Employee Relations & Admin Services Legislative Bulletin

2017-18 LEGISLATIVE SESSION

As of 3/19/2017

Subject Area Key:

BA – Brown Act
C – Compensation
CB – Collective Bargaining
DA – Disabled Access
ER – Employee Rights
H – Hospitals
HB –Health Benefits
IHSS – In Home Supportive Services
Imm – Immigration
O – Other
PRA – Public Records Act
PubW – Public Works Projects
PS – Public Safety
PW – Prevailing Wage
RB – Retirement Benefits
WC – Workers' Compensation
WH – Work Hours
Vets – Veterans

Bill No.	Area	Author	Description	CSAC Position	Status
AB 5	**WH**	**Gonzalez Fletcher**	**As introduced 12/5/16:** would require an employer with 10 or more employees to offer additional hours of work to an existing hourly employee (as long as it doesn't exceed 8 hour workdays and 40-hour workweeks) *before* hiring an additional employee or subcontractor.	Pending	Assembly Labor & Employment
AB 20	**RB**	**Kalra**	**As introduced 12/5/16:** would prohibit CalPERS, on and after Jan 1, 2018, from investing in a company constructing, or funding the construction of, the Dakota Access Pipeline. It would also require CalPERS to liquidate any preexisting investments in said companies.	Watch	Assembly PERSS
AB 44	**WC**	**Reyes**	**As introduced 2/5/16:** would *retroactively* eliminate the workers' compensation utilization review process and independent medical review process for employees or first responders who sustain "physical or psychological injury as a result of an act of terrorism or violence in the workplace."	Pending	Assembly Insurance

AB 46	**W**	**Cooper**	**As introduced 12/5/16:** would prohibit employers, both private and public, from paying any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work.	Watch	In Print
AB 52	**CB**	**Cooper**	**As introduced 1/10/17:** would require state and local agencies to provide an orientation for its employees and allow for union participation in said orientation.	Pending	Assembly PERSS
AB 150	**DA**	**Mathis**	**As introduced 1/10/17:** would require a plaintiff to provide at least 6 months' notice to a small business before filing a complaint under the Americans with Disabilities Act (ADA). Additionally, the bill would preclude a plaintiff from commencing an action against a small business for an alleged ADA violation if the business has made a good faith effort to correct the alleged violation.	Pending	Assembly Judiciary **Set for hearing on April 4**
AB 158	**PS**	**Chu**	**As introduced 1/12/17:** would state the intent of the Legislature to enact legislation establishing uniform hate crime reporting standards for law enforcement agencies statewide.	Pending	In Print
AB 168	**ER**	**Eggman**	**As introduced 1/17/17:** would prohibit an employer, including public employers, from seeking salary history information about an applicant for employment.	Pending	In Print
AB 199	**PubW**	**Chu**	**As introduced 1/23/17:** would mandate the payment of prevailing wages on private residential projects that are financed fully or in part by the state or a political division (defined as any county, city, district, public housing authority, or public agency of the state).	Pending	Assembly Appropriations
AB 221	**WC**	**Gray**	**As introduced 1/25/17**: would provide that for claims of occupational disease or cumulative injury filed on or after Jan 1, 2018, the employee and the employer would have no liability for payment for medical treatment unless the employer accepts the injury and authorizes the treatment, the appeals board finds the injury was compensable, and a qualified medical examiner determines the injury was caused in whole or in part by the employment.	Watch	Assembly Insurance

