



Guide to New or Pending California Labor/Employment Legislation

Dynamex/ABC Test Bills	Subject	Status
AB 5 (Gonzalez)	Worker Status: Employees and Independent Contractors. Codifies and expands the <i>Dynamex</i> “ABC test” for all industries and most purposes for employment law. Grants a number of exemptions to certain industries and professions. See our recent discussion here .	Signed 9/18/2019
AB 170 (Gonzalez)	Newspaper Distributors. Grants a one-year exemption for newspaper distributors.	On the Governor’s Desk
Arbitration Bills	Subject	Status
AB 51 (Gonzalez)	Mandatory Arbitration Agreements. Prohibits employers from requiring employees, as a condition of employment, to sign an agreement to arbitrate claims arising under FEHA or the Labor Code.	On the Governor’s Desk
SB 707 (Wieckowski)	Arbitration Agreements: Enforcement. Provides that the drafting party is in material breach of the arbitration agreement and waives its right to compel arbitration if arbitration fees are not paid within 30 days of the due date.	On the Governor’s Desk
Sexual Harassment Bills	Subject	Status
AB 9 (Reyes)	FEHA Statute of Limitations. Extends the period of time for an employee to file a complaint of unlawful employment discrimination (not just sexual harassment) with the Department of Fair Employment and Housing (DFEH) from one year to three years.	On the Governor’s Desk
AB 171 (Gonzalez)	Sexual Harassment and Retaliation. Prohibits employers from retaliating against employees for being a victim of sexual harassment. Creates a rebuttable presumption that adverse employment action taken within 90 days is unlawful retaliation.	On the Governor’s Desk
AB 547 (Gonzalez)	Janitorial Workers. Establishes new sets of requirements for the registration of janitorial employers and sexual harassment prevention training for janitorial employees, including a requirement that mandated training must be provided by organizations on a list of qualified providers that utilize peer trainers.	On the Governor’s Desk
SB 530 (Galgiani)	Construction Industry: Sexual Harassment Prevention Training. Authorizes an apprenticeship program to provide harassment prevention training and imposes certain recordkeeping requirements.	On the Governor’s Desk

Sexual Harassment Bills (cont.)	Subject	Status
SB 778 (Labor Cmte.)	Employers: Sexual Harassment Prevention Training. Extends the effective date of last year's SB 1343 to January 1, 2021 and makes clarifying changes to the law. See our recent legal alert here . Went into effect immediately.	Signed 8/30/2019
Lactation Accommodation Bills	Subject	Status
SB 142 (Wiener)	Lactation Accommodation. Requires that a lactation room (1) be safe and free of toxic or hazardous materials, (2) contain a surface to place a breast pump and personal items as well as a place to sit, (3) have access to electricity, running water and a refrigerator, (4) not be a bathroom, and (5) be in proximity to an employee's work area. Provides that failure to provide a lactation break constitutes a violation of Labor Code Section 226.7.	On the Governor's Desk
AB 752 (Gabriel)	Public Transit Stations: Lactation Accommodation. Requires specified transit stations that begin construction or renovation work on or after January 1, 2021 to include a lactation room.	On the Governor's Desk
OSHA Bills	Subject	Status
AB 35 (Kalra)	Worker Safety: Blood Lead Levels. Requires the California Department of Public Health to report high lead level blood tests to Cal/OSHA and mandates certain inspection and reporting requirements by Cal/OSHA upon receiving these results.	On the Governor's Desk
AB 203 (Salas)	Valley Fever. Requires construction employers to provide effective awareness training on Valley Fever to all employees annually.	On the Governor's Desk
AB 1804 (Labor Cmte.)	Occupational Injuries and Illness: Reporting. Requires a report of serious injury, illness or death to be made by telephone or online, rather than by email.	Signed 8/30/2019
AB 1805 (Labor Cmte.)	"Serious" Injury or Illness. Amends the definition of "serious injury or illness" to remove the 24-hour minimum time requirement for qualifying hospitalizations, and makes other changes.	Signed 8/30/2019
Construction/Public Works Bills	Subject	Status
AB 520 (Kalra)	Public Works: "De Minimis." Provides that a public subsidy is "de minimis" if it is both less than \$500,000 and less than 2% of the total project cost. Provides that a public subsidy for a project that consists entirely of single-family dwellings is "de minimis" if it is less than 2% of the total project cost.	On the Governor's Desk
AB 1613 (O'Donnell)	Public Works: Charter Schools. Expands the definition of "public works" to include projects for charter schools funded in whole or in part via conduit revenue bonds.	On the Governor's Desk

