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CA RIMS CLD Legislative Report Updated: April 16, 2023

Workers' Compensation

AB 489 (Calderon D) Workers' compensation: disability payments.

Current Text: Introduced: 2/7/2023 [html](#) [pdf](#)

Current Analysis: 03/21/2023 [Assembly Insurance \(text 2/7/2023\)](#)

Introduced: 2/7/2023

Status: 3/22/2023-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 12. Noes 0.) (March 22). Re-referred to Com. on APPR.

Location: 3/22/2023-A. APPR.

Calendar: 4/19/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

Summary: Under the workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation current law governs temporary and permanent disability indemnity payments. Current law, until January 1, 2024, allows an employer to commence a program under which disability indemnity payments are deposited in a prepaid card account for employees. This bill would extend the authorization to deposit indemnity payments in a prepaid card account until January 1, 2025.

AB 597 (Rodriguez D) Workers' compensation: first responders: post-traumatic stress.

Current Text: Amended: 2/23/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Last Amended: 2/23/2023

Status: 2/27/2023-Re-referred to Com. on INS.

Location: 2/17/2023-A. INS.

Summary: Current law provides, until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit. Existing law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would, for injuries occurring on or after January 1, 2024, make that provision applicable to emergency medical technicians and paramedics, as defined.

AB 621 (Irwin D) Workers' compensation: special death benefit.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Current Analysis: 03/21/2023 [Assembly Insurance \(text 2/9/2023\)](#)

Introduced: 2/9/2023

Status: 3/22/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (March 22). Re-referred to Com. on APPR.

Location: 3/22/2023-A. APPR.

Summary: Current law provides that no benefits, except reasonable expenses of burial not exceeding \$1,000, shall be awarded under the workers' compensation laws on account of the death of an employee who is an active member of the Public Employees' Retirement System, unless the death benefits available under the Public Employees' Retirement Law are less than the workers' compensation death benefits. In that case, the surviving spouse and children of the employee are also entitled to the difference between the 2 death benefit amounts. Current law exempts local safety members and patrol members, as defined, from this limitation. This bill would expand that exemption to include state safety members, peace officers, and firefighters for the Department of Forestry and Fire Protection who are members of Bargaining Unit 8.

AB 699 (Weber D) Workers' compensation: presumed injuries.

Current Text: Introduced: 2/13/2023 [html](#) [pdf](#)

Current Analysis: 03/21/2023 [Assembly Insurance \(text 2/13/2023\)](#)

Introduced: 2/13/2023

Status: 3/22/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (March 22). Re-referred to Com. on APPR.

Location: 3/22/2023-A. APPR.

Calendar: 4/19/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Current law creates a rebuttable presumption that specified injuries, such as meningitis, tuberculosis, or hernia, sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of employment. Current law creates a rebuttable presumption that skin cancer that develops or manifests in the course of employment of a lifeguard, as specified, arose out of and in the course of employment. Current law authorizes a lifeguard to file a claim for skin cancer after employment has terminated for a specified period based on years of employment, not to exceed 60 months. This bill would expand presumptions for hernia, pneumonia, heart trouble, cancer, tuberculosis, bloodborne infectious disease, methicillin-resistant *Staphylococcus aureus* skin infection, and meningitis-related illnesses and injuries to a lifeguard employed on a year-round, full-time basis in the Boating Safety Unit by the City of San Diego Fire-Rescue Department.

AB 1107 (Mathis R) Workers' compensation: presumptive injuries.

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Status: 3/2/2023-Referred to Com. on INS.

Location: 3/2/2023-A. INS.

Summary: Would, for injuries occurring on or after January 1, 2024, make that provision applicable to additional members and employees of the Department of Corrections and Rehabilitation, including members of the Office of Correctional Safety or the Office of Internal Affairs.

AB 1145 (Maienschein D) Workers' compensation.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Assembly Insurance \(text 2/16/2023\)](#)

Introduced: 2/16/2023

Status: 4/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (April 12). Re-referred to Com. on APPR.

Location: 4/12/2023-A. APPR.

Summary: Current law relating to workers compensation, until January 1, 2025, provides that, in the case of certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress disorder that developed or manifested during a period while the member is in the service of the department or unit, and establishes a disputable presumption in this regard. This bill would provide, only until January 1, 2030, that in the case of certain state nurses, psychiatric technicians, and various medical and social services specialists, the term "injury" also includes post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. The bill would apply to injuries occurring on or after January 1, 2024. The bill would prohibit compensation from being paid for a claim of injury unless the member has performed services for the department or unit for at least 6 months, unless the injury is caused by a sudden and extraordinary employment condition.

AB 1156 (Bonta D) Workers' compensation: hospital employees.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 3/2/2023-Referred to Com. on INS.

Location: 3/2/2023-A. INS.

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Current law creates a rebuttable presumption that specified injuries sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of employment. Current law, until January 1, 2024, creates a rebuttable presumption of injury for various employees, including an employee who works at a health facility, as defined, to include an illness or death resulting from COVID-19, if specified circumstances apply. This bill would define "injury," for a hospital employee who provides direct patient care in an acute care hospital, to include infectious diseases, cancer, musculoskeletal injuries, post-traumatic stress disorder, and respiratory diseases. The bill would include the 2019 novel coronavirus disease (COVID-19) from SARS-CoV-2 and its variants, among other conditions, in the definitions of infectious and respiratory diseases.

AB 1213 (Ortega D) Workers' compensation: aggregate disability payments.

Current Text: Amended: 4/10/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Last Amended: 4/10/2023

Status: 4/11/2023-Re-referred to Com. on INS.

Location: 3/2/2023-A. INS.

Calendar: 4/26/2023 9 a.m. - State Capitol, Room 437 ASSEMBLY INSURANCE, CALDERON, LISA, Chair

Summary: Would, until January 1, 2027, require that if a denial of treatment requested by a treating physician 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.

[AB 1278](#) ([Rodriguez D](#)) Workers' compensation: medical provider networks.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Last Amended: 3/23/2023

Status: 3/27/2023-Re-referred to Com. on INS.

Location: 3/2/2023-A. INS.

Calendar: 4/26/2023 9 a.m. - State Capitol, Room 437 ASSEMBLY INSURANCE, CALDERON, LISA, Chair

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of their employment. Current law requires the employer to provide medical, surgical, chiropractic, acupuncture, and hospital treatment that is reasonably required to cure or relieve the injured worker from the effects of the injury and authorizes an insurer, employer, or entity that provides physician network services to establish or modify a medical provider network (MPN) for the provision of medical treatment to injured employees. Current law requires every MPN to post on its internet website information about how to obtain a copy of any notification regarding the MPN that is required to be given to an employee by regulations adopted by the administrative director. This bill would allow an injured employee to authorize their primary treating physician to request an electronic copy of any notification that an injury is subject to an MPN or that an employee is required to transfer treatment to an MPN.

[SB 391](#) ([Blakespear D](#)) Workers' compensation: skin cancer.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Status: 4/11/2023-Set for hearing April 19.

