



# ***Employee Relations Legislative Bulletin***

## **2015-16 LEGISLATIVE SESSION**

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**Current as of October 13, 2015**

### **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

<b>Bill No.</b>	<b>Area</b>	<b>Author</b>	<b>Description</b>	<b>CSAC Position</b>	<b>Status</b>
<b>AB 11</b>	<b>IHSS</b>	<b>Gonzalez</b>	<b>As amended 3/11/15:</b> would require mandatory paid sick leave for IHSS workers.	Pending	Assembly Approps <b>2-year bill</b>
<b>AB 67</b>	<b>ER</b>	<b>Gonzalez</b>	<b>As amended 6/3/15:</b> Enacts the Double Pay on the Holiday Act of 2015 that would require an employer to pay at least 2 times the regular rate of pay to an employee for work on a family holiday, except for certain types of employees.	Pending	Inactive File <b>2-year bill</b>
<b>AB 211</b>	<b>IHSS</b>	<b>Gomez</b>	<b>As introduced 2/2/15:</b> requires IHSS to assume employer responsibility for collective bargaining in the counties effective January 1, 2016. Removes existing limit to 7 counties.	Watch	Inactive File <b>2-year bill</b>

AB 219	PW	Daly	As chaptered: would expand the definition of “public works,” for purposes of prevailing wage payment to include the hauling and delivery of ready-mixed concrete with respect to contracts involving any state agency or any political subdivision of the state.	Oppose	Chaptered
AB 241	RB	Gordon	As amended 4/29/15: would require local public entity to provide name and address of retired employees to any organization representing retired employees in a neutral eval process, declaration of fiscal emergency or a bankruptcy proceeding.	Watch	Assembly Approps <b>2-year bill</b>
AB 247	PS	Waldron	As amended 3/24/15: would require every person appointed as an animal control officer prior to 7/1/16 to complete a course in the exercise of powers of arrest and to serve warrants no later than 1/1/17. Would require every person appointed as an ACO and everyone appointed as a director, manager or supervisor or any person in direct control of an animal control agency to complete a course in the exercise of powers of arrest and to serve warrants.	Concerns	Assembly Approps <b>2 year bill</b>
AB 251	PW	Levine	As amended 7/8/15: provides that a public subsidy is de minimis if both less than \$250K and less than 2% of total project cost.	Watch	Vetoed

AB 259	O	Dababneh	As introduced on 2/9/15: would require an agency, if the agency was the source of the breach and the breach compromised a person's social security number, driver's license number, or California identification card number, to offer to provide the person with identity theft prevention and mitigation services at no cost for not less than 12 months	Oppose Unless Amended	Assembly Approps 2-year bill
AB 272	CB/PS	Lackey	As amended 4/15/15: expands FEHA protections to reserve or auxiliary peace officers.	Oppose	Vetoed
AB 295	ER	Gipson	As introduced on 2/12/15: would require public agency if it becomes successor employer to a private employer that offers emergency med trans services, to immediately recognize a new bargaining unit consisting of the employees of the predecessor private employer.	Watch	A. P.E.R. & S.S. 2-year bill
AB 304	ER	Gonzalez	As chaptered 7/13/15: AB 1522 sick leave cleanup bill.	Support	Chaptered
AB 305	WC	Gonzalez	As amended 9/3/15: prohibits apportionment of PD from being based on pregnancy, menopause or osteoporosis; also prohibits apportionment of permanent disability in the case of psychiatric injuries caused by sexual harassment, pregnancy, menopause, or osteoporosis casually related to menopause.	Oppose	Vetoed
AB 327	PW	Gordon	As chaptered 7/6/15: deletes sunset on CA Conservation Corp members, volunteers and volunteer coordinators from prevailing wage.	Support	Chaptered

