



## Hot List – What's Happening in the California Legislature 8/28-9/11

Insights

8.25.17

Our weekly California Legislature “hot list” provides you with a preview of the bills that are up (as well as other important legislative action) the following week.

**Recap of Legislative Bill Activity Last Week** – The following bills were acted upon this past week:

*AB 46 (Cooper) – Gender Pay Inequality* – Placed on the Senate Appropriations Suspense File.

*AB 450 (Chiu) – Immigration Worksite Enforcement Actions* – Placed on the Senate Appropriations Suspense File.

*AB 569 (Gonzalez Fletcher) – Discrimination: Reproductive Health* – Placed on the Senate Appropriations Suspense File.

*AB 1008 (McCarty) – “Ban the Box”* – Placed on the Senate Appropriations Suspense File.

*AB 1066 (Aguiar-Curry) – Prevailing Wage: Tree Removal* – Ordered to the Senate Floor by the Senate Appropriations Committee pursuant to Senate Rule 28.8.

*AB 1080 (Gonzalez Fletcher) – Public Contracts: Bid Preferences: Employee Health Care Expenditures* – Placed on the Senate Appropriations Suspense File.

*AB 1209 (Gonzalez Fletcher) – Gender Pay Differentials* – Placed on the Senate Appropriations Suspense File.

*AB 1250 (Jones-Sawyer) – Contracts for Personal Services* – Placed on the Senate Appropriations Suspense File.

*AB 1700 (Cooper) – Cannabis: OSHA Training* – Placed on the Senate Appropriations Suspense File.

*SB 49 (De León) – California Environmental, Public Health, and Workers Defense Act of 2017* – Placed on the Assembly Appropriations Suspense File.

*SB 219 (Wiener) – LGBT Long-Term Care Facility Resident’s Bill of Rights* – Placed on the Assembly Appropriations Suspense File.

*SB 295 (Monning) – Farm Labor Contractors* – Placed on the Assembly Appropriations Suspense File.

*SB 306 (Hertzberg) – Retaliation* – Placed on the Assembly Appropriations Suspense File.

*SB 396 (Lara) – Harassment Training: Gender Identity, Gender Expression, and Sexual Orientation* – Passed the Assembly Appropriations Committee (10-5); now moves to the Assembly.

*SB 548 (Atkins) – PERB: Expedited Petitions* – Placed on the Assembly Appropriations Suspense File.

## **Senate Floor**

The following bills are eligible to be taken up on the Senate Floor at any time:

*AB 168 (Eggman) – Salary History Information* – Prohibits an employer from seeking salary history information about an applicant for employment. This bill also requires an employer, upon reasonable request, to provide the pay scale for a position to an applicant for employment. Previous legislative efforts in this regard have not been successful.

*AB 260 (Santiago) – Human Trafficking* – This bill adds hotels, motels, bed and breakfast inns, and similar transient lodging establishments, other than personal residences, to the list of businesses and other establishments that are required to post information about human trafficking on their premises.

*AB 326 (Salas) – Barbering and Cosmetology: Physical and Sexual Abuse Awareness Training*: Requires an existing health and safety course adopted by the board to include physical and sexual abuse awareness.

*AB 500 (Bloom) – Employee Codes of Conduct* – Requires a school that maintains a section on employee interactions with pupils in its employee code of conduct to provide a copy to parents and guardians of pupils and post in on the school's website.

*AB 978 (Limón) – OSHA IPPs* – This bill requires employers, upon written request, to provide a copy of the written injury and illness prevention program (including all required attachments) to an employee or authorized representative. This bill is similar to AB 2895 from last year, which was not taken up on the Senate 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.

*AB 1425 (Kalra) – Apprentices* – Requires contractors to provide specified contract information to the apprenticeship committee for each applicable craft or trade in the area of the public works project within 10 days of the execution of a contract (or not later than the first day work begins). This

bill also provides that a contractor or subcontractor that knowingly commits four or more apprenticeship violations in a three-year period shall be ineligible to bid on a public works contract for one year.

*AB 1565 (Thurmond) – Overtime Salary Threshold* – Provides that an executive, administrative or professional employee is exempt from overtime if they earn a monthly salary equivalent to \$3,956 or twice the state minimum wage, whichever is higher. As discussed [here](#), this bill is a labor-supported response to the apparent demise (thus far) of the Obama Department of Labor effort to increase the salary threshold required for the overtime exemptions under federal law.

*AB 1701 (Thurmond) – Labor-Related Liabilities: Original Contractor* – This bill, sponsored by the California Conference of Carpenters, would make a general contractor on a construction project liable for wages or fringe benefits not paid by a subcontractor at any tier of the project. The bill would also provide for a civil action to enforce this liability.