Location: 2/22/2023-S. L., P.E. & R.

Calendar: 4/19/2023 Upon adjournment of Banking and Financial Institutions Committee - 1021 O Street, Room 2100 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Current law provides, among other things, that skin cancer developing in active lifeguards, as defined, is presumed to arise out of and in the course of employment, unless the presumption is rebutted. This bill would expand the scope of those provisions to certain peace officers of the Department of Fish and Wildlife and the Department of Parks and Recreation.

[SB 623](#) ([Laird D](#)) Workers' compensation: post-traumatic stress disorder.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 3/20/2023\)](#)

Introduced: 2/15/2023

Last Amended: 3/20/2023

Status: 4/13/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (April 12). Re-referred to Com. on APPR.

Location: 4/13/2023-S. APPR.

Summary: Current law provides, until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit. Current law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would instead repeal that provision on January 1, 2032, and for injuries occurring on or after January 1, 2024, expand its scope to apply to firefighting members of the State Department of State Hospitals, the State Department of Developmental Services, the Military Department, and the Department of Veterans Affairs, and to additional peace officers, including security officers of the Department of Justice when performing assigned duties as security officers, and the officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental

Services, among other officers. The bill would also make that provision applicable to public safety dispatchers, public safety telecommunicators, and emergency response communication employees, as defined.

SB 631 (Cortese D) Workers' compensation: gender equity comparative analysis.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 2/16/2023\)](#)

Introduced: 2/16/2023

Status: 4/13/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 0.) (April 12). Re-referred to Com. on APPR.

Location: 4/13/2023-S. APPR.

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee, as defined, for injuries sustained in the course of employment. Current law establishes various benefits to be paid or provided to injured employees, including temporary total disability, temporary partial disability, and permanent disability, which are based on an employee's average earnings, as specified. This bill would require the administrative director, in collaboration with the University of California at Berkeley to prepare a comparative analysis to examine differences in workers' compensation benefits provided to employees of different genders, including differences between industries, rate of claim denial, and any difference in compensation paid, as specified. The bill would require the administrative director to prepare and provide a report on the comparative analysis to the Legislature no later than January 1, 2025.

SB 636 (Cortese D) Workers' compensation: utilization review.

Current Text: Amended: 4/10/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Last Amended: 4/10/2023

Status: 4/11/2023-Set for hearing April 19.

Location: 3/1/2023-S. L., P.E. & R.

Calendar: 4/19/2023 Upon adjournment of Banking and Financial Institutions Committee - 1021 O Street, Room 2100 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, that generally requires employers to secure the payment of workers' compensation for injuries incurred by their employees that arise out of, and in the course of, employment. Current law, for purposes of workers' compensation, defines "psychologist" to mean a licensed psychologist with a doctoral degree in psychology, or a doctoral degree deemed equivalent for licensure by the Board of Psychology, as specified, and who either has at least 2 years of clinical experience in a recognized health setting or has met the standards of the National Register of Health Service Psychologists. This bill would, for private employers, require the psychologist to be licensed by California state law.

SB 697 (Hurtado D) Value of care review.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 4/11/2023-Set for hearing April 19.

Location: 3/1/2023-S. L., P.E. & R.

Calendar: 4/19/2023 Upon adjournment of Banking and Financial Institutions Committee - 1021 O Street, Room 2100 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Would require the Division of Workers' Compensation to conduct a study on the viability of and regulatory steps that would be required to be taken to link health care reimbursement in workers' compensation claims to the value of care provided to injured workers. The bill would require that study to include a discussion of the viability of developing and adopting an accountable care organization model to manage workers' compensation claims. The bill would require the department to hold 5 stakeholder workshops to discuss the findings of the study and to post the findings of the study on its internet website.

Pharmacy

AB 913 (Petrie-Norris D) Pharmacy benefit managers.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 3/16/2023

Status: 3/20/2023-Re-referred to Com. on B. & P.

Location: 3/16/2023-A. B.&P.

Summary: The Knox-Keene Health Care Service Plan Act of 1975 requires a pharmacy benefit manager under contract with a health care service plan to, among other things, register with the Department of Managed Health Care. This bill would require the California State Board of Pharmacy to license and regulate pharmacy benefit managers that manage the prescription drug coverage provided by a health care service plan or health insurer, except as specified. The bill would set forth various duties of pharmacy benefit managers, including requirements to file a report with the board. The bill would prohibit a pharmacy benefit manager from, among other things, contracting after January 1, 2024, to prohibit or restrict a pharmacy or pharmacist from disclosing to an enrollee or insured health care information that the pharmacy or pharmacist considers appropriate. This bill would require the board to promulgate necessary regulations and to prepare a report to the Legislature on or before August 1, 2025, and on or before each August 1 thereafter, with aggregate data received from pharmacy benefit managers, establish a data retention schedule, and protect proprietary and confidential information, as specified

[SB 873](#) ([Bradford D](#)) Prescription drugs: cost sharing.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 4/3/2023-Set for hearing April 19.

Location: 3/1/2023-S. HEALTH

Calendar: 4/19/2023 1:30 p.m. - 1021 O Street, Room 1200 SENATE HEALTH, EGGMAN, SUSAN TALAMANTES, Chair

Summary: This bill, commencing no later than January 1, 2025, would require an enrollee's or insured's defined cost sharing for each prescription drug to be calculated at the point of sale based on a price that is reduced by an amount equal to 90% of all rebates received, or to be received, in connection with the dispensing or administration of the drug. The bill would require a health care service plan or health insurer to, among other things, pass through to each enrollee or insured at the point of sale a good faith estimate of the enrollee's or insured's decrease in cost sharing. The bill would require a health care service plan or health insurer to calculate an enrollee's or insured's defined cost sharing and provide that information to the dispensing pharmacy, as specified. The bill would require the department and the commissioner to submit an annual report on the impact of these provisions to the appropriate policy committees of the Legislature, as specified. The bill would make these provisions inoperative on January 1, 2027. This bill contains other related provisions and other existing laws.

Labor & Employment

[AB 58](#) ([Kalra D](#)) Labor statistics: annual report.

Current Text: Introduced: 12/6/2022 [html](#) [pdf](#)

Introduced: 12/6/2022

Status: 1/26/2023-Referred to Com. on L. & E.

Location: 1/26/2023-A. L. & E.

Calendar: 4/26/2023 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR & EMPLOYMENT, KALRA, Chair

Summary: Current law requires the Department of Industrial Relations to complete and publish an annual report containing statistics on state work injuries and occupational diseases and fatalities by industry classifications by December 31 of the following calendar year. This bill would require the report to include within industry classifications subcategories separated by the ethnicity, race, and gender of affected individuals.

[AB 235](#) ([Rubio, Blanca D](#)) Civil Rights Department: Labor Trafficking Unit.

