



## What California Bills Survived the Suspense File?

Insights

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As we discussed recently, this was a significant week in the California Legislature, as the Assembly and Senate Appropriations Committees decided the fate of hundreds of bills in announcing which bills made it off the “suspense file” and which bills were held (effectively killing the bill for the year).

So which big labor and employment bills made the cut?

### Which Bills Died?

*AB 815 (Cooper) – Farm Labor Contractors* – Requires the Labor Commissioner to ensure that the Fresno DLSE office has sufficient resources for duties of the Farm Labor Contractor Special Enforcement Unit. *This bill was held in the Assembly Appropriations Committee.*

*AB 831 (Patterson) – Tax Credits: Compliance* – Provides a tax credit for qualified small businesses of \$25 for each hour spent on compliance with state regulations and laws (not to exceed \$1,200). *This bill was held in the Assembly Appropriations Committee.*

*AB 912 (Oberholte) – California Small Business Regulatory Fairness Act* – Requires state agencies to assist small businesses in complying with the law. This bill also requires state agencies to provide for the reduction of civil penalties for small businesses under appropriate circumstances. *This bill was held in the Assembly Appropriations Committee.*

*SB 270 (Atkins) – Human Trafficking: Hotels and Motels* – Requires a hotel or motel that provides lodging services in the state to train its employees who are likely to interact with victims of human trafficking in recognizing the signs of human trafficking and how to report these signs to the appropriate law enforcement agency. This bill is similar to AB 1942 (C. Garcia) from last year, which was held under submission in the Assembly Appropriations Committee. *This bill was held in the Senate Appropriations Committee.*

### Which Bills Survived?

*AB 199 (Chu) – Public Works: Residential Projects* – Defines “public works” for prevailing wage law purposes to include private residential projects built on private property that are built pursuant to an agreement with successors to redevelopment agencies. As introduced, this bill would have applied prevailing wage requirements to almost all private residential construction. After intense opposition, the bill has been amended to its current form, but this bill should continue to be watched

closely. *This bill passed the Assembly Appropriations Committee and now moves to the Assembly floor.*

*AB 263 (Rodriguez) – Emergency Medical Services Workers “Bill of Rights”* – Requires an employer that provides EMS services to authorize and permit its employees to take rest periods, and to provide meal periods. Recent amendments provide that an employer may require employees to monitor pagers, radios, or similar equipment during such breaks. This bill also requires the Emergency Medical Services Authority annually to post specified information regarding violent incidents involving EMS providers in the performance of their duties. *This bill passed the Assembly Appropriations Committee and now moves to the Assembly floor.*

*AB 353 (Voepel) – Veterans’ Preference – Hiring Policy* – Authorizes a private employer to establish and maintain a written veterans’ preference employment policy to give a voluntary preference for hiring or retaining a veteran. The granting of such a preference, in and of itself, shall not be deemed to violate local or state employment discrimination laws. This bill is similar to AB 1383 (Jones) from last year, which failed passage in the Senate Judiciary Committee. *This bill passed the Assembly Appropriations Committee and now moves to the Assembly floor.*

*AB 387 (Thurmond) – Minimum Wage: Health Professionals: Interns* – Provides that state minimum wage law applies to employers that employ a person engaged in a period of supervised work experience to satisfy requirements for licensure, registration, or certification as an “allied health professional,” as defined. *This bill passed the Assembly Appropriations Committee with amendments to limit the scope of the bill, and now moves to the Assembly floor.*

*AB 450 (Chiu) – Immigration Worksite Enforcement Actions* – This bill puts California employers right in the middle of the national immigration debate by (1) requiring them to demand warrants and subpoenas from ICE prior to immigration worksite enforcement actions, and (2) requiring them to notify the Labor Commissioner prior to such actions (including I-9 self-audits), who in turn is authorized to conduct a wall-to-wall audit. Read more about this bill [here](#). *This bill passed the Assembly Appropriations Committee with amendments to reduce penalties and clarify the role of the Labor Commissioner and now moves to the Assembly floor.*

