending litigation stipulate for settlement of the case, the court may enter judgment pursuant to the terms of the settlement. Current law provides that the court may retain jurisdiction to enforce the terms of the settlement if requested by the parties. This bill would specify that, upon stipulation by the parties or their counsel, the court may dismiss the case without prejudice and retain jurisdiction to enforce the terms of the settlement. The bill would provide that if a plaintiff or other party seeking affirmative relief has filed a conditional notice of settlement, the court may, without stipulation from the parties or their counsel, dismiss the case without prejudice and retain jurisdiction to enforce the settlement.

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

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

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

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

document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was JUD. on 3/12/2020)

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

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

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

COVID-19

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

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

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

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

[AB 1035](#) (Ramos D) COVID-19 emergency: small businesses: immunity from civil liability.

Current Text: Amended: 6/25/2020 [html](#) [pdf](#)

Status: 6/25/2020-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD. (Amended 6/25/2020)

Summary: Would exempt a small business with 25 or fewer employees from liability for an injury or illness to a person due to coronavirus (COVID-19) based on a claim that the person contracted COVID-19 while at that small business, or due to the actions of that small business. The bill would require the small business, for this exemption to apply, to have implemented and abided by all applicable state and local health laws, regulations, and protocols. The bill would not permit this exemption to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business.

[AB 1384](#) (O'Donnell D) Local educational agencies: liability for COVID-19-related injuries.

Current Text: Amended: 7/29/2020 [html](#) [pdf](#)

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. JUD. on 6/29/2020)

Summary: Would require, during the COVID-19 pandemic, as defined, the governing board of a local educational agency, as defined, or its designee, to establish health and safety policies and procedures for operating programs and facilities in a manner consistent with applicable federal, state, and local requirements and COVID-19-related guidelines published by the State Department of Public Health. The bill would require the governing boards of local educational agencies, or their designees, to

ensure that reasonable efforts are undertaken to implement those policies and procedures.

[AB 1492](#) (Boerner Horvath D) Employment: Telecommuting Act.

Current Text: Amended: 7/23/2020 [html](#) [pdf](#)

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. L., P.E. & R. on 7/2/2020)

Summary: Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified. This bill, among other things, would authorize any nonexempt employee working from home who is not under the physical control of the employer to choose when to take any meal or rest period during the workday, if the employer has not already scheduled a meal or rest period within the requirements of the law. The bill would require an employer to only pay one additional hour of pay for each day that the employer fails to notify the employee of the employee's right to take a break or requires an employee to work without a meal or rest period.

[AB 1759](#) (Salas D) Institutions of higher education: liability for COVID-19-related injuries.

Current Text: Amended: 8/17/2020 [html](#) [pdf](#)

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. JUD. on 8/17/2020)

Summary: Would exempt public and independent institutions of higher education, and their officers, employees, and governing bodies that meet specified conditions, from monetary liability and damages for injury relating to COVID-19 infection, illness, or death, as provided, with specified exceptions.

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

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

Status: 8/30/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 31. Noes 7.). In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling.

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

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

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

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

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

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

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

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

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

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

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

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

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

Discrimination & Civil Rights

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

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

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

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

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was A. & A.R. on 3/12/2020)

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.

[SB 731](#) **(Bradford D) Peace Officers: certification: civil rights.**

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

Status: 8/27/2020-Read second time. Ordered to third reading.

Summary: Would provide that a threat, intimidation, or coercion under the Tom Bane Civil Rights Act may be inherent in any interference with a civil right and would describe intentional acts for these purposes as an act in which the person acted with general intent or a conscious objective to engage in particular conduct.