Current Text: Amended: 2/21/2023 [html](#) [pdf](#)

Current Analysis: 03/20/2023 [Assembly Labor And Employment \(text 2/21/2023\)](#)

Introduced: 1/12/2023

Last Amended: 2/21/2023

Status: 3/22/2023-From committee: Do pass and re-refer to Com. on PUB. S. (Ayes 7. Noes 0.) (March 22). Re-referred to Com. on PUB. S.

Location: 3/22/2023-A. PUB. S.

Calendar: 4/18/2023 9 a.m. - State Capitol, Room 126 ASSEMBLY PUBLIC SAFETY, JONES-SAWYER, REGINALD, Chair

Summary: Would establish within the Civil Rights Department the Labor Trafficking Unit, which would be required to coordinate with the Labor Enforcement Task Force, the Criminal Investigation Unit, the Department of Justice, and the Division of Labor Standards Enforcement within the Department of Industrial Relations to combat labor trafficking. The bill would require the unit to receive and investigate complaints alleging labor trafficking and take steps to prevent labor

trafficking. The bill would require the unit to coordinate with or refer cases to the Labor Enforcement Task Force or the department for potential civil actions, and to coordinate with or refer cases to the Department of Justice for potential criminal actions. The bill would require the unit to follow protocols to ensure survivors of labor trafficking are not victimized by the process of prosecuting traffickers and are informed of the services available to them. The bill would require the unit to coordinate with both state and local agencies to connect survivors with available services. The bill would require the unit to provide specified services to victims, including providing a list of pro bono victim's rights attorneys to survivors. The bill would require the Division of Occupational Safety and Health within the Department of Industrial Relations to notify the unit when, upon investigating businesses under their purview, there is evidence of labor trafficking. The bill would require the unit, beginning January 1, 2025, until January 1, 2035, to annually submit a report to the Legislature with specified information relating to labor trafficking complaints, including the number, types, and outcomes of complaints.

AB 380 (Arambula D) Division of Labor Standards Enforcement: Labor Trafficking Unit.

Current Text: Introduced: 2/2/2023 [html](#) [pdf](#)

Current Analysis: 03/20/2023 [Assembly Labor And Employment \(text 2/2/2023\)](#)

Introduced: 2/2/2023

Status: 3/22/2023-From committee: Do pass and re-refer to Com. on PUB. S. (Ayes 7. Noes 0.) (March 22). Re-referred to Com. on PUB. S.

Location: 3/22/2023-A. PUB. S.

Calendar: 4/18/2023 9 a.m. - State Capitol, Room 126 ASSEMBLY PUBLIC SAFETY, JONES-SAWYER, REGINALD, Chair

Summary: Would establish within the Division of Labor Standards Enforcement the Labor Trafficking Unit, which would be required to coordinate with the Labor Enforcement Task Force, the Criminal Investigation Unit, the Department of Justice, and the Civil Rights Department to combat labor trafficking. The bill would require the unit to receive and investigate complaints alleging labor trafficking and take steps to prevent labor trafficking. The bill would require the unit to coordinate with or refer cases to the Labor Enforcement Task Force or the Civil Rights Department for potential civil actions, and to coordinate with or refer cases to the Department of Justice for potential criminal actions. The bill would require the unit to follow protocols to ensure survivors of labor trafficking are not victimized by the process of prosecuting traffickers and are informed of the services available to them. The bill would authorize the unit to coordinate with state and local agencies for specified purposes relating to the investigation and prosecution of labor trafficking. The bill would require the Division of Occupational Safety and Health to notify the unit when, upon investigating businesses under their purview, there is evidence of labor trafficking. The bill would require the unit, beginning January 1, 2026, until January 1, 2036, to annually submit a report to the Legislature with specified information relating to labor trafficking complaints, including the number, types, and outcomes of complaints.

AB 409 (Weber D) California Conservation Camp program: formerly incarcerated individuals: certifications: Department of Forestry and Fire Protection hiring priority.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 2/2/2023

Last Amended: 3/16/2023

Status: 3/20/2023-Re-referred to Com. on NAT. RES.

Location: 3/16/2023-A. NAT. RES.

Summary: Would require the Department of Forestry and Fire Protection, by January 1, 2026, to modify its training program for inmate firefighters serving as members of a hand crew through the California Conservation Camp program to provide participants the opportunity to earn a specified list of certifications related to firefighting, or the department's equivalents of those certifications, while incarcerated. The bill would, commencing January 1, 2027, require the department to update its application process for Type 1 Hand Crew positions to recognize certifications earned by formerly incarcerated individuals through participation in the California Conservation Camp program. The bill would also require the department to establish rules that provide eligibility priority rankings in the application, interview, and hiring process to formerly incarcerated individuals who earned certifications through participation in a California Conservation Camp program.

AB 504 (Reyes D) State and local public employees: labor relations: disputes.

Current Text: Amended: 4/13/2023 [html](#) [pdf](#)

Current Analysis: 04/14/2023 [Assembly Judiciary \(text 4/13/2023\)](#)

Introduced: 2/7/2023

Last Amended: 4/13/2023

Status: 4/13/2023-From committee chair, with author's amendments: Amend, and re-refer to Com. on JUD. Read second time and amended.

Location: 4/12/2023-A. JUD.

Calendar: 4/18/2023 9 a.m. - State Capitol, Room 437 ASSEMBLY JUDICIARY, MAIENSCHEIN, BRIAN, Chair

Summary: The Meyers-Milias-Brown Act and the Ralph C. Dills Act regulate the labor relations of employees and employers of local public agencies and the state, respectively. Those acts grant specified employees, including, among others, certain employees of fire departments, of local public agencies and the state the right to form, join, and participate in the activities of employee organizations of their choosing and require public agency employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment. The acts grant the Public Employment Relations Board the power to hear specified disputes in relation to these provisions and to make determinations regarding them. With regard to certain employees of fire departments, current law provides that those persons do not have the right to strike or recognize a picket line of a labor organization while in the course of the performance of their official duties. This bill would provide that it is not unlawful or a cause for discipline or other adverse action against a public employee for that public employee to refuse to enter property that is the site of a primary labor dispute, perform work for a public employer involved in a primary labor dispute, or go through or work behind a primary picket line.

[AB 518](#) ([Wicks](#) D) Paid family leave: eligibility: care for designated persons.

Current Text: Amended: 4/4/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Assembly Insurance \(text 4/4/2023\)](#)

Introduced: 2/7/2023

Last Amended: 4/4/2023

Status: 4/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (April 12). Re-referred to Com. on APPR.

Location: 4/12/2023-A. APPR.

Summary: The Unemployment Compensation Disability Fund is continuously appropriated for the purpose of providing disability benefits and making payment of expenses in administering those provisions. Current law establishes, within the above state disability insurance program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits for up to 8 weeks to workers who take time off work for prescribed purposes, including to care for a seriously ill family member. Current law defines terms for its purposes, including "family care leave" and "family member." This bill would expand eligibility for benefits under the paid family leave program to include individuals who take time off work to care for a seriously ill designated person. The bill would define "designated person" to mean any individual related by blood or whose association with the employee is the equivalent of a family relationship. The bill would authorize the employee to identify the designated person when they file a claim for benefits. The bill would make conforming changes to the definitions of the terms "family care leave" and "family member."