AB 237	**IHSS**	**Gonzalez Fletcher**	**As introduced 1/30/17:** currently a spot bill amending existing law on in-home supportive service providers and the maximum workweek.	Pending	In Print
AB 241	**O**	**Dababneh**	**As introduced 1/30/17:** would require a public agency, if it was the source of a privacy breach, to offer to provide identity theft prevention and mitigation services at no cost to a person whose social security number, driver's license number or California ID card number was subject to the breach.	**Oppose**	Assembly Appropriations
AB 281	**ER**	**Salas**	**As introduced 2/2/17:** would reform PAGA to allow aggrieved employees to only collect civil penalties for an employer violation that the employee actually suffered harm from. It also would increase the employer's right to cure from 33 to 65 days, and expands the scope of violations subject to the right to cure to include everything except health and safety violations.	Pending	Assembly Labor & Employment, Assembly Judiciary
AB 282	**O**	**Jones-Sawyer**	**As introduced 2/2/17:** would require additional training on principled policing for specified peace officers. POST would be required to develop and disseminate a training course which peace officers would be required to take no less than every 5 years.	Watch	Assembly Public Safety
AB 283	**RB**	**Cooper**	**As introduced 2/2/17:** in 1937 Act jurisdictions**,** would require disability retirement for those incapacitated by a work injury to peace officers.	Pending	In Print
AB 284	**PRA**	**McCarty**	**As introduced 2/2/17:** would state the intent of the Legislature to enact legislation that increases public trust and transparency in an incident involving the use of force by a peace officer resulting in the death of a civilian.	Pending	In Print
AB 306	**ER**	**Gonzalez Fletcher**	**As introduced 2/6/17:** currently a spot bill that amends existing law on the public disclosure of employee benefits.	Pending	In Print
AB 331	**Vets**	**Eggman**	**As introduced 2/7/17:** would state the intent of the Legislature to enact legislation that would revise the process for the recordation of a veteran's service form DD214 to allow for a process to amend, seal, redact, or replace a recorded veteran's service form DD214.	Pending	In Print

AB 375	**PRA**	**Chau**	**As introduced 2/9/17:** would amend the Public Records Act to require the disclosure of utility customer information only if law enforcement possesses a warrant.	Pending	Assembly Privacy & Consumer Protection **Set for hearing on March 28**
AB 387	**C**	**Thurmond**	**As introduced 2/9/17:** would expand minimum wage eligibility to healthcare professionals who work under supervision to satisfy requirements for licensure, registration, or certification.	Watch	Assembly Labor & Employment **Set for hearing on March 29**
AB 450	**Imm**	**Chiu**	**As introduced 2/13/17:** currently a spot bill amending a section of Labor Code regarding unfair immigration-related practices.	Pending	In Print
AB 459	**PRA**	**Chau**	**As introduced 2/13/17:** would exempt from the Public Records Act body-camera footage that depicts any victim(s) of rape, incest, domestic violence, or child abuse unless the victim(s) depicted provides express written consent.	Pending	Assembly Privacy & Consumer Protection **Set for hearing March 28**
AB 512	**RB**	**Rodriguez**	**As introduced 2/13/17:** would delete the sunset date and extend indefinitely the benefit formula afforded to state safety members of the Public Employees' Retirement System who retire due to industrial disability.	Watch	Assembly PERSS
AB 526	**RB**	**Cooper**	**As introduced 2/13/17:** currently a spot bill amending the County Employees Retirement Law of 1937.	Pending	In Print
AB 530	**CB**	**Cooper**	**As introduced 2/13/17:** currently a spot bill amending the section of Government Code relating to public employment and union organization.	Pending	In Print
AB 675	**IHSS**	**Ridley-Thomas**	**As introduced 2/15/17**: would appropriate $650 million from the General Fund for the purpose of continuing the provision of in-home supportive services.	Watch	Assembly Health
AB 680	**WC**	**McCarty**	**As introduced 2/15/17**: would impose prescriptive requirements on Commission on Health and Safety and Workers' Compensation (CHSWC) studies as a condition to being funded. Requirements include a public hearing and at least a majority vote of the commission prior to the start of a study.	Pending	Assembly Insurance