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

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

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

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

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was JUD. on 3/5/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was PRINT on 2/21/2020)
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 2017](#) **(Mullin D) Employee: sick leave: kin care.**
Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)
Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.
Summary: Current law requires an employer who provides sick leave for employees to permit an employee to use the employee's accrued and available sick leave entitlement to attend to the illness of a family member and prohibits an employer from denying an employee the right to use sick leave or taking specific discriminatory action against an employee for using, or attempting to exercise the right to use, sick leave to attend to such an illness. This bill would provide that the designation of the sick leave taken under these provisions is at the sole discretion of the employee.
- [AB 2399](#) **(Committee on Insurance) Paid family leave: qualifying exigency.**
Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)
Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.
Summary: Current law establishes within the state disability insurance program a family temporary disability insurance program, also known as the Paid Family Leave program, for the provision of wage replacement benefits to workers who take time off work to care for a seriously ill family member or to bond with a minor child within one year of birth or placement, as specified, and, on and after January 1, 2021, to take time off to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individuals' spouse, domestic partner, child, or parent in the Armed Forces of the United States. Current law defines terms for paid family leave purposes, including defining the terms "care recipient," "care provider," and "family care leave." This bill would revise those definitions for the purpose of the qualifying exigency provisions. The bill would define "military member" for the purpose of that term's use in those revised definitions.
- [AB 2992](#) **(Weber D) Employment practices: leave time.**
Current Text: Enrolled: 9/1/2020 [html](#) [pdf](#)
Status: 8/30/2020-Senate amendments concurred in. To Engrossing and Enrolling.
Summary: Current law prohibits an employer from discharging, or discriminating or retaliating against, an employee who is a victim of domestic violence, sexual assault, or stalking, for taking time off from work to obtain or attempt to obtain relief to help ensure the health, safety, or welfare of the victim or victim's child. Current law authorizes an employee to file a complaint with the Division of Labor Standards Enforcement for a violation of that prohibition, and makes it a misdemeanor for an employer to refuse to rehire, promote, or restore an employee who has been determined to be so eligible by a grievance procedure or legal hearing. This bill would expand the above provision to prohibit an employer from discharging, or discriminating or retaliating against, an employee who is a victim of crime or abuse for taking time off from work to obtain or attempt to obtain relief, as prescribed.
- [AB 2999](#) **(Low D) Employees: bereavement leave.**
Current Text: Amended: 7/14/2020 [html](#) [pdf](#)
Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. JUD. on 7/1/2020)
Summary: Would enact the Bereavement Leave Act of 2020. The bill would require an employer with 25 or more employees to grant an employee up to 10 business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, in accordance with certain procedures, and subject to certain exclusions. The bill would require an employer with fewer than 25 employees to grant 3 business days of leave, in accordance with these provisions. The bill would prohibit an employer from interfering with or restraining the exercise or attempt to exercise the employee's right to take this leave.
- [AB 3216](#) **(Kalra D) Unemployment: rehiring and retention: state of emergency.**

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

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

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

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

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

Status: 6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. ED. on 1/15/2020)

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: emergencies and mandatory evacuation orders.

Current Text: Amended: 5/19/2020 [html](#) [pdf](#)

Status: 6/19/2020-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 6/9/2020)

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 mandatory evacuation order or certain emergencies, or if the employee is unable to report to work because they reside in an area that is subject to an evacuation order or affected by certain emergencies, and would require the governing board of the school district to ensure the employee is provided their regular pay for any days missed. The bill would require the governing board of a school district to adopt rules and regulations requiring and prescribing the manner by which employees shall prove their inability to report to work because they reside in an area that is subject to a mandatory evacuation order or affected by certain emergencies.

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

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

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

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

Health & Safety

[AB 2654](#) (Cervantes D) Emergency plan: access and functional needs: cities and counties.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was G.O. on 4/24/2020)

Summary: Would require the 10 most populous cities in the state, according to data from the United States Census Bureau, to, in their next update to their emergency plans, integrate access and functional needs into their emergency plans and include representatives of the access and functional needs population when making the updates. The bill would also include foster youth in the definition of the access and functional needs population. By imposing these requirements on cities and counties, the bill would impose a state-mandated local program.