*SB 418 (Hernandez) – Public Contracts: “Skilled and Trained Workforce” Requirements* – This bill originally dealt with the “de minimis” exemption for the use of public funds on public works project. However, the bill was recently amended to delete its contents and address a completely different issue. Existing law imposes a “skilled and trained workforce” requirement on certain projects, including a requirement that a certain percentage of skilled journeypersons on a project are graduates of an apprenticeship program. This bill would exempt nearly 20 occupations from those requirements.

## **Assembly Floor**

The following bills are eligible to be taken up on the Assembly Floor at any time:

*SB 33 (Dodd) – Arbitration Agreements* - Provides that arbitration is not compelled when the court determines that a petitioner is a financial institution that seeks to apply a written agreement to arbitrate, contained in a contract consented to by a consumer, to a purported contractual relationship with that consumer created fraudulently by the petitioner without the consumer’s consent and by unlawfully using the consumer’s personal identifying information.

*SB 396 (Lara) – Harassment Training: Gender Identity, Gender Expression, and Sexual Orientation* – Requires mandated sexual harassment training for employers with 50 or more employees to include training on harassment based on gender identity, gender expression, and sexual orientation. This bill also requires employers to post a notice developed by DFEH regarding transgender rights in a prominent and accessible location in the workplace. Read more about this bill [here](#).

*SB 490 (Bradford) – Hair Salons: Commission Wages* – This bill is brought in response to AB 1513 regarding piece rate wages and concerns that have been expressed by the salon industry. This bill provides that wages paid to licensed employees, when paid as a percentage or a flat sum portion paid to the employer by the client, constitute “commissions”, provided that the employee is paid a regular base hourly rate of at least two times the state minimum wage for all hours worked in

regular base hourly rate of at least two times the state minimum wage for all hours worked in addition to commissions paid. The bill also provides that an employee may be compensated for rest and recovery periods at a rate of pay not less than the employee's regular base hourly rate.

*SB 772 (Leyva) – Cal/OSHA Regulations* – Existing state law requires an in-depth economic assessment (known as the Standardized Regulatory Impact Assessment – SRIA) of any regulation estimated to cost employers over \$50 million. This bill would exempt Cal/OSHA regulations from that requirement. The author of this bill sponsored legislation last year (SB 1167) to require the adoption of an indoor heat illness standard. She indicates that this bill is intended to help expedite the adoption of that regulation and argues that the SRIA requirement is duplicative and can lead to unnecessary delay.

#### **Senate Appropriations Committee – August 28, 2017 (Monday) – 10:00 a.m. – Room 4203**

*AB 676 (Limón) – Child Care and Development: OSHA Training* – Requires the establishment of an Early Educators' Occupational Safety and Health Training Program relating to occupational health and safety risks specific to early education professionals. The bill requires an early educator to attend the training within 6 years of it first being offered, or within 3 months of becoming an early educator, whichever occurs later.

*AB 1603 (Ridely-Thomas) – Meyers-Milias-Brown Act: Local Agencies* - This bill, for purposes of the Meyers-Milias-Brown Act, adopts the NLRB's *M.B. Sturgis* rule that a bargaining unit of solely and jointly employed employees may be appropriate and that employer consent to such a unit is not necessary.

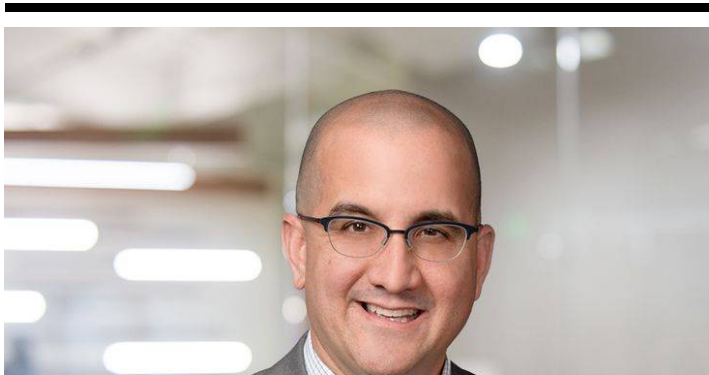
#### **Assembly Appropriations Committee – August 30, 2017 (Wednesday) – 9:00 a.m. – Room 4202**

*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 provide specified information to employees about cleaning products used in the workplace.

### **Updates**

Check back here for updates on the status of these bills, as well as additional previews of upcoming California legislative activity.

### ***Related People***





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