AB 708	**WC**	**Quirk-Silva**	**As introduced 2/15/17:** would amend Cal/OSHA and grant public agencies the flexibility to notify the nearest office of the Division of Occupational Safety and Health by means other than telephone when there is an emergency involving an employee covered under the act.	Watch	Assembly Labor & Employment **Set for hearing March 29**
AB 748	**PS**	**Ting**	**As introduced 2/15/17:** would require each department or agency that employs peace officers and that elects to require those peace officers to wear body-worn cameras to develop a policy setting forth the procedures for, and limitations on, public access to recordings taken by body-worn cameras, and post the policy online.	Pending	Assembly Public Safety **Set for hearing March 28**
AB 833	**RB**	**Allen**	**As introduced 2/16/17:** currently a spot bill amending the PEPRA.	Pending	In Print
AB 883	**PRA**	**Dahle**	**As introduced 2/16/17:** currently a spot bill amending the California Public Records Act.	Pending	In Print
AB 887	**PS**	**Cooper**	**As introduced 2/16/17:** would amend the Public Safety Officers Procedural Bill of Rights Act to specify that a public safety officer under investigation is required to be informed of the time, date, and location of any incident at issues, the internal affairs case number, the title of any alleged violation (if applicable), and a brief summary of any complaint.	Pending	Assembly Public Safety
AB 945	**O**	**Melendez**	**As introduced 2/16/17:** currently a spot bill amending the Labor Code Private Attorneys General Act of 2004.	Pending	In Print
AB 946	**RB**	**Ting**	**As introduced 2/16/17:** currently a spot bill to the Public Employees' Retirement Law.	Pending	In Print
AB 955	**O**	**Jones-Sawyer**	**As introduced 2/16/17:** would state the intent of the Legislature to enact legislation to establish policies and procedures to address issues related to body-worn cameras.	Pending	In Print
AB 978	**WC**	**Limón**	**As introduced 2/16/17:** would require an employer, upon written request, to provide a copy of the written injury and illness prevention program to an employee as soon as practical, but no later than 5 business days after receipt of the request.	Watch	Assembly Labor & Employment **Set for hearing March 29**

AB 1008	**ER**	**McCarty**	**As introduced 2/16/17:** would make it illegal for an employer to include on an employment application any question that seeks the disclosure of an applicant's criminal history. Furthermore, before making a job offer, an employer would be prohibited from inquiring into or considering the conviction history of an applicant.	Pending	Assembly Labor & Employment
AB 1013	**O**	**Low**	**As introduced 2/16/17:** currently a spot bill amending Government Code as it relates to the Governor's duty to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations.	Pending	In Print
AB 1017	**CB**	**Santiago**	**As introduced 2/16/17:** would add public employers to existing statute that allows the prevailing party in a dispute concerning collective bargaining to collect attorney fees.	Pending	Assembly PERSS, Assembly Judiciary
AB 1045	**O**	**Flora**	**As introduced 2/16/17:** currently a spot bill amending the Private Attorneys General Act of 2004.	Pending	In Print
AB 1066	**Pub W**	**Aguiar-Curry**	**As introduced 2/16/17:** would specify that the term "demolition" within the definition of "public works" includes, but is not limited to, tree removal.	Pending	Assembly Labor & Employment **Set for hearing March 29**
AB 1127	**O**	**Calderon**	**As introduced 2/17/17:** would require new construction or renovation of a public building to provide on each floor level containing one or more restrooms that are accessible to the public at least one safe, sanitary, and convenient baby diaper changing station.	Pending	Assembly Business & Professions
AB 1260	**WC**	**Medina**	**As introduced 2/17/17:** intended as a spot bill, but currently increases the maximum fine for falsely advertising workers' compensation benefits from $10,000 to $15,000.	Pending	Assembly Insurance
AB 1295	**WC**	**Chu**	**As introduced 2/17/17:** would amend workers compensation law to require that if a denial of treatment is subsequently overturned by independent medical review or by the Workers' Compensation Appeals Board, any temporary disability paid or owing from the date of the denial until the treatment is authorized would not be included in the calculation of the aggregate disability payments.	Pending	Assembly Insurance