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

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

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

Summary: Current law prohibits an employee from being laid off or discharged for refusing to perform work in violation of prescribed safety standards, where the violation would create a real and apparent hazard to the employee or fellow employees. Current law creates a cause of action for wages for the

time an employee laid off or discharged for such a refusal is without work as a result. Current law defines the term "employment" for these and other purposes to exclude household domestic service. This bill, notwithstanding that definition or any other provision, for purposes of the hazard provisions, would define the term "employee" to include a domestic work employee, except for a person who performs household domestic service that is publicly funded, including publicly funded household domestic service provided to a recipient, client, or beneficiary with a share of cost in that service.

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

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

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

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

[SB 1103](#) (Hurtado D) Workforce training programs: supportive services.

Current Text: Amended: 7/27/2020 [html](#) [pdf](#)

Status: 8/21/2020-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. SUSPENSE FILE on 8/11/2020)

Summary: Would require the California Workforce Development Board to establish and administer the Lifting Families Out of Poverty Supportive Services Program. The bill would require the board, upon appropriation by the Legislature for that purpose, to make \$25,000,000 in grants available to consortia, composed of combinations of local workforce development boards, community colleges, or other stakeholders, that apply for funding to provide supportive services, as defined, and are approved in accordance with the bill.

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

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

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

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

[SB 1426](#) (Bradford D) Occupational safety and health: injury and illness prevention programs.

Current Text: Amended: 3/25/2020 [html](#) [pdf](#)

Status: 3/25/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Summary: Current law requires employers to furnish a place of employment that is safe and requires every employer to establish, implement, and maintain an effective injury prevention program, which includes identifying a person or persons to be responsible for implementing the program. Existing law requires employers to keep appropriate records of steps taken to implement and maintain the program. Current law authorizes an employer in the construction industry who is required to be licensed under the Contractors' State License Law to use records relating to employee training provided to the employer in connection with an occupational safety and health training program approved pursuant to that law. Current law requires these employers in the construction industry to keep only records of those steps taken to implement and maintain the program with respect to hazards specific to an employee's job duties. Current law exempts from these recordkeeping provisions a public entity, other than a state agency, that is a member of, or created by, a joint powers agreement. This bill would delete that exemption, thereby making public entities, other than state agencies, that are members of, or created by, a joint powers agreement, subject to those recordkeeping requirements.

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

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

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

Summary: Current law requires an employer to provide an employee, at the time of hiring, a written notice including specified information in the language the employer normally uses to communicate employment-related information to the employee. Current law requires the Labor Commissioner to prepare a template that includes the specified information mentioned above and to make the template available to employers in the manner as determined by the commissioner. This bill would require an employer to include in their written notice to all employees, specified information required in the event of a federal or state declared disaster or applicable to the county or counties in which the employee will be employed. The bill would prohibit an employer from retaliating against an employee for raising questions about the declarations' requirements or recommendations.

Labor Relations

[AB 3240](#) (Gray D) Labor disputes: strikes: health care coverage.

Current Text: Amended: 5/5/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 4/24/2020)

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 100 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: Amended: 8/24/2020 [html](#) [pdf](#)

Status: 9/1/2020-Ordered to inactive file.

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, beginning on July 1, 2021, would generally authorize an exclusive representative to file a charge of an unfair labor practice with the Public Employment Relations Board, as specified, alleging a violation of the above-described requirements.

Practice of Law

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

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

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

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

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

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

Status: 6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. PUB. S. on 2/27/2020)

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.

Privacy

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

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

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

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

Public Employment

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

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

Status: 6/5/2020-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. JUD. on 2/19/2020)

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: Amended: 8/24/2020 [html](#) [pdf](#)

Status: 9/1/2020-Ordered to inactive file.

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, beginning on July 1, 2021, would generally authorize an exclusive representative to file a charge of an unfair labor practice with the Public Employment Relations Board, as specified, alleging a violation of the above-described requirements.