[AB 520](#) ([Santiago](#) D) Employment: public entities.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/7/2023

Last Amended: 3/23/2023

Status: 3/27/2023-Re-referred to Com. on L. & E.

Location: 3/23/2023-A. L. & E.

Calendar: 4/26/2023 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR & EMPLOYMENT, KALRA, Chair

Summary: Under current law, any individual or business entity that contracts for services in the property services or long-term care industries is jointly and severally liable for any unpaid wages, including interest, where the individual or business entity has been provided notice, by any party, of any proceeding or investigation by the Labor Commissioner in which the employer is found liable for those unpaid wages, to the extent the amounts are for services performed under that contract, as provided, and except as specified. This bill would additionally provide that any public entity, defined as the state, a city, county, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state, is jointly and severally liable for any unpaid wages, as provided in the above paragraph.

[AB 521](#) ([Bauer-Kahan](#) D) Occupational safety and health standards: restrooms.

Current Text: Introduced: 2/7/2023 [html](#) [pdf](#)

Introduced: 2/7/2023

Status: 2/17/2023-Referred to Com. on L. & E.

Location: 2/17/2023-A. L. & E.

Calendar: 4/26/2023 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR & EMPLOYMENT, KALRA, Chair

Summary: The Occupational Safety and Health Standards Board, an independent entity within the Department of Industrial Relations, has the exclusive authority to adopt occupational safety and health standards within the state. Current law, the California Occupational Safety and Health Act of 1973 (OSHA), requires employers to comply with certain safety and health standards, as specified, and charges the division with enforcement of the act. Current law requires the division, before December 1, 2025, to submit to the standards board a rulemaking proposal to consider revising the heat illness standard and wildfire smoke standard. Current law also requires the standards board to review the proposed changes and consider adopting revised standards on or before December 31, 2025. This bill would also require the

division, before December 1, 2025, to submit to the standards board a rulemaking proposal to consider revising a regulation on jobsite restrooms to require at least one women's designated restroom for jobsites with 2 or more required water closets.

AB 575 (Papan D) Paid family leave.

Current Text: Amended: 3/9/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Assembly Insurance \(text 3/9/2023\)](#)

Introduced: 2/8/2023

Last Amended: 3/9/2023

Status: 4/12/2023-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (April 12). Re-referred to Com. on APPR.

Location: 4/12/2023-A. APPR.

Summary: Under Current law, the family temporary disability insurance program provides up to 8 weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, grandparent, grandchild, sibling, or parent-in-law, to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption, or who take time off to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individual's spouse, domestic partner, child, or parent in the Armed Forces of the United States. Current law defines certain terms for these purposes. Current law provides that a worker is not eligible for those benefits in specified circumstances, including, among others, if another family member is ready, willing, and able and available for the same period of time in a day that the individual is providing care or participating in the above-described qualifying exigency, as specified. Current law authorizes an employer to require a worker to take up to 2 weeks of earned but unused vacation leave before receiving benefits under the program. This bill would expand the program to provide benefits to workers who take time off work to bond with a minor child within one year of assuming responsibilities of a child in loco parentis.

AB 587 (Rivas, Robert D) Public works: payroll records.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Current Analysis: 03/20/2023 [Assembly Labor And Employment \(text 2/9/2023\)](#)

Introduced: 2/9/2023

Status: 3/22/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (March 22). Re-referred to Com. on APPR.

Location: 3/22/2023-A. APPR.

Calendar: 4/19/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

Summary: Current law requires the Labor Commissioner to investigate allegations that a contractor or subcontractor violated the law regulating public works projects, including the payment of prevailing wages. Current law requires each contractor and subcontractor on a public works project to keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the contractor or subcontractor in connection with the public work. Current law requires any copy of records made available for inspection as copies and furnished upon request to the public or any public agency to be marked or obliterated to prevent disclosure of an individual's name, address, and social security number but specifies that any copy of records made available to a Taft-Hartley trust fund for the purposes of allocating contributions to participants be marked or obliterated only to prevent disclosure of an individual's full social security number, as specified. Current law makes any contractor, subcontractor, agent, or representative who neglects to comply with the requirements to keep accurate payroll records guilty of a misdemeanor. This bill would require any copy of records made available for inspection by, or furnished to, a multiemployer Taft-Hartley trust fund or joint labor-management committee be provided on forms provided by the Division of Labor Standards Enforcement or contain the same information as those forms.

AB 594 (Maienschein D) Labor Code: alternative enforcement.

Current Text: Amended: 4/13/2023 [html](#) [pdf](#)

Current Analysis: 04/14/2023 [Assembly Judiciary \(text 4/13/2023\)](#)

Introduced: 2/9/2023

Last Amended: 4/13/2023

Status: 4/13/2023-From committee: Do pass and re-refer to Com. on JUD. (Ayes 5. Noes 2.) (April 12). Re-referred to Com. on JUD. From committee chair, with author's amendments: Amend, and re-refer to Com. on JUD. Read second time and amended.

Location: 4/12/2023-A. JUD.

Calendar: 4/18/2023 9 a.m. - State Capitol, Room 437 ASSEMBLY JUDICIARY, MAIENSCHIEIN, BRIAN, Chair

Summary: Current law establishes within the Department of Industrial Relations, among other entities, the Division of Labor Standards Enforcement, the Division of Workers' Compensation, and the Division of Occupational Safety and

Health, with enforcement duties and powers, as prescribed. Current law authorizes the Division of Labor Standards Enforcement, the head of which is the Labor Commissioner, to enforce the Labor Code and all labor laws of the state the enforcement of which is not specifically vested in any other officer, board, or commission. Current law relating to payment of wages for general occupations provides that nothing in those provisions limits the authority of the district attorney of any county or prosecuting attorney of any city to prosecute actions, either civil or criminal, for violations or to enforce those provisions independently and without specific direction of the Division of Labor Standards Enforcement. This bill would authorize a public prosecutor, as defined, to prosecute an action, either civil or criminal, for a violation of specified provisions of the Labor Code or to enforce those provisions independently and without specific direction of the applicable division. The bill, except as specified, would limit the action of a public prosecutor under the bill to redressing violations occurring within the public prosecutor's geographic jurisdiction. The bill would authorize a public prosecutor, in addition to any other remedies available, to seek injunctive relief to prevent continued violations.

AB 747 (McCarty D) Business: unlawful employee contracts and requirements.

Current Text: Amended: 4/3/2023 [html](#) [pdf](#)

Current Analysis: 04/10/2023 [Assembly Labor And Employment \(text 4/3/2023\)](#)

Introduced: 2/13/2023

Last Amended: 4/3/2023

Status: 4/13/2023-From committee: Do pass and re-refer to Com. on JUD. (Ayes 5. Noes 2.) (April 12). Re-referred to Com. on JUD.

Location: 4/12/2023-A. JUD.