AB 1298	**PS**	**Santiago**	**As introduced 2/17/17:** would require that when any public safety officer is under investigation on the allegation of making a false statement, any administrative finding of the false statement shall require proof based on clear and convincing evidence.	Pending	Assembly Public Safety
AB 1310	**RB**	**Allen**	**As introduced 2/17/17:** would require the retirement board of a public retirement system to disclose the unfunded liability and healthcare debt of the system on each member statement provided to members of the system.	Watch	Assembly PERSS
AB 1314	**Vets**	**Irwin**	**As introduced 2/17/17:** would declare the intent of the Legislature to enact legislation that would simplify the process and reduce the burden placed on veterans seeking mental health services and require the counties to cooperate with federal agencies to seek reimbursement after providing mental health services to veterans.	Pending	In Print
AB 1339	**PS**	**Cunningham**	**As introduced 2/17/17:** would require that all applicants for employment within a law enforcement agency be of good moral character, as determined by a thorough background investigation.	Watch	Assembly Public Safety
AB 1366	**RB**	**Brough**	**As introduced 2/17/17:** currently a spot bill amending PEPRA.	Pending	In Print
AB 1388	**C**	**Chen**	**As introduced 2/17/17:** currently a spot bill amending the section of Labor Code relating to wage discrimination.	Pending	In Print
AB 1422	**WC**	**Daly**	**As introduced 2/17/17:** would require the Fraud Assessment Commission under the Department of Insurance to consider the advice and recommendations of the Director of Industrial Relations in determining the aggregate amount of a workers' compensation fraud assessment.	Pending	Assembly Insurance
AB 1425	**PW**	**Kalra**	**As introduced 2/17/17:** currently a spot bill amending prevailing wage law.	Pending	In Print
AB 1429	**O**	**Fong**	**As introduced 2/17/17:** would limit the violations for which an aggrieved employee is authorized to bring a civil action under PAGA and would require the employee to follow specified procedures before bringing an action.	Pending	Assembly Labor & Employment, Assembly Judiciary

AB 1430	**O**	**Fong**	**As introduced 2/17/17:** would authorize an aggrieved employee to file a PAGA lawsuit either upon receipt of notice notification from the Labor Workforce Development Agency (LWDA) that there is a reasonable basis for a civil action, or if LWDA fails to provide timely or any notification.	Pending	Assembly Labor & Employment, Assembly Judiciary
AB 1548	**O**	**Fong**	**As introduced 2/17/17:** would allow public agencies, including cities, counties, and special districts, to apply for and obtain a refund of any civil penalties assessed against them under Cal/OSHA.	**Support**	Assembly Labor & Employment
AB 1556	**ER**	**Stone**	**As introduced 2/17/17:** currently a spot bill amending the California Fair Employment and Housing Act.	Pending	In Print
AB 1597	**RB**	**Nazarian**	**As introduced 2/17/17:** would prohibit CalPERS from investing public employee retirement funds in an investment vehicle that is issued, owned, controlled, or managed by the government of Turkey. Existing investments in these types of investment vehicles must be liquidated within 6 months of the passage of federal law imposing sanctions on Turkey.	Watch	Assembly PERSS
AB 1603	**CB**	**Ridley-Thomas**	**As introduced 2/17/17:** would define "public employees" under the Meyers-Milias-Brown Act to include employees who are jointly employed by a public agency and would make clear that a bargaining unit of a public agency and one or more joint employers does not require public agency consent.	Pending	Assembly PERSS
AB 1628	**Pub W**	**Grayson**	**As introduced 2/17/17:** would declare the intent of the Legislature to enact legislation that would prohibit the use of independent contractors on public works projects.	Pending	In Print
AB 1658	**BA**	**Frazier**	**As introduced 2/17/17:** currently a spot bill amending the Brown Act.	Pending	In Print
AB 1672	**WC**	**Limón**	**As introduced 2/17/17:** currently a spot bill relating to notification of workers' compensation fraud.	Pending	In Print
SB 21	**PS**	**Hill**	**As amended 3/14/17:** would, except in exigent circumstances, impose open meeting requirements concerning the use of surveillance technology by law enforcement agencies.	Pending	Senate Public Safety **Set for hearing March 21**