*AB 569 (Gonzalez Fletcher) – Discrimination: Reproductive Health* – Prohibits employers from taking adverse employment action against an employee based on his or her reproductive health decisions, including the use of any drug, device, or medical service related to reproductive health by the employee or a dependent. This bill also prohibits employers from requiring workers to sign a code of conduct or similar document that purports to deny an employee the right to make his or her own reproductive health care decisions. *This bill passed the Assembly Appropriations Committee and now moves to the Assembly floor.*

*AB 581 (McCarty) – Apprentices* – Imposes certain recordkeeping requirements on apprenticeship programs that receive specified grant funds from the California Apprenticeship Council. If the program is found to be using grant funds for purposes other than training apprentices, the program

program is found to be using grant funds for purposes other than training apprentices, the program shall be ineligible to receive future grants and their registration may be rescinded. *This bill passed the Assembly Appropriations Committee and now moves to the Assembly floor.*

*AB 676 (Limón) – Child Care and Development: OSHA Training* – Requires early educators (as defined) to attend a one-time, two-hour training on OSHA risks specific to the child care profession. *This bill passed the Assembly Appropriations Committee with minor amendments, and now moves to the Assembly floor.*

*AB 708 (Quirk-Silva) – OSHA: Responding Agency Notifications* – Revises notice provisions that require specified first responders to notify Cal/OSHA after accidents involving specified injuries or death. *This bill passed the Assembly Appropriations Committee and now moves to the Assembly floor.*

*AB 1008 (McCarty) – “Ban the Box”* – This bill would enact a statewide version of the “ban the box” ordinance recently adopted in Los Angeles. Among other things, the bill prohibits employers from asking about or considering conviction history of an applicant until a conditional offer of employment has been made, and requires employers to provide certain information to applicants and allow for a 10-day opportunity for the applicant to submit evidence of mitigation or rehabilitation. *This bill passed the Assembly Appropriations Committee with amendments to exempt jobs that require background checks under state or federal law, and now moves to the Assembly floor.*

*AB 1066 (Aguiar-Curry) – Prevailing Wage: Tree Removal* – Amends the definition of “public works” for purposes of state prevailing wage law to include tree removal. *This bill passed the Assembly Appropriations Committee and now moves to the Assembly floor.*

*AB 1080 (Gonzalez Fletcher) – Public Contracts: Bid Preferences: Employee Health Care Expenditures* – Requires state agencies awarding public works and other specified contracts (including package delivery, custodial services, landscaping and parking attendants) to provide a 10 percent bid preference to a bidder or subcontractor that provided “credible health care coverage” during the 12 months preceding submission of the bid. *This bill passed the Assembly Appropriations Committee and now moves to the Assembly floor.*

***AB 1099 (Gonzalez Fletcher) – Tips: Gig Economy*** – This bill requires an employer who allows a patron to pay for services by debit or credit card to also accept a debit or credit card for payment of gratuity, payable not later than the next regular payday. It is also likely that this bill will be used as a vehicle for broader proposals related to the “gig” economy, such as the author’s unsuccessful AB 1727 from last year, which would have allowed gig economy workers to organize. This bill is definitely one to watch. *This bill passed the Assembly Appropriations Committee with amendments to limit the bill to online platforms, and now moves to the Assembly floor.*

*AB 1209 (Gonzalez Fletcher) – Gender Pay Differentials* – Requires employers with 250 or more employees to collect specified information on gender pay differentials. The information must be published on a public website, submitted to the Secretary of State, and updated annually. *This bill*

published on a public website, submitted to the Secretary of State, and updated annually. *This bill passed the Assembly Appropriations Committee with amendments, and now moves to the Assembly floor.*

*AB 1250 (Jones-Sawyer) – Contracts for Personal Services* – Limits the ability of counties and cities to contract for personal services by imposing significant hurdles, including a cost/benefit analysis (paid for by the proposed contractor). *This bill passed the Assembly Appropriations Committee with amendments, and now moves to the Assembly floor.*