Construction/Public Works Bills (cont.)	Subject	Status
AB 1768 (Carillo)	Public Works: Preconstruction Work. Expands the definition of “public works” to include work conducted during site assessment or feasibility studies. Also specifies that preconstruction work, including design, site assessment, feasibility studies, and land surveying is deemed to be part of a public work, regardless of whether any further construction work is conducted.	On the Governor’s Desk
Privacy Bills	Subject	Status
AB 25 (Chau)	California Consumer Privacy Act: Employment Data. Exempts, until January 1, 2021, from most provisions of the CCPA, information collected about a person in the course of the person acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business, as specified. An employer would still be obligated to disclose the categories of personal information collected and the categories for which it is used.	On the Governor’s Desk
AB 874 (Irwin)	California Consumer Privacy Act: Personal Information. Redefines “personal information” to mean information that is “reasonably” capable of being identified with a particular consumer or household.	On the Governor’s Desk
AB 1355 (Chau)	California Consumer Privacy Act: Business Communications. Exempts, until January 1, 2021, personal information reflecting a written or verbal communication or a transaction between the business and the consumer, as specified, within the context of the business conducting due diligence or providing or receiving a product or service, as specified.	On the Governor’s Desk
Miscellaneous Bills	Subject	Status
AB 267 (Chu)	Employment of Infants: Entertainment Industry. Clarifies that the rules governing the employment of infants under current law apply to infants in the entire “entertainment industry,” rather than just motion pictures.	Signed 9/12/2019
AB 378 (Limón)	Family Childcare Providers: Bargaining Representative. Authorizes family childcare providers to form, join, and participate in the activities of provider organizations for purposes of negotiating with the state.	On the Governor’s Desk
AB 403 (Kalra)	Retaliation Claims. Extends the statute of limitations for DLSE retaliation claims from six months to two years, and authorizes and attorneys’ fee award to a worker who prevails on a whistleblower claim.	On the Governor’s Desk
AB 560 (Santiago)	Public Utilities: Unionization. Requires any expense incurred by a public utility in assisting or deterring union organizing to be borne exclusively by the shareholder of the public utility and not ratepayers.	On the Governor’s Desk

Miscellaneous Bills (cont.)	Subject	Status
AB 589 (Gonzalez)	Immigration Documents. Makes it unlawful for an employer to destroy, conceal, remove, confiscate or possess an employee passport or other immigration related document with intent to commit specified crimes. Requires all employers to provide employees with a specified “Worker’s Bill of Rights” containing specified information.	On the Governor’s Desk
AB 625 (Kalra)	Worker Retention: Public Transit and Solid Waste Contracts. Extends a bid preference for local public transit and solid waste contractors that agree to retain workers to state agencies that enter into such contracts.	On the Governor’s Desk
AB 673 (Carillo)	Failure to Pay Wages: Penalties. Provides that penalties for late payment of wages shall be recovered by the Labor Commissioner, payable to the affected employee, as a civil penalty or by the employee as a statutory penalty in a hearing pursuant to the Labor Commissioner's authority under the Labor Code. The affected employee may also enforce civil penalties for late payment of wages through the Private Attorneys General Act (PAGA) but cannot also recover statutory penalties for the same violation.	On the Governor’s Desk
AB 749 (Stone)	“No Rehire” Clauses. 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 from working for the employer or any parent company, subsidiary, division, affiliate, or contractor of the employer.	On the Governor’s Desk
AB 1291 (Jones-Sawyer)	Cannabis: Labor Peace Agreements. Requires an applicant with 20 or more employees to provide a notarized statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement. This bill also requires an applicant for a state license, if the applicant has less than 20 employees and has not yet entered into a labor peace agreement, to provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing its 20th employee.	On the Governor’s Desk
AB 1478 (Carillo)	Employment Discrimination: Private Right of Action. Authorizes an aggrieved employee to bring a private civil action to enforce alleged violations of Labor Code Sections 230 and 230.1 (related to protections for employees who are victims of domestic violence, sexual assault, and stalking).	On the Governor’s Desk

Miscellaneous Bills (cont.)	Subject	Status
AB 1554 (Gonzalez)	Flexible Spending Accounts: Notice to Employees. Requires an employer to notify an employee who participates in a flexible spending account of any deadline to withdraw funds before the end of the plan year.	Signed 8/30/2019
AB 1677 (Weber)	Call Centers: Closure. Requires an employer of customer service employees in a call center that intends to relocate from this state to a foreign country to notify the Labor Commissioner at least 120 days before the relocation. An employer that relocates a call center to a foreign country would be ineligible to be awarded or have renewed state grants, state-guaranteed loans, or tax credits for 5 years.	On the Governor's Desk
AB 1748 (Bonta)	California Family Rights Act (CFRA): Flight Crews. Amends the 1,250 hours of service requirement under CFRA as applied to airline flight deck or cabin crew employees, as defined, in a manner consistent with the federal Family and Medical Leave Act of 1993.	On the Governor's Desk
SB 188 (Mitchell)	FEHA Discrimination: Hairstyles. Provides that the definition of "race" for employment discrimination purposes under FEHA also include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. See our recent blog post about this new legislation here .	Signed 7/3/2019
SB 218 (Bradford)	Employment Discrimination: Local Enforcement. Authorizes local jurisdictions within Los Angeles County to (1) adopt their own employment discrimination law, and (2) enforce state FEHA claims.	On the Governor's Desk
SB 286 (Durazo)	Payment of Wages: Professional Sports Organization Employees. Clarifies that the conclusion of a professional baseball season, an event or series of events does not constitute a termination of employment for events employees working at a professional baseball stadium. Such employees are entitled to receive payment of wages by the next regular payday, except if the employee quits or is discharged.	On the Governor's Desk
SB 671 (Hertzberg)	Final Wages: Print Shoot Employees. Provides that final wages owed to a "print shoot employee" are due by the next regular payday, similar to current law applicable to the motion picture industry.	Signed 9/5/2019
SB 688 (Monning)	Failure to Pay Wages: Penalties. Provides that if the Labor Commissioner determines that an employer has paid a wage less than the wage set by contract (not just less than minimum wage), the Labor Commissioner may issue a citation to the employer to recover restitution of the amounts owed by contract.	On the Governor's Desk