<b>AB 334</b>	<b>PS</b>	<b>Cooley</b>	<b>As amended 4/7/15:</b> would require POST to ensure profiling of motorcycle riders addressed in basic law enforcement training and all local law enforcement agencies to adopt a written policy designed to condemn and prevent profiling of motorcycle riders.	Watch	Assembly Approps. <b>2-year bill</b>
<b>AB 373</b>	<b>PS</b>	<b>Medina</b>	<b>As introduced on 2/17/15:</b> would require heads of law enforcement agencies to assess jurisdiction to determine if any Indian tribal lands are within jurisdiction and ensure peace officers in those jurisdictions complete a course including a review of PL-280.	Pending	Assembly Approps. <b>2-year bill</b>
<b>AB 438</b>	<b>IHSS</b>	<b>Chiu</b>	<b>As chaptered 9/10/15:</b> requires DIR/DWC to provide WC benefit notices in Vietnamese, Tagalog & Chinese.	Watch	<b>Chaptered</b>
<b>AB 470</b>	<b>IHSS</b>	<b>Chu</b>	<b>As amended 6/1/15:</b> requires DOJ and DSS to develop protocols to expedite the processing of criminal record checks for IHSS.	Watch	Human Services <b>2-year bill</b>
<b>AB 511</b>	<b>WC</b>	<b>Gipson</b>	<b>As amended 4/20/15:</b> expands eligibility for special workers' compensation benefits currently only available to certain categories of peace officers.	<b>Oppose</b>	Assembly Approps. <b>2-year bill</b>
<b>AB 537</b>	<b>RB</b>	<b>Allen</b>	<b>As introduced 2/23/15:</b> prohibits public agency or employee from entering into MOU providing retiree health care benefits without a strategy for permanently prefunding those benefits.	Pending	Assembly / P.E.R., S.S. <b>2-year bill</b>

AB 546	PS	Gonzalez	As chaptered on 8/13/15: requires POST to deem an identifiable and unmet need for a training course when evaluating a certification request from a probation department.	Pending	Chaptered
AB 578	ER	Low	As amended 4/13/15: requires employer to give notice to workers who will be affected by a temporary order granting a variance from an OSHA standard if employees may be affected by or exposed to hazards by that variance.	Pending	Vetoed
AB 588	O	Grove	As introduced on 2/24/15: would provide employer with right to cure certain violations under PAGA before employee can bring a civil action.	Watch	A. L.&E. 2-year bill
AB 622	ER	Hernandez	As chaptered: expands definition of unlawful employment practice to prohibit employer from using E-Verify at a time or in a way not required or authorized by federal law or MOU, including in situations where an applicant has not yet received an offer of employment.	Pending	Chaptered
AB 651	PS	Cooper	As amended 4/9/15: authorizes employing public agency to grant right of representation to a FF or public safety officer if an interview regarding the investigation of another FF or public safety officer if interview is likely to result in punitive action against the FF or officer who is not formally under investigation.	Oppose	Senate Pub. Safety 2-year bill
AB 663	RB	Irwin	As chaptered on 7/2/15: would allow Ventura County to appoint an alternate member of its CERL retirement board.	Pending	Chaptered

<b>AB 671</b>	<b>PS</b>	<b>Medina</b>	<b>As introduced on 2/25/15:</b> would state intent of Legislature to enact legislation authorizing county deputy coroners to become full time peace officers.	Pending	Print <b>2-year bill</b>
<b>AB 676</b>	<b>ER</b>	<b>Calderon</b>	<b>As amended 9/8/15:</b> would prohibit an employer from asking applicant for employment to disclose information concerning applicant's current employment status and would prohibit ads or announcements for jobs that indicate an unemployed person is not eligible.	Neutral	<b>Vetoed</b>
<b>AB 883</b>	<b>ER</b>	<b>Low</b>	<b>As amended 9/4/15:</b> prohibits state or local agencies from publishing or posting a job ad or announcement that states that an individual's status as a current or former employee disqualifies an individual from eligibility for employment.	Dropped Opposition	<b>Vetoed</b>
<b>AB 970</b>	<b>W</b>	<b>Nazarian</b>	<b>As chaptered:</b> authorizes Labor Commissioner to enforce local laws regarding overtime or minimum wage, and to issue citations and penalties for violations unless the local entity has already done so.	Watch	<b>Chaptered</b>
<b>AB 984</b>	<b>ER</b>	<b>Calderon</b>	<b>As amended 3/26/15:</b> prohibits employer from using information regarding a person's age when making any employment decision regarding that person.	Pending	Assembly Approps. <b>2-year bill</b>