*SB 49 (Jackson) – California Environmental, Public Health, and Workers Defense Act of 2017* – Among other things, this bill prohibits a state agency from amending or revising rules or regulations in a manner that is less stringent of workers' rights than standards established pursuant to federal law in existence as of January 1, 2016. *This bill passed the Senate Appropriations Committee with amendments, and now moves to the Senate floor.*

*SB 63 (Jackson) – New Parent Leave* – This bill would provide up to 12 weeks of job-protected family leave to bond with a new child for employees that work for employers with 20 or more employees (as opposed to CFRA, which applies to employers with 50 or more employees). This bill is similar to the author's SB 654, which was vetoed last year by Governor Brown. Notably, that bill only provided for six weeks of job-protected leave, whereas SB 63 would authorize up to 12 weeks. *This bill passed the Senate Appropriations Committee with minor amendments to add co-authors, and now moves to the Senate floor.*

*SB 201 (Skinner) – Higher Education Employer-Employee Relations Act (HEERA)* – Grants collective bargaining rights to students employed as research assistants (RAs) at the University of California, the California State University, and the Hastings College of Law. *This bill passed the Senate Appropriations Committee and now moves to the Senate floor.*

*SB 219 (Wiener) – LGBT Long-Term Care Facility Resident's Bill of Rights* – This bill would prohibit skilled nursing facilities, intermediate care facilities, and residential care facilities from taking specified actions based on a resident's actual or perceived sexual orientation, gender identity, gender expression, or HIV status, including refusing to use a resident's preferred name or pronoun. *This bill passed the Senate Appropriations Committee with amendments to eliminate the ability to bring specified civil actions against facilities, and now moves to the Senate floor.*

*SB 225 (Stern) - Human Trafficking: Hotels and Motels* – Revises a specified human trafficking notice that certain establishments are required to post to include the ability to text certain hotlines, and makes other minor changes. *This bill passed the Senate Appropriations Committee and now moves to the Senate floor.*

*SB 258 (Lara) – Cleaning Product Right to Know Act of 2017* – This bill would require manufacturers of "cleaning products" to disclose chemical ingredients and other information. However, the bill also impacts employers by requiring them to identify cleaning products and list the ingredients of products by labeling any container used in the workplace into which a cleaning product is

products by labeling any container used in the workplace into which a cleaning product is transferred. *This bill passed the Senate Appropriations Committee and now moves to the Senate floor.*

*SB 295 (Monning) – Farm Labor Contractors* – This bill provides that violations of specified sexual harassment training requirements applicable to farm labor contractors are violations of the Labor Code and subject to citation by the Labor Commissioner. The bill also requires that sexual harassment training for each agricultural employee be in a language understood by that employee. *This bill passed the Senate Appropriations Committee and now moves to the Senate floor.*

*SB 306 (Hertzberg) – Retaliation* – This bill dramatically revises retaliation claim procedures, and reflects language similar to that which has been proposed by Governor Jerry Brown in a budget trailer bill. Among other things, this bill authorizes the Labor Commissioner to petition the court for injunctive relief (such as reinstating the employee) before completing an investigation and determining whether a violation has occurred. The bill also requires the employer to pay attorneys' fees and costs if the Labor Commissioner prevails in an enforcement action. *This bill passed the Senate Appropriations Committee and now moves to the Senate floor.*

*SB 562 (Lara) – The Healthy California Act* – Establishes a comprehensive universal single-payer health care coverage program for all residents of the State of California. *This bill passed the Senate Appropriations Committee with amendments to make enactment contingent on funding, and now moves to the Senate floor.*

## **Next Steps**

There won't be much time for resting on these bills that made the cut. Friday, June 2 is the deadline for all bills to make it out of their house of origin. All Senate bills have to make it off the Senate floor. All Assembly bills have to make it off the Assembly floor. With Monday being the Memorial Day holiday, the Legislature will only have four days next week to dispense with hundreds of bills. Floor sessions will last all day, and likely into the night.

It will be an exciting week, and there will be intense floor debates on some of these more controversial bills. Check back here for updates.

## **Related People**





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