Sexual Harassment

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

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

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

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

[AB 2915](#) (Rivas, Robert D) Attorney General: farmworkers: sexual assault and harassment.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)

Status: 5/5/2020-Re-referred to Com. on JUD.

Summary: Would require the Attorney General to conduct a Spanish-language radio and television advertising campaign to raise awareness among farmworkers of the criminal and civil penalties of sexual assault and sexual harassment, and to inform farmworkers who are subject to sexual assault or sexual harassment of state benefits available to them. The bill would appropriate \$1,000,000 for these purposes, and would require the Attorney General to spend the moneys within the 2021 calendar year.

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

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

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

Summary: Would revive claims for damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician while employed by a medical clinic owned and operated by the University of California, Los Angeles, or a physician who held active privileges at a hospital owned and operated by the University of California, Los Angeles, at the time that the sexual assault or other inappropriate contact, communication, or activity of a sexual nature occurred, between January 1, 1983, and January 1, 2019, that would otherwise be barred before January 1, 2021, solely because the applicable statute of limitations has or had expired, and would authorize a cause of action to proceed if already pending in court on January 1, 2021, or, if not filed by that date, to be commenced between January 1, 2021, and December 31, 2021.

Unemployment

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

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

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

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

Wage and Hour

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

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

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

Summary: Current law sets out the various responsibilities of the Department of General Services and state agencies in overseeing and implementing state contracting procedures and policies. Current law also provides that whenever any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required by law to be published in a newspaper, the publication is required to be made only in a newspaper of general circulation, as specified. This bill would require the department to publish, on the department's internet website, an annual report by July 1 of each year containing specified information relating to payments for placement of marketing or outreach advertising material

by each state agency. The bill would provide that these provisions are not intended to amend any of the above-described provisions relating to required publications of official advertising, notices, resolutions, orders, or other matters.

[AB 1492](#) (Boerner Horvath D) Employment: Telecommuting Act.

Current Text: Amended: 7/23/2020 [html](#) [pdf](#)

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. L., P.E. & R. on 7/2/2020)

Summary: Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified. This bill, among other things, would authorize any nonexempt employee working from home who is not under the physical control of the employer to choose when to take any meal or rest period during the workday, if the employer has not already scheduled a meal or rest period within the requirements of the law. The bill would require an employer to only pay one additional hour of pay for each day that the employer fails to notify the employee of the employee's right to take a break or requires an employee to work without a meal or rest period.

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

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

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

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

[AB 1850](#) (Gonzalez D) Worker classification: employees and independent contractors.

Current Text: Amended: 5/12/2020 [html](#) [pdf](#)

Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. L., P.E. & R. on 7/1/2020)

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. Current exemptions include a bona fide business-to-business contracting relationship, as defined, under the specified conditions. Under current law, the business-to-business exemption does not apply to an individual worker, as opposed to a business entity, who performs labor or services for a contracting business. This bill would delete that individual worker provision.

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 2/14/2020)

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

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

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

[AB 2075](#) (Kiley R) Worker status: independent contractors: hiring entity liability.

Current Text: Amended: 3/12/2020 [html](#) [pdf](#)

Status: 3/16/2020-Re-referred to Com. on V.A. Re-referred to Com. on RLS. pursuant to Assembly Rule 96.

Summary: Would, until January 1, 2021, prohibit the application of the ABC test to determine the liability of a hiring entity for damages, injunctive relief, or civil penalties based upon the classification of workers as independent contractors, and instead would require that employer liability to be based upon the multifactor test set forth in the case of Borello. The bill would provide that its provisions apply retroactively, as specified.

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was REV. & TAX on 2/20/2020)

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

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

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

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

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 2/27/2020)

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: penalties and enforcement.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)

Status: 6/5/2020-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. L. & E. on 2/27/2020)

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 these provisions. This bill would prohibit an employer from being subject to a monetary fine or penalty for a violation of the above provisions with respect to an applicant who has applied for unemployment benefits and has previously acted as an independent contractor during the past 5 years.