AB 987	ER	Levine	As chaptered 7/16/15: would prohibit an employer or other covered entity from retaliating or discriminating against a person for requesting accommodation of his or her disability or religious beliefs regardless of whether the accommodation request was granted.	Watch	Chaptered
AB 992	RB	PERSS Committee	As chaptered 7/2/15: specifies that a member who applies for disability and is granted a service retirement pending a determination of disability may change the type of allowance that s(he) elected at the time of the service retirement.	Watch	Chaptered
AB 1007	W	McCarty	As amended 3/26/15: sets the minimum wage on and after January 1, 2016, at the amount necessary to keep a family of 3 above the supplemental poverty level.	Watch	Assembly L.&E. 2-year bill
AB 1017	ER	Campos	As amended 8/24/15: prohibits an employer, orally or in writing, from seeking salary history information, including compensation and benefits, from an applicant for an interview or as a condition of employment; prohibits an employer from releasing the salary history of any current or former employee to any prospective employer in response to a request, as part of an interview or hiring process, without written authorization from the current or former employee.	Concerns	Vetoed

AB 1031	RB	Thurmond	As amended 6/22/15: would specify that a contracting agency that has elected to be subject to PEMHCA is required to fulfill its employer contribution obligations for health benefits, including reimbursement for Medicare Part B premiums.	Dropped opposition/neutral	Vetoed
AB 1038	WH	Jones	As introduced 2/26/15: permits a nonexempt employee to request a flexible work schedule (10-hours, 4 days per week) and would allow an employer to implement this schedule without the obligation to pay overtime.	Watch	Assembly L.&E. <b>2-year bill</b>
AB 1052	RB	Cooley	As amended 8/17/15: would specify that STRS and CalPERS is authorized to enter into agreements for the investment of the fund to manage the assets of the fund under the terms and utilizing the processes the board deems necessary and consistent with its fiduciary duties.	Watch	Senate Desk <b>2-year bill</b>
AB 1065	ER	Chiu	As amended 4/15/15: would make it an unlawful employment practice for an employer to request more or different documents than are required under fed law relating to verification that an individual is not an unauthorized alien.	Pending	Assembly Approps. <b>2-year bill</b>
AB 1124	WC	Perea	As amended 9/4/15: would require DWC Admin Director to establish an outpatient drug formulary for prescribing medications.	Support	Chaptered



<b>AB 1154</b>	<b>PRA</b>	<b>Gray</b>	<b>As amended 4/23/15:</b> would provide that PRA shall not be construed to require disclosure of home addresses and phone numbers of applicants for firearms or of licensees for firearms.	Watch	Assembly Public Safety <b>2-year bill</b>
<b>AB 1168</b>	<b>PS</b>	<b>Salas</b>	<b>As chaptered 8/13/15:</b> would, until January 1, 2019, exempt a custodial peace officer that does not become employed within 3 years of passing the examination or who has a 3-year + break in service, from requirement to retake the exam if s(he) has been continuously employed as a custodial peace officer of that class for a period not exceeding 5 years by the agency making the appointment.	Watch	<b>Chaptered</b>
<b>AB 1170</b>	<b>WC</b>	<b>Alejo</b>	<b>As introduced on 2/27/15:</b> creates the Pilot Program for the Care of Agricultural Workers; would require DIR to evaluate amount spent by agricultural employers on workers' comp and the amount spent on workers' comp medical coverage.	Watch	Assembly Insurance <b>2-year bill</b>
<b>AB 1215</b>	<b>O</b>	<b>Ting</b>	<b>As amended 3/26/15:</b> creates a position of Chief Data Officer, who would establish the Open Data Standard and require state agencies to make public data available on a web portal.	Watch	Assembly Approps <b>2-year bill</b>
<b>AB 1227</b>	<b>PS</b>	<b>Cooper</b>	<b>As amended 3/26/15:</b> requires POST to assess all training courses on interactions with persons with mental illnesses or developmental disabilities.	Watch	Assembly Approps <b>2-year bill</b>