Summary: Current law provides that every contract that restrains anyone from engaging in a lawful profession, trade, or business of any kind is, to that extent, void, except as provided. Current law authorizes any person who sells the goodwill of a business, any owner of a business entity selling or otherwise disposing of all of their ownership interest in the business entity, or any owner of a business entity that sells specified assets or ownership interests to agree with the buyer to refrain from carrying on a similar business within a specified geographic area in which the business so sold, or that of the business entity, division, or subsidiary has been carried on, if the buyer, or any person deriving title to the goodwill or ownership interest from the buyer, carries on a like business therein. Current law defines "ownership interest" as a partnership interest, membership interest, or a capital stockholder, as described. This bill would modify the definition of "ownership interest" to require the partnership interest, membership interest, or capital stock to be more than a 10% interest of the total partnership interest, more than a 10% interest of the total membership interest, or more than 10% of the total shares of ownership of the entity, respectively.

AB 803 (Flora R) Department of Industrial Relations.

Current Text: Introduced: 2/13/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Status: 2/23/2023-Referred to Com. on L. & E.

Location: 2/23/2023-A. L. & E.

Summary: Current law establishes the Division of Occupational Safety and Health in the Department of Industrial Relations, and charges the division with the enforcement of various laws affecting safe working conditions, including the California Occupational Safety and Health Act of 1973. Existing law requires the Director of Industrial Relations to prepare and submit to the Legislature an annual report on the activities of the Division of Occupational Safety and Health, as specified. This bill would additionally require the Director of Industrial Relations to submit the report to the Governor and post the report on the department's internet website. This bill would also make nonsubstantive changes to those provisions.

AB 1007 (Ortega D) Occupational safety and health standards: plume.

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Current Analysis: 03/20/2023 [Assembly Labor And Employment \(text 2/15/2023\)](#)

Introduced: 2/15/2023

Status: 3/22/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (March 22). Re-referred to Com. on APPR.

Location: 3/22/2023-A. APPR.

Calendar: 4/19/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

Summary: The Occupational Safety and Health Standards Board within the Department of Industrial Relations promulgates and enforces occupational safety and health standards for the state, including standards dealing with toxic materials and harmful physical agents. Under current law, the Division of Occupational Safety and Health is required to enforce all occupational safety and health standards, as specified. This bill would, by June 1, 2024, require the division to submit to the board a proposed regulation requiring a health facility to evacuate or remove plume through the use of a plume scavenging system in all settings that employ techniques that involve the creation of plume. The bill would require the division, when developing regulations, to consider, among other things, recommendations on the evacuation of plume

from the federal Occupational Safety and Health Administration and National Institute for Occupational Safety and Health. The bill would require the board to adopt a proposed regulation by January 1, 2025. This bill contains other related provisions and other existing laws.

[AB 1031](#) ([Rubio, Blanca D](#)) **Employee rest periods: employees providing direct support to individuals with intellectual and developmental disabilities.**

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Last Amended: 3/23/2023

Status: 3/27/2023-Re-referred to Com. on L. & E.

Location: 3/23/2023-A. L. & E.

Summary: Current law, including statutory law and wage orders issued by the Industrial Welfare Commission, with certain exceptions, requires an employer to provide employees with rest breaks during working hours, as specified. Existing law requires that employees be relieved of all duties during rest periods. Current law requires the employer to pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that a meal or rest or recovery period is not provided. This bill would exempt from the requirement that an employee be relieved of all duties an employee providing direct support to an individual with an intellectual or developmental disability in an integrated community setting, under prescribed circumstances. The bill would require, if a nonexempt employee is affirmatively required to interrupt their rest period to respond to the needs of a consumer, that another rest period be authorized and permitted reasonably promptly after the circumstances that led to the interruption have passed.

[AB 1100](#) ([Low D](#)) **Employment: workweek.**

Current Text: Amended: 4/3/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Last Amended: 4/3/2023

Status: 4/4/2023-Re-referred to Com. on L. & E.

Location: 3/23/2023-A. L. & E.

Summary: Would establish the 32-hour Workweek Pilot Program under the administration of the Department of Industrial Relations to provide grants to employers with 5 or more employees for the purposes of administering pilot programs that provide each employee the option to work a 32-hour workweek. The bill would authorize an employer to apply for a grant from the department by submitting a specified application that includes, among other things, a 12-month plan for the implementation of a 32-hour workweek. The bill would require the department to award grants quarterly, beginning July 1, 2024, and to prioritize employers with hourly employees.

[AB 1121](#) ([Haney D](#)) **Public works: ineligibility list.**

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Current Analysis: 03/20/2023 [Assembly Labor And Employment \(text 3/20/2023\)](#)

Introduced: 2/15/2023

Last Amended: 3/20/2023

Status: 3/22/2023-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (March 22). Re-referred to Com. on APPR.

Location: 3/22/2023-A. APPR.

Calendar: 4/19/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

Summary: Current law generally requires a contractor or subcontractor to be registered with the Department of Industrial Relations to be qualified to bid on, be listed in a bid proposal, or engage in the performance of any public works contract. Current law requires a contractor or subcontractor to meet specific conditions to qualify for this registration. Current law requires the Department of Industrial Relations to maintain on its internet website a list of contractors that are currently registered to perform public work. This bill would require awarding authorities to submit to the Department of Industrial Relations' electronic project registration database a list of ineligible contractors, as specified, pursuant to local debarment or suspension processes.

[AB 1356](#) ([Haney D](#)) **Relocations, terminations, and mass layoffs.**

Current Text: Amended: 3/30/2023 [html](#) [pdf](#)

Current Analysis: 04/10/2023 [Assembly Labor And Employment \(text 3/30/2023\)](#)

Introduced: 2/17/2023

Last Amended: 3/30/2023

Status: 4/13/2023-From committee: Do pass and re-refer to Com. on JUD. (Ayes 5. Noes 0.) (April 12). Re-referred to Com. on JUD.

Location: 4/12/2023-A. JUD.

Summary: The California Worker Adjustment and Retraining Act governs relocations, terminations, and mass layoffs. Existing law prohibits an employer from ordering a mass layoff, relocation, or termination at a covered establishment unless, 60 days before the order takes effect, the employer gives written notice of the order, as prescribed. Current law exempts certain types of employment from the act, including seasonal employment where the employees were hired with the understanding that their employment was seasonal and temporary (seasonal employment exemption). Existing law makes an employer who fails to give notice as required liable to each employee entitled to notice who lost their employment for prescribed compensation, calculated for the period of the employer's violation, up to a maximum of 60 days, or 1/2 the number of days that the employee was employed by the employer, whichever period is smaller. Current law authorizes the Labor Commissioner to enforce specified provisions of existing law, as prescribed. Current law defines terms for its purposes, including definitions for the terms "employer" and "employee." Current law defines "mass layoff" for purposes of the act to mean a layoff during any 30-day period of 50 or more employees at a covered establishment, and defines "covered establishment" as an industrial or commercial facility that employs, or has employed within the preceding 12 months, 75 or more persons. This bill would require the prescribed notice 90 days before the order takes effect, and would make a conforming change to the calculation of employer liability.