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

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 2/27/2020)

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

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

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

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

[AB 2497](#) (Bigelow R) Worker status: independent contractors: livestock judges.

Current Text: Amended: 3/4/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: Amended: 3/9/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

Summary: Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors. 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 bill would exempt persons who perform work on forested landscapes as geologists and geophysicists, land surveyors, contractors, engineers, and persons in the pest control business and who meet certain statutory licensing requirements.

[AB 2758](#) (Cooper D) Alternative workweek schedule: agricultural employees.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 4/24/2020)

Summary: Beginning January 1, 2022, current law prohibits any person employed in an agricultural occupation from being employed more than 8 hours in any one workday or working in excess of 40 hours in any one workweek, unless the employee receives one and 1/2 times that employee's regular rate of pay for all hours worked over 8 hours in any workday or over 40 hours in any workweek. Beginning January 1, 2022, current law requires any work performed by a person employed in an agricultural occupation in excess of 12 hours in one day to be compensated at a minimum double-time rate. Under current law, employers who employ 25 or fewer employees have an additional 3 years to comply with the phasing in of these overtime requirements. This bill would require, for purposes of those alternative workweek provisions, that an affected employee employed in an agricultural occupation working longer than 8 hours, but not more than 12 hours in a day, pursuant to an alternative workweek schedule, be paid an overtime rate of compensation according to the agricultural employee overtime phase-in provisions, as specified.

[AB 2793](#) (Mathis R) Worker status: independent contractors.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

Summary: 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 an individual providing services as a licensed clinical social worker, a licensed education psychologist, a licensed professional clinical counselor, or 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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/2/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/5/2020)
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 3053](#) (Daly D) Labor Commissioner: unpaid wage claim process.**
Current Text: Enrolled: 8/31/2020 [html](#) [pdf](#)
Status: 8/28/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.
Summary: Would, beginning July 1, 2021, require the Labor Commissioner to create an online portal on their internet website that would allow wage claimants to file unpaid wage claims, track those claims, and submit requested documents regarding those claims.
- [AB 3056](#) (Gonzalez D) Warehouse distribution centers.**
Current Text: Amended: 8/20/2020 [html](#) [pdf](#)
Status: 9/1/2020-Read third time. Refused passage. Died on call pursuant to Article IV, Section 10(c) of the Constitution.
Summary: Would enact prescribed protections for certain warehouse and distribution center employees. The bill would prohibit an employer from imposing a quota upon an employee under which reasonable amounts of time that the employee spends on any of the specified activities is counted toward the time required for completing the quota, or results in the employee having less time to complete the quota. The bill would define terms for its purposes.
- [AB 3075](#) (Gonzalez D) Wages: enforcement.**
Current Text: Enrollment: 8/31/2020 [html](#) [pdf](#)
Status: 8/31/2020-Read third time. Passed. Ordered to the Assembly. (Ayes 28. Noes 3.). In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling.
Summary: Current law requires a statement of information to contain certain information, including specified statements regarding the general type of business that constitutes the principal business activity of the corporation or limited liability company. Current law provides that an individual who signs a statement of information for any limited liability company or foreign limited liability company affirms under penalty of perjury the information stated in the statement is accurate. This bill, beginning January 1, 2022, or upon certification by the Secretary of State that California Business Connect is implemented, whichever is earlier, would require the statement of information to also contain a statement indicating whether any officer or any director, or, in the case of a limited liability company, any member or any manager, has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.
- [AB 3096](#) (Chiu D) Deterring union membership: University of California: violations.**
Current Text: Amended: 3/10/2020 [html](#) [pdf](#)
Status: 8/18/2020-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. L., P.E. & R. on 7/1/2020)
Summary: Current law prohibits a public employer from deterring or discouraging public employees or applicants to be public employees from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Existing law generally vests jurisdiction over violations of these provisions in the Public Employment Relations Board. This bill would authorize an employee organization to bring a claim before the Public Employment Relations Board alleging that the University of California violated the above-described provisions.
- [AB 3136](#) (Voepel R) Worker status: independent contractors: certified shorthand reporters.**
Current Text: Introduced: 2/21/2020 [html](#) [pdf](#)
Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/9/2020)
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: sports official: amateur sports event.**
Current Text: Amended: 5/4/2020 [html](#) [pdf](#)
Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/9/2020)
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 sports official, as defined, for a youth or adult amateur sports event, unless the official is already exempted from the definition of employee under another statute or regulation, as specified.
- [AB 3281](#) (Brough R) Worker status: independent contractors: business-to-business contracting relationship.**
Current Text: Introduced: 2/21/2020 [html](#) [pdf](#)
Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L. & E. on 3/9/2020)
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 729](#) (Portantino D) Meal and rest breaks: remote work.**
Current Text: Amended: 8/25/2020 [html](#) [pdf](#)
Status: 8/31/2020-August 31 set for first hearing. Held in committee without recommendation.
Summary: The Labor Code Private Attorneys General Act of 2004 authorizes an aggrieved employee on behalf of the employee and other current or former employees to bring a civil action to recover specified civil penalties that would otherwise be assessed and collected by the Labor and Workforce Development Agency for the violation of certain provisions affecting employees. This bill would prohibit an employee from recovering civil penalties from an employer under the act for violations of provisions requiring the employer to provide meal and rest breaks, if the employee engaged in remote work as specified.
- [SB 806](#) (Grove R) Worker status: employees: independent contractors.**
Current Text: Amended: 4/29/2020 [html](#) [pdf](#)
Status: 5/18/2020-May 14 set for first hearing. Failed passage in committee. (Ayes 1. Noes 4.) Reconsideration granted.
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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L., P.E. & R. on 1/29/2020)