<b>AB 1245</b>	<b>O</b>	<b>Cooley</b>	<b>As chaptered 8/17/15:</b> would require an employer with 10+ employees to file all reports and returns electronically and remit contributions for UI premiums by EFT, beginning 1/1/17. The electronic filing and EFT requirements would extend to all employers beginning 1/1/18. Would authorize the granting of a waiver from these requirements.	Watch	<b>Chaptered</b>
<b>AB 1246</b>	<b>PS</b>	<b>Quirk</b>	<b>As amended 3/26/15:</b> would prohibit disclosure of a recording from a body worn camera except to person whose image is recorded.	Watch	Assembly Public Safety <b>2-year bill</b>
<b>AB 1410</b>	<b>RB</b>	<b>Nazarian</b>	<b>As introduced on 2/27/15:</b> would prohibit PERS and STRS from investing public employee retirement funds in a Turkish investment vehicle.	Watch	Assembly Approps. <b>2-year bill</b>
<b>AB 1418</b>	<b>IHSS</b>	<b>Gipson</b>	<b>As introduced on 2/27/15:</b> states the intent of Legislature to enact legislation that would improve the economic security of IHSS program providers.	Watch	Print <b>2-year bill</b>
<b>AB 1497</b>	<b>PS</b>	<b>Chau</b>	<b>As introduced 2/27/15:</b> states intent to require law enforcement agencies to develop written policies related to use of deadly force by peace officers.	Watch	Print <b>2-year bill</b>
<b>ACA 3</b>	<b>CB</b>	<b>Gallagher</b>	<b>As introduced 2/26/15:</b> would require any enhancement to public employee's retirement formula or benefit adopted on or after effective date of this measure to apply only to service performed on and after this date.	Pending	<b>A. P.E.R., S.S.</b> Reconsid. granted

<b>SB 3</b>	<b>W</b>	<b>Leno</b>	<b>As amended 3/11/15:</b> increases the minimum wage, on and after January 1, 2016, to not less than \$11 per hour, on and after July 1, 2017, to not less than \$13 per hour. Beginning January 1, 2019, minimum wage would be automatically adjusted using CPI.	Watch	Assembly Approps. Suspense <b>2-year bill</b>
<b>SB 11</b>	<b>PS</b>	<b>Beall</b>	<b>As amended 8/28/15:</b> requires POST to review the training module relating to persons with a mental illness, intellectual disability, or substance abuse disorder and develop additional training to better prepare law enforcement officers to recognize, deescalate, and appropriately respond to this population.	Watch	<b>Chaptered</b>
<b>SB 29</b>	<b>PS</b>	<b>Beall</b>	<b>As amended 8/31/15:</b> requires POST to require field training officers to complete 8 hours of crisis intervention training related to behavioral health. Also requires POST to require at least 4 hours of training related to how to interact with persons with mental illness or intellectual disability.	Watch	<b>Chaptered</b>
<b>SB 216</b>	<b>RB</b>	<b>Pan</b>	<b>As amended 6/3/15:</b> would repeal provisions directing CalPERS Board to invest not less than 25% of all funds available in a fiscal year for new investments in specified obligations and securities connected with residential realty.	Watch	<b>Chaptered</b>

<b>SB 237</b>	<b>PS</b>	<b>Anderson</b>	<b>As introduced 2/17/15:</b> would require every person appointed as an animal control officer prior to July 1, 2016 to complete a course in the exercise of powers of arrest and to serve warrants no later than July 1, 2017. Would require every person appointed as an ACO and everyone appointed as a director, manager or supervisor or any person in direct control of an animal control agency to complete a course in the exercise of powers of arrest and to serve warrants.	<b>Concerns</b>	Senate Approps <b>2-year bill</b>
<b>SB 239</b>	<b>O</b>	<b>Hertzberg</b>	<b>As chaptered:</b> Requires public agencies to get approval from LAFCO before contracting for new or extended fire protection services beyond current service area. Also requires notification of affected public agencies and recognized employee organizations that represent firefighters.	<b>Oppose</b>	<b>Chaptered</b>
<b>SB 272</b>	<b>O</b>	<b>Hertzberg</b>	<b>As amended 9/2/15:</b> requires inventory of data gathered by local agencies that discloses what data is maintained by agency to be available to the public.	Dropped Opposition/ Neutral	<b>Chaptered</b>