SB 62	**ER**	**Jackson**	**As introduced 12/22/16:** would expand the family members for whom an employee may take a 12-week protected leave of absence to care for to include a grandparent, a grandchild, and siblings.	**Oppose**	Senate Labor & Industrial Relations
SB 63	**ER**	**Jackson**	**As introduced 12/22/16:** would require employers, as defined to specifically include county employers, to provide employees with 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement.	**Oppose**	Senate Labor & Industrial Relations **Set for hearing March 22**
SB 179	**O**	**Atkins**	**As introduced 1/24/17:** would place new rules on the issuance of revised birth certificates for transgender people and require county registrars to update their records with the new birth certificate while also appropriately disposing of the original.	Pending	Senate Trans & Housing **Set for hearing April 4**
SB 184	**O**	**Morrell**	**As amended 3/15/17:** would expand counties' authority to create public versions of official records in electronic form using a social security number truncation program. This bill would allow counties to apply this authority to official records recorded before Jan. 1, 1980.	**Support**	Senate Governance & Finance **Set for hearing March 22**
SB 200	**RB**	**Morrell**	**As introduced 1/31/17:** currently a spot bill amending the California Public Employees' Pension Reform Act of 2013 (PEPRA).	Pending	Senate Rules
SB 244	**PRA**	**Lara**	**As introduced 2/6/17:** would require that public agencies must only collect, use, and retain personal information from an applicant for public services or programs for the purpose of assessing eligibility for and providing those public services and programs for which the application has been submitted.	Watch	Senate Judiciary
SB 256	**Pub W**	**Atkins**	**As introduced 2/7/17:** would make individuals guilty of a misdemeanor who willfully violate the existing prohibition against splitting or separating into smaller work orders or projects any work, project, service, or purchase for the purpose of evading the competitive bidding process. The bill also provides for a 3-year statute of limitations.	Pending	Senate Public Safety **Set for hearing March 28**
SB 306	**ER**	**Hertzberg**	**As introduced 2/13/17:** currently a spot bill amending a section in Labor Code relating to employee protected conduct.	Pending	Senate Rules

SB 324	**PS**	**Roth**	**As introduced 2/13/17:** currently a spot bill amending a section in Penal Code relating to custodial officers and their prescribed powers.	Pending	Senate Rules
SB 418	**Pub W**	**Hernandez**	**As introduced 2/15/17**: would provide that beginning July 1, 2018, a public subsidy to a private development project is deemed "de minimus" and therefore not under the definition of "public works" if it is both less than $275,000 and 2% of the total project cost.	Pending	Senate Labor & Industrial Relations **Set for hearing March 22**
SB 432	**H**	**Pan**	**As introduced 2/15/17:** would require that all health facilities *immediately* notify prehospital emergency care personnel who have provided emergency medical or rescue services and have been exposed to a person afflicted with a reportable disease or condition.	Pending	Senate Health
SB 454	**RB**	**Moorlach**	**As introduced 2/16/17:** would, for state employees who are first employed and become members of the retirement system on or after January 1, 2018, limit the employer contribution for annuitants to 80% of the weighted average of the health benefit plan premiums for an active employee enrolled for self-alone, during the benefit year to which the formula is applied, for the 4 health benefit plans with the largest state civil service enrollment.	Pending	Senate Public Employment & Retirement **Set for hearing April 24**
SB 489	**WC**	**Bradford**	**As introduced 2/16/17:** currently a spot bill amending existing law as it relates to a change of physician under workers' compensation.	Pending	Senate Rules
SB 524	**O**	**Vidak**	**As introduced 2/16/17:** would provide a good faith defense for employers accused of violating employment statutes or regulations.	Pending	Senate Labor & Industrial Relations **Set for hearing March 22**
SB 525	**RB**	**Pan**	**As introduced 2/16/17:** would redefine the terms "disability" and "incapacity for performance of duty," as it pertains to retirement benefits, to specify that the duration of disability or incapacity must be expected to last at least 12 consecutive months or result in death.	Pending	Senate Public Employment & Retirement **Set for hearing April 24**