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: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L., P.E. & R. on 2/6/2020)

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

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

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

[SB 975](#)

(Dahle R) Worker status: employees: independent contractors.

Current Text: Amended: 3/26/2020 [html](#) [pdf](#)

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was L., P.E. & R. on 2/20/2020)

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 these provisions. This bill would expand the above-described exemptions to also include licensed geologists, geophysicists, land surveyors, contractors, engineers, and pest control operators, when those persons are performing work on forested landscapes, as specified.

[SB 997](#)

(Borgeas R) Worker status: employees and independent contractors.

Current Text: Amended: 6/10/2020 [html](#) [pdf](#)

Status: 6/26/2020-Failed Deadline pursuant to Rule 61(b)(11). (Last location was S. L., P.E. & R.)

Summary: Current law provides that the addition of the ABC test to the Labor Code does not constitute a change in, but is declaratory of, existing law with regard to wage orders of the Industrial Welfare Commission and violations of the Labor Code relating to wage orders. Current law also provides that insofar as the application of the above exemptions would relieve an employer from liability, those provisions apply retroactively to existing claims and actions to the maximum extent permitted by law. Current law provides that, notwithstanding the above retroactivity language, other

provisions of this law apply to work performed on or after January 1, 2020. This bill would delete the above language providing that the addition of the ABC test to the Labor Code does not constitute a change in, but is declaratory of, existing law.

[SB 1331](#) (Bradford D) Local government: overtime enforcement.

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

Status: 5/29/2020-Failed Deadline pursuant to Rule 61(b)(5). (Last location was JUD. on 3/12/2020)

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 1399](#) (Durazo D) Employment: garment manufacturing.

Current Text: Amended: 8/24/2020 [html](#) [pdf](#)

Status: 8/25/2020-Read second time. Ordered to third reading.

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

Whistleblower

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

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

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

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

Workers Comp

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

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

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

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

Total Measures: 127

Total Tracking Forms: 127