<b>SB 292</b>	<b>RB</b>	<b>Pan</b>	<b>As amended 6/25/15:</b> exempts city or county that pays pension costs with revenue from property tax rate, approved by voters of a city or county to make payments in support of pension programs and levied in addition to general prop tax rate, and its employees from a specified describer prohibition on employer payment of employee contribution rate provision under PEPRRA.	Watch	<b>Vetoed</b>
<b>SB 331</b>	<b>CB</b>	<b>Mendoza</b>	<b>As amended 8/17/15:</b> requires public entities with COIN ordinances to go through certain procedures for the negotiation and approval of contracts \$250K or more.	<b>Oppose</b>	<b>Chaptered</b>
<b>SB 358</b>	<b>W</b>	<b>Jackson</b>	<b>As amended 7/9/15:</b> prohibits an employer from paying any of its employees at wage rates less than those paid to the employees of the opposite sex for substantially similar work.	Neutral	<b>Chaptered</b>
<b>SB 406</b>	<b>ER</b>	<b>Jackson</b>	<b>As amended 9/4/15:</b> revises law related to parental leave and makes changes to the size of employers that would qualify for the small business exemption	<b>Oppose</b>	<b>Vetoed</b>
<b>SB 542</b>	<b>WC</b>	<b>Mendoza</b>	<b>As amended 8/27/15:</b> clarifies that independent medical reviews are medical provider network independent medical reviews.	Watch	<b>Chaptered</b>

<b>SB 563</b>	<b>WC</b>	<b>Pan</b>	<b>As amended 4/30/15:</b> requires that the method of compensation and any incentive payments contingent upon approval, modification or denial of a claim for an individual or entity providing services pursuant to workers' comp UR process be filed with DWC and disclosed to employees, physicians and public upon request.	<b>Oppose</b>	Senate Approps <b>2-year bill</b>
<b>SB 579</b>	<b>ER</b>	<b>Jackson</b>	<b>As amended 7/16/15:</b> allows paid sick leave for employees to use to address a childcare or school emergency, or to enroll their children in child care or school.	Neutral	<b>Chaptered</b>
<b>SB 585</b>	<b>WC</b>	<b>Leyva</b>	<b>As amended 7/2/15:</b> would require Department of Child Support to facilitate a system using automated data exchanges through which an insurer or a self-insurer to report, prior to payment of a claim, identifying information for each claimant to match a claimant who owes past due support.	Watch	Assembly Insurance <b>2-year bill</b>
<b>SB 604</b>	<b>WC</b>	<b>Hall</b>	<b>As introduced on 2/27/15:</b> would amend existing law to clarify that self-insured government entities are not liable for the workers' compensation benefits for employees of contracted temporary service agencies whose insurer becomes insolvent, but rather that those liabilities are covered by the California Insurance Guarantee Association.	<b>Support</b>	Senate Insurance <b>2-year bill</b>

<b>SB 623</b>	<b>O</b>	<b>Lara</b>	<b>As chaptered:</b> would provide that a person shall not be excluded from receiving benefits under the Uninsured Employers Fund or the Subsequent Injuries Benefits Trust Fund based on citizenship or immigration status.	Watch	<b>Chaptered</b>
<b>SB 735</b>	<b>PS</b>	<b>Galgiani</b>	<b>As introduced on 2/27/15:</b> would establish the Postretirement Law Enforcement Officer Cold Case Grant program to fund the hiring of retired law enforcement officers to work on unsolved cases; program would be administered by DOJ.	Watch	Senate P.E.R.