[AB 1516](#) (Kalra D) Labor and Workforce Development Agency: working group: minimum wage.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/23/2023

Status: 3/27/2023-Re-referred to Com. on L. & E.

Location: 3/23/2023-A. L. & E.

Calendar: 4/26/2023 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR & EMPLOYMENT, KALRA, Chair

Summary: Would require the Labor and Workforce Development Agency to convene a working group to study and evaluate topics related to the minimum wage in California. The bill would require the working group to submit to the Legislature, on or before July 1, 2024, a report that outlines recommendations for raising the minimum wage for all workers in California.

[AB 1766](#) (Committee on Labor and Employment) Division of Occupational Safety and Health: regulations.

Current Text: Amended: 4/13/2023 [html](#) [pdf](#)

Introduced: 3/20/2023

Last Amended: 4/13/2023

Status: 4/13/2023-Referred to Com. on L. & E. From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.

Location: 4/13/2023-A. L. & E.

Calendar: 4/26/2023 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR & EMPLOYMENT, KALRA, Chair

Summary: Would require the Division of Occupational Safety and Health to formulate and propose rules and regulations for adoption by the Occupational Safety and Health Standards Board for the safe design, manufacture, installation, repair, maintenance, use, operation, and inspection of all passenger tramways as necessary to protect the public. The bill would require the division to adopt all other rules and regulations necessary for the administration and enforcement of these provisions on passenger tramways.

[AB 1767](#) (Committee on Labor and Employment) Labor contracts.

Current Text: Introduced: 3/20/2023 [html](#) [pdf](#)

Introduced: 3/20/2023

Status: 3/23/2023-Referred to Com. on L. & E.

Location: 3/23/2023-A. L. & E.

Calendar: 4/26/2023 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR & EMPLOYMENT, KALRA, Chair

Summary: Current law generally prohibits a person or entity from entering into a contract for labor or services with specified types of contractors, if the person or entity knows or should know that the contract does not include sufficient funds to allow the contractor to comply with all applicable local, state, and federal laws governing the labor or services to be provided. Current law establishes a rebuttable presumption affecting the burden of proof regarding violations of this prohibition. For these presumptions to apply, current law requires a contract with a specified type of contractor for labor or services to be in writing, in a single document, and contain specified provisions, including the names, addresses, and telephone numbers of the person or entity seeking labor or services and the contractor through whom the labor or services are to be provided. This bill would additionally require the contract provisions to include the email addresses of the person or entity seeking labor or services and the contractor through whom the labor or services are to be provided.

[SB 330](#) ([Niello R](#)) Labor Code Private Attorneys General Act of 2004.

Current Text: Amended: 3/15/2023 [html](#) [pdf](#)

Introduced: 2/7/2023

Last Amended: 3/15/2023

Status: 4/11/2023-Set for hearing April 19.

Location: 3/29/2023-S. L., P.E. & R.

Calendar: 4/19/2023 Upon adjournment of Banking and Financial Institutions Committee - 1021 O Street, Room 2100 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: The Labor Code Private Attorneys General Act of 2004 permits an aggrieved employee, on behalf of themselves and other current or former employees, to bring a civil action pursuant to specified procedures for a violation of a provision of the Labor Code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency. Current law imposes specified filing requirements on the aggrieved employee or representative in order to bring the action, including providing notice to the agency and the employer with the specific provisions of the Labor Code alleged to have been violated, and the facts and theories that support the alleged violations. Current law provides an employer, for certain of those violations, a right to cure the violation within 33 days, as specified. For alleged violations of specified provisions of the Labor Code relating to safety in employment, current law requires the Division of Occupational Safety and Health to investigate the allegations in the notice. This bill would require the notice, for alleged violations of the Labor Code other than those specified provisions relating to safety in employment, to instead include a statement setting forth the relevant facts, legal authorities, and authorities supporting each alleged violation. For those alleged violations that provide an employer a right to cure, the bill would require the notice to inform the employer of their right to cure the violation.

[SB 335](#) ([Cortese D](#)) Labor statistics: annual report.

Current Text: Amended: 3/13/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 3/13/2023\)](#)

Introduced: 2/7/2023

Last Amended: 3/13/2023

Status: 4/13/2023-From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 5. Noes 0.) (April 12). Re-referred to Com. on APPR.

Location: 4/13/2023-S. APPR.

Summary: Current law requires the Department of Industrial Relations to complete and publish an annual report containing statistics on state work injuries and occupational diseases and fatalities by industry classifications by December 31 of the following calendar year and requires all of the reports and statistics to be available to the public. This bill would require the department to submit the annual report to the Legislature and the Governor.

[SB 352](#) ([Padilla D](#)) California Workforce Development Board: minimum wage and housing.

Current Text: Amended: 3/29/2023 [html](#) [pdf](#)

Current Analysis: 04/13/2023 [Senate Housing \(text 3/29/2023\)](#)

Introduced: 2/8/2023

Last Amended: 3/29/2023

Status: 4/14/2023-Set for hearing April 18.

Location: 4/13/2023-S. HOUSING

Calendar: 4/18/2023 1:30 p.m. - 1021 O Street, Room 1200 SENATE HOUSING, WIENER, SCOTT, Chair

Summary: Would require the California Workforce Development Board, in conjunction with the Secretary of Labor and Workforce Development and the Director of Housing and Community Development, to examine housing costs by county, regionally, and in the state and create a formula to ascertain how much a household with at least one full-time minimum wage worker must earn to reasonably afford a decent standard of living, including appropriate housing and basic expenses, including nonhousing necessities, in that county, regionally, and in the state. The bill, commencing in 2024, would also require the California Workforce Development Board to recommend to the Legislature by December 15 of each year the minimum wage for a household with at least one full-time minimum wage earner to afford a decent standard of living, including appropriate housing and basic expenses, including nonhousing necessities, in each county, regionally, and in the state and recommend a method to annually adjust figures to account for housing cost inflation and inflation broadly.

[SB 375](#) ([Alvarado-Gil D](#)) Employment: employer contributions: employee withholdings: COVID-19 regulatory compliance credit.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Status: 4/13/2023-Set for hearing April 26.

Location: 2/22/2023-S. L., P.E. & R.

Calendar: 4/26/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Under current law, every employer who pays wages to a resident employee for services performed either within or without this state, or to a nonresident employee for services performed in this state, is required to deduct and withhold from those wages, except as provided, for each payroll, a tax computed in an amount substantially equivalent to the amount reasonably estimated to be due under the Personal Income Tax Law. Under current law, every employer required to withhold those taxes is required to, for each calendar quarter, file a withholding report, a quarterly return, and a report of wages in a form prescribed by the Employment Development Department, and pay over the taxes required to be withheld. This bill would authorize an employer to claim, for the 2023 and 2024 calendar years, a COVID-19 regulatory compliance credit in a specified amount. The bill would require the credit to be claimed on the employer's last quarterly return, as described, for the relevant calendar year. The bill would require any amount claimed by an employer to be credited against employee personal income tax withholding amounts required to be remitted to the department for the last quarter of the relevant calendar year.

