



Guide to Pending California Labor/Employment Bills on Governor Brown's Desk (2018)

| Sexual Harassment Bills | Subject | Prediction | Actual Result? |
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| <u>AB 1867</u> (Reyes) | Record Retention. Requires employers with 50 or more employees to maintain records of internal complaints alleging sexual harassment for at least five years. | Sign | |
| <u>AB 1870</u> (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. | Sign | |
| <u>AB 2079</u> (Gonzalez Fletcher) | 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. | Sign | |
| <u>AB 2338</u> (Levine) | Talent Agencies. Requires talent agencies to provide educational material on sexual harassment training, retaliation, nutrition and eating disorders to adult artists, and requires minors (and their parents) to receive training in sexual harassment prevention. | Sign | |
| <u>AB 3080</u> (Gonzalez Fletcher) | 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. Prohibits non-disparagement clauses related to sexual harassment, and appears to broadly prohibit settlement agreements that include release of claims. | Veto | |
| <u>AB 3081</u> (Gonzalez Fletcher) | 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 30 days is unlawful retaliation. Makes client employers and labor contractors jointly liable for sexual harassment. | Sign | |
| <u>AB 3109</u> (Stone) | Contracts: Right to Testify. Makes void any provision in a contractor or settlement agreement that waives a party's right to testify in an administrative, legislative or judicial proceeding concerning alleged criminal conduct or sexual harassment. | Sign | |

| Sexual Harassment Bills (Cont.) | Subject | Prediction | Actual Result? |
|---------------------------------------|---|------------|----------------|
| SB 224 (Jackson) | Sexual Harassment: Professional Relationships. Adds “investor, elected official, lobbyists, director and producer” to the list of examples in Civil Code Section 51.9 that imposes liability for sexual harassment in “business, service or professional” relationships. | Sign | |
| SB 820 (Jackson) | Non-Disclosure Agreements. Prohibits provisions in settlement agreements that prevent disclosure of factual information related to act of sexual assault, sexual harassment, or sex discrimination or retaliation. Allows a claimant to request language that shields their identity or facts that could lead to the discovery of their identity. Does not apply to disclosure of the amount paid in settlement of a claim. | Sign | |
| SB 1300 (Jackson) | Unlawful Employment Practices. Prohibits employers, in exchange for a raise or a bonus, or as a condition of employment or continued employment, from requiring an employee to sign a release of claim under FEHA or to sign a nondisparagement agreement. Permits employers to provide “bystander intervention training.” Makes legislative findings and declarations, including (1) that a single incident can constitute harassment, and (2) that harassment cases are rarely appropriate for summary judgment. | Veto | |
| SB 1343 (Mitchell) | Training. Requires employers with 5 or more employees to provide 2 hours of sexual harassment prevention training to all supervisory employees, and at least 1 hour of sexual harassment prevention training to all nonsupervisory employees by January 1, 2020. Requires DFEH to develop online training courses that employers can utilize to satisfy these requirements. | Sign | |
| Lactation Accommodation Bills | Subject | Prediction | Actual Result? |
| AB 1976 (Limón) | Lactation Accommodation. Provides that a lactation room must be “other than a bathroom.” Provides for temporary lactation locations that meet certain conditions, and allows agricultural employers to utilize the air-conditioned cab of a truck or tractor. Allows an employer to request a hardship exemption under certain conditions. | Sign | |

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| <u>SB 937</u> (Weiner) | 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. Allows an employer with 50 or more employees to apply for a hardship waiver. | Veto | |
| Human Trafficking Bills | Subject | Prediction | Actual Result? |
| <u>AB 2034</u> (Kalra) | Training. Requires operators of mass transit intercity passenger rail systems, light rail systems, and bus stations by 2021 to provide employees who may interact with human trafficking victims with 20 minutes of training on recognizing the signs of human trafficking and similar matters | Sign | |
| <u>SB 970</u> (Atkins) | Training. Requires a hotel or motel employer, by 2020, to provide 20 minutes of training to employees that are likely to come into contact with victims of human trafficking. Thereafter, training shall be provided once every two years. | Sign | |
| OSHA Related Bills | Subject | Prediction | Actual Result? |
| <u>AB 2334</u> (Thurmond) | Employer Electronic Reporting. Provides that if federal OSHA eliminates the proposed Improve Tracking of Workplace Injuries and Illnesses rule, Cal/OSHA shall convene an advisory committee to evaluate how to implement the changes at the state level. This bill also provides that an "occurrence" for purpose of recordkeeping requirements continues until it is corrected, Cal/OSHA discovers the violation, or the duty to comply ceases to exist. | Sign | |
| <u>AB 2799</u> (Jones-Sawyer) | Cannabis. Requires an applicant for a cannabis license to provide a statement that it employs, or will employ within one year, one supervisor and one employee who have completed a 30-hour Cal/OSHA general industry course. | Veto | |
| <u>AB 2963</u> (Kalra) | Blood Level Reporting. 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. | Veto | |
| <u>SB 1113</u> (Monning) | Mental Health: Voluntary Standards. Authorizes the Mental Health Services Oversight and Accountability Commission to establish a framework and voluntary standards for mental health in the workplace, and to provide guidance to California employers. | Sign | |