SB 529	**PRA**	**Nguyen**	**As introduced 2/16/17:** would require filing officers to furnish nomination documents and signatures in lieu of filing fee petitions promptly upon request.	Pending	Senate Elections and Constitutional Amendments, Senate Judiciary
SB 548	**O**	**Atkins**	**As introduced 2/16/17:** would prescribe certain procedures applicable to the Public Employment Relations Board with regard to complaints of unfair practice by employee organizations that represent firefighters. Specifically, if the board does not issue a final decision or order within 150 days after the filing of an unfair practice charge, it would require the board to issue a right-to-sue notice.	Pending	Senate Public Employment & Retirement **Set for hearing March 27**
SB 560	**RB**	**Allen**	**As introduced 2/17/17:** would require the CalPERS Board of Administration by January 1, 2020, and annually thereafter, to report on the financial climate risks of their investments, including the carbon footprint of the investments.	Watch	Senate Public Employment & Retirement **Set for hearing March 27**
SB 571	**RB**	**Pan**	**As introduced 2/17/17:** would require an employer that provides for automatic enrollment in a supplemental retirement savings plan to provide a default investment option and default investment plan that meets a variety of specified criteria, including providing employees an opportunity opt out.	Pending	Senate Public Employment & Retirement
SB 599	**RB**	**Portantino**	**As introduced 2/17/17:** currently a spot bill amending the Public Employees' Retirement Law.	Pending	Senate Rules
SB 671	**RB**	**Moorlach**	**As introduced 2/17/17:** would remove the requirement that advance payments of a '37 Act county's estimated annual contribution be made within 30 days of the beginning of the fiscal year.	Pending	Senate Public Employment & Retirement **Set for hearing May 8**

SB 681	**RB**	**Moorlach**	**As introduced 2/17/17:** would state the intent of the Legislature to allow the governing body of a public agency that contracts with PERS to terminate its contract with the system in a manner that does not result in excessive costs or penalties to the agency, to allow a public agency terminating its contract to have the ability to withdraw its assets paid into the system with the same rate of return, and to ensure that a public agency that terminates its contract with the system shall remain responsible for any of its unfunded liabilities.	Pending	Senate Rules
SB 686	**Pub W**	**Wilk**	**As introduced 2/17/17:** would require public entities to conduct a meet and confer conference within 30 days of receiving a claim by a contractor in connection with a public works project.	Pending	Senate Judiciary
SB 721	**O**	**Hill**	**As introduced 2/17/17:** would require the inspection of decks, balconies, and elevated walkways more than 6 feet above ground level in a building containing 3 or more multifamily units by January 1, 2021, and would require subsequent inspections every 5 years thereafter.	Pending	Senate Business Professions & Economic Development **Set for hearing March 27**
SB 804	**PRA**	**Morrell**	**As introduced 2/17/17:** would state the intent of the Legislature to require the exploration and promotion of efficiencies and modernization in the storage of, and public access to, local government documents and recordings.	Pending	Senate Rules
SCA 8	**RB**	**Moorlach**	**As introduced 2/15/17:** would permit government employers to reduce retirement benefits that are based on work not yet performed by an employee regardless of the date that the employee was first hired.	Watch	Senate Public Employment & Retirement, Senate Elections & Constitutional Amendments
SCA 10	**RB**	**Moorlach**	**As introduced 2/17/17:** would prohibit a government employer from providing public employees any retirement benefit increase until the increase is approved by a 2/3 vote of the electorate of the applicable jurisdiction and that vote is certified.	Pending	Senate Public Employment & Retirement, Senate Elections & Constitutional Amendments