SB 382 (Becker D) California Workforce Pay for Success Act.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Status: 4/13/2023-Set for hearing April 26.

Location: 2/22/2023-S. L., P.E. & R.

Calendar: 4/26/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Would establish the California Workforce Pay for Success Program to assist workers facing economic, social, and structural barriers to employment and career advancement, upon appropriation by the Legislature for these purposes. The bill would require the program to enter into workforce pay for success contracts, as defined, with eligible organizations that serve qualified participants. The bill would establish the Workforce Pay for Success Program Board within the Labor and Workforce Development Agency, consisting of specified members appointed by the Governor, the Speaker of the Assembly, and the Senate Rules Committee. The bill would require the California Workforce Development Board to establish a selection process for the program and solicit proposals from eligible organizations. The bill would also require the Labor and Workforce Development Agency or its designated division to convene a workgroup to advise the board on program design. Upon appropriation of funds by the Legislature, the bill would create the Workforce Pay for Success Program Fund for purposes of the program, and would require the board, on or before January 1, 2026, to submit a report to the Department of Finance and the Legislature regarding the implementation of the program. The bill would include related legislative findings.

SB 399 (Wahab D) Employer communications: intimidation.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 2/9/2023\)](#)

Introduced: 2/9/2023

Status: 4/14/2023-Set for hearing April 25.

Location: 4/13/2023-S. JUD.

Calendar: 4/25/2023 9 a.m. - 1021 O Street, Room 2100 SENATE JUDICIARY SPECIAL ORDER, UMBERG, THOMAS, Chair

Summary: Would, except as specified, prohibit an employer from requiring its employees to attend an employer-sponsored meeting or participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious matters, political matters, or certain rights guaranteed by the United States Constitution and California Constitution, as defined.

SB 451 (Nguyen R) Worker classification: employees and independent contractors: licensed manicurists.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/20/2023

Status: 4/13/2023-Set for hearing April 26.

Location: 2/22/2023-S. L., P.E. & R.

Calendar: 4/26/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. Current law exempts specified occupations and business relationships from the application of the ABC test described above. Current law, instead, provides that these exempt relationships are governed by the multifactor test

previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. These exemptions include services provided by a licensed manicurist, subject to the manicurist meeting specified conditions. Existing law makes this exemption for licensed manicurists inoperative on January 1, 2025. This bill would extend the exemption for licensed manicurists, making it inoperative on January 1, 2030.

SB 497 (Smallwood-Cuevas D) Protected employee conduct.

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 2/14/2023\)](#)

Introduced: 2/14/2023

Status: 4/14/2023-Set for hearing April 25.

Location: 4/13/2023-S. JUD.

Calendar: 4/25/2023 9 a.m. - 1021 O Street, Room 2100 SENATE JUDICIARY, UMBERG, THOMAS, Chair

Summary: (1) Current law prohibits a person from discharging an employee or in any manner discriminating, retaliating, or taking any adverse action against any employee or applicant for employment because the employee or applicant engaged in protected conduct, as specified. Under existing law, an employee who is discharged, threatened with discharge, demoted, suspended, retaliated against, subjected to adverse action, or in any other manner discriminated against in the terms and conditions of their employment because among other things, the employee engaged in protected conduct, as specified, the employee shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by those acts of the employer. This bill would create a rebuttable presumption in favor the employee's claim if an employer engages in any action prohibited by this provision within 90 days of the protected activity specified in this provision. This bill contains other related provisions and other existing laws.

SB 525 (Durazo D) Minimum wage: health care workers.

Current Text: Amended: 3/28/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 3/28/2023\)](#)

Introduced: 2/14/2023

Last Amended: 3/28/2023

Status: 4/13/2023-From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (April 12).

Location: 4/13/2023-S. APPR.

Calendar: 4/17/2023 #3 SENATE SENATE BILLS - SECOND READING FILE

Summary: Would require a health care worker minimum wage of \$25 per hour for hours worked in covered health care employment, as defined, subject to adjustment, as prescribed. The bill would provide that the health care worker minimum wage constitutes the state minimum wage for covered health care employment for all purposes under the Labor Code and the Wage Orders of the Industrial Welfare Commission. The health care worker minimum wage would be enforceable by the Labor Commissioner or by a covered worker through a civil action, through the same means and with the same relief available for violation of any other state minimum wage requirement. By establishing a new minimum wage, the violation of which would be a crime, the bill would impose a state-mandated local program.

SB 526 (Limón D) Department of Industrial Relations: domestic violence prevention.

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 4/13/2023-Set for hearing April 26.

Location: 2/22/2023-S. L., P.E. & R.

Calendar: 4/26/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Would require the Department of Industrial Relations to develop and prepare a poster regarding domestic violence prevention that employers may display in their workplace and to make the poster available to employers for download through the department's internet website. The bill would authorize the department to consult with the Department of Justice as to the content and design of the poster.

SB 553 (Cortese D) Occupational safety: workplace violence: restraining orders and workplace violence prevention plan.

Current Text: Amended: 3/28/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 3/28/2023\)](#)

Introduced: 2/15/2023

Last Amended: 3/28/2023

Status: 4/14/2023-Set for hearing April 25 in JUD. pending receipt.

Location: 4/13/2023-S. RLS.

Calendar: 4/25/2023 9 a.m. - 1021 O Street, Room 2100 SENATE JUDICIARY, UMBERG, THOMAS, Chair
4/17/2023 #2 SENATE SENATE BILLS - SECOND READING FILE

Summary: Current law authorizes any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out or to have been carried out at the workplace, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described. This bill would also authorize a collective bargaining representative of an employee, as described above, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described.

SB 575 (Wahab D) Employment relations.

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Status: 2/22/2023-Referred to Com. on RLS.

Location: 2/15/2023-S. RLS.

Summary: Current law specifies the obligations of the employer and the employee in the employment relationship, and provides that these specifications do not affect statutes governing workers' compensation. This bill would make nonsubstantive changes to this provision.

SB 584 (Limón D) Laborforce housing.

Current Text: Amended: 3/21/2023 [html](#) [pdf](#)

Current Analysis: 04/13/2023 [Senate Housing \(text 3/21/2023\)](#)

Introduced: 2/15/2023

Last Amended: 3/21/2023

Status: 4/13/2023-Set for hearing April 26 in GOV. & F. pending receipt.