| Construction/Public Works Bills | Subject | Prediction | Actual Result? |
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| AB 235 (O'Donnell) | Apprenticeship and Pre-apprenticeship. Establishes a two-part process for the approval of apprenticeship programs, maintaining the current process for building trades and firefighter programs and establishing a separate process for newly emerging areas. Establishes pre-apprenticeship eligibility requirements. | Sign | |
| AB 1565 (Thurmond) | General Contractor Liability. This bill is a clean-up measure to AB 1701 from last year and responds to the Governor's signing message asking for technical clarifications. | Sign | |
| AB 2031 (O'Donnell) | School Project Bidding Requirements. Removes the January 1, 2019 sunset date on the requirement of general contractors and specified subcontractors to complete and submit prequalification information prior to bidding on school construction projects. | Sign | |
| AB 2358 (Carrillo) | Apprenticeships: Discrimination. Prohibits discrimination in building and construction trades apprenticeship programs based on enumerated categories with regards to acceptance into or participation in the program. | Sign | |
| AB 3018 (Low) | Skilled and Trained Workforce Requirements. Increases reporting requirements and penalties for noncompliance with existing provisions related to skilled and trained workforce requirements on state public works projects. | Sign | |
| AB 3231 (Gray) | Certified Payroll Records. Authorizes a joint labor-management committee to bring an action against an employer who fails to provide payroll records as required by state law. | Sign | |
| SB 1223 (Galgiani) | Discrimination and Harassment Prevention Policy. Requires DLSE to convene an advisory committee and to develop recommendations for an industry-specific harassment and discrimination prevention policy and training standards for use by employers in the construction industry. | Veto | |

| Miscellaneous Bills | Subject | Prediction | Actual Result? |
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| AB 1080 (Gonzalez Fletcher) | Bid Preferences: Employee Health Care Coverage. Provides a 5% bid preference on state public works projects and specified service contracts for bidders who provide employees with "credible health care coverage." | Sign | |
| AB 1654 (Rubio) | Labor Code Private Attorneys General Act (PAGA). Establishes a collective bargaining agreement exemption for PAGA claims filed by employees in the construction industry. | Sign | |
| AB 2314 (Ting) | Domestic Workers. Requires DLSE to establish a pilot program, in collaboration with qualified organizations, to provide resources, education, and training regarding labor standards in the domestic work industry for both employees and employers. | Veto | |
| AB 2317 (Eggman) | Whistleblowers: County Patients' Rights Advocates. Extends whistleblower protections to county patients' rights advocates appointed or under contract to provide services relating to mental health advocacy. | Sign | |
| AB 2455 (Kalra) | Home Care Aide Registry. Requires the Department of Social Services, upon request, to provide an electronic copy of a registered home care aide's name and certain contact information to specified labor organizations, unless the aide has opted-out. | Veto | |
| AB 2496 (Gonzalez Fletcher) | Janitorial Employees: Employment Status. Creates a rebuttable presumption that a worker in the janitorial industry is an employee. | Sign | |
| AB 2605 (Gipson) | Rest Breaks: Petroleum Facilities. Establishes an exemption from the "relieved of all duty" rest period requirements of the recent <i>Augustus</i> case for employees in safety sensitive positions in petroleum facilities covered by a valid collective bargaining agreement. | Sign | |
| AB 2732 (Gonzalez Fletcher) | 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. | Sign | |
| AB 2751 (Stone) | Agriculture Labor Relations Board (ALRB). Requires the ALRB to process to final board order all decisions with monetary remedies within one year of a finding of liability. This bill also requires the immediate implementation of a final board order and contract resulting from mandatory mediation. | Veto | |

| Miscellaneous Bills (Cont.) | Subject | Prediction | Actual Result? |
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| SB 826 (Jackson) | Board of Directors: Women. Requires each publicly held corporation whose principal executive offices are located in California to have a minimum number of women on its board of directors, as specified. | Veto | |
| SB 1123 (Jackson) | Paid Family Leave. Permits an individual who misses work due to their spouse, domestic partner, parent or child being on active duty in the armed forces to receive paid family leave benefits. | Sign | |
| SB 1252 (Bradford) | Payroll Records. Provides that when an employee asserts his or her right to inspect and copy payroll records, the employer is required to make the copies. | Sign | |
| SB 1402 (Lara) | Port Drayage Trucking: Liability. Requires joint and several liability for customers who contract with port drayage motor carriers who have unsatisfied judgments regarding unpaid wages, damages, expenses, penalties and workers' compensation liability. | Sign | |
| SB 1412 (Bradford) | Criminal History. Narrows certain exceptions to existing "ban the box" prohibitions to limit their consideration only to "particular" convictions. | Veto | |