Location: 3/29/2023-S. HOUSING

Calendar: 4/18/2023 1:30 p.m. - 1021 O Street, Room 1200 SENATE HOUSING, WIENER, SCOTT, Chair

4/26/2023 9 a.m. - State Capitol, Room 112 SENATE GOVERNANCE AND FINANCE, CABALLERO, ANNA, Chair

Summary: Would enact the Laborforce Housing Financing Act of 2023, and define "laborforce housing" as housing that, among other things, is owned and managed by specified entities solely for the benefit of residents and households unable to afford market rent, and whose residents enjoy certain protections. The bill would establish, in the State Treasury, the Laborforce Housing Fund, to be continuously appropriated to the department, for the creation of laborforce housing and other specified housing projects by public entities, local housing authorities, and mission-driven nonprofit housing providers, as provided. By creating a new continuously appropriated fund, the bill would make an appropriation.

SB 592 (Newman D) Labor standards information and enforcement.

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Status: 4/11/2023-Set for hearing April 19.

Location: 2/22/2023-S. L., P.E. & R.

Calendar: 4/19/2023 Upon adjournment of Banking and Financial Institutions Committee - 1021 O Street, Room 2100 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Current law creates with the Department of Industrial Relations, and establishes within the department the Division of Labor Standards Enforcement (DLSE), which is headed by the Labor Commissioner. The DLSE is generally charged with enforcing employment statutes and regulations, either in administrative actions or through litigation. Current law imposes various administrative sanctions, civil fines and penalties, and criminal penalties for violations of employment statutes or regulations. This bill would prohibit the imposition of punishment or liability for costs upon a person who has relied upon a published opinion letter or an enforcement policy, as defined, of DLSE that is displayed on the internet website of the division, except for restitution of unpaid wages, for violations of statutes or regulations in judicial or administrative proceedings if the person pleads and proves specified facts. The bill would require a person asserting this defense to have acted in good faith, to have relied upon, and conformed to, the applicable opinion letter or enforcement policy, and to have provided true and correct information to the division, among other things.

SB 616 (Gonzalez D) Paid sick days: accrual and use.

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Status: 4/11/2023-Set for hearing April 19.

Location: 2/22/2023-S. L., P.E. & R.

Calendar: 4/19/2023 Upon adjournment of Banking and Financial Institutions Committee - 1021 O Street, Room 2100 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Current law requires the paid leave to be accrued at a rate of no less than one hour for every 30 hours worked, and to be available for use beginning on the 90th day of employment. Current law authorizes an employer to use a different accrual method as long as an employee has no less than 24 hours of accrued sick leave or paid time off by the

120th calendar day of employment or each calendar year, or in each 12-month period. Current law also provides that an employer may satisfy the accrual requirements by providing not less than 24 hours or 3 days of paid sick leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment. This bill would modify the employer's alternate sick leave accrual method to instead require that an employee have no less than 56 hours of accrued sick leave or paid time off by the 280th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing not less than 56 hours or 7 days of paid sick leave that is available to the employee to use by the completion of the employee's 280th calendar day of employment.

SB 618 (Rubio D) Child support: enforcement.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Current Analysis: 04/14/2023 [Senate Judiciary \(text 3/22/2023\)](#)

Introduced: 2/15/2023

Last Amended: 3/22/2023

Status: 4/10/2023-Set for hearing April 18.

Location: 3/29/2023-S. JUD.

Calendar: 4/18/2023 1:30 p.m. - 1021 O Street, Room 2100 SENATE JUDICIARY, UMBERG, THOMAS, Chair

Summary: Current law requires, as a condition of eligibility for benefits under certain public assistance programs, including the CalWORKs and Medi-Cal programs, that applicants or recipients assign to the county any rights they may have to child support, as specified. Current law delegates to the Department of Child Support Services and local child support agencies the responsibility for collecting and enforcing child support obligations, including child support delinquencies, as defined. This bill would prohibit the department or a local child support agency from collecting interest that has accrued on child support owed or assigned to the state or the county.

SB 627 (Smallwood-Cuevas D) Displaced workers: notice: retention and transfer.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Current Analysis: 04/11/2023 [Senate Committee On Labor, Public Employment And Retirement \(text 2/16/2023\)](#)

Introduced: 2/16/2023

Status: 4/13/2023-From committee: Do pass as amended and re-refer to Com. on JUD. (Ayes 4. Noes 1.) (April 12).

Location: 4/13/2023-S. JUD.

Calendar: 4/17/2023 #1 SENATE SENATE BILLS - SECOND READING FILE

Summary: Would prohibit an employer from closing a covered establishment unless the employer gives a displacement notice, as prescribed, to the covered workers and their exclusive representative, if any, 60 days before the closure takes effect. The bill would define terms for its purposes, including defining a "covered establishment" as a chain establishment that is subject to closure resulting in layoffs of workers and a "chain" as a business in this state that consists of 100 or more establishments nationally that share a common brand and are owned and operated by the same parent company. This bill contains other related provisions.

SB 703 (Niello R) Employment: work hours: flexible work schedules.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 4/13/2023-Set for hearing April 26.

Location: 3/1/2023-S. L., P.E. & R.

Calendar: 4/26/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Would enact the California Workplace Flexibility Act of 2023. The bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek and would allow the employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday. The bill would prescribe a method for calculating the payment of overtime for hours worked in excess of the permitted amounts and would establish requirements for termination of these agreements. The bill would except from its provisions employees covered by collective bargaining and public employees, as specified. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

SB 723 (Durazo D) Employment: rehiring and retention: displaced workers.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Last Amended: 3/20/2023

Status: 4/13/2023-Set for hearing April 26.

Location: 3/29/2023-S. L., P.E. & R.

Calendar: 4/26/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Current law, until December 31, 2024, requires an employer, as defined, to offer its laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. Current law, until December 31, 2024, also prohibits an employer from refusing to employ, terminating, reducing compensation, or taking other adverse action against a laid-off employee for seeking to enforce their rights under these provisions. These provisions are enforced by the Division of Labor Standards Enforcement, as prescribed. Current law defines the term "laid-off employee" to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding January 1, 2020, and whose most recent separation from active service was due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the COVID-19 pandemic. This bill would redefine "laid-off employee" to mean any employee who was employed by the employer for 6 months or more and whose most recent separation from active employment by the employer occurred on or after March 4, 2020, and was a result of a public health directive, government shutdown order, lack of business, reduction in force, or other economic nondisciplinary reason.

SB 731 (Ashby D) Employment discrimination: unlawful practices: disability: work from home.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Current Analysis: 04/14/2023 [Senate Judiciary \(text 2/17/2023\)](#)

Introduced: 2/17/2023

Status: 4/10/2023-Set for hearing April 18.

Location: 3/1/2023-S. JUD.

Calendar: 4/18/2023 1:30 p.m. - 1021 O Street, Room 2100 SENATE JUDICIARY, UMBERG, THOMAS, Chair

Summary: Would authorize an employee with a qualifying disability, as defined, to initiate a renewed reasonable accommodation request to perform their work remotely if certain requirements are met, including that the employee performed their essential job functions remotely for at least 6 of the 24 months preceding the renewed request. The bill would require an employer to grant the renewed request if those specified requirements are met. Under the bill, the employer's obligation to provide remote work as a reasonable accommodation would end if the employee can no longer perform all of their essential job functions remotely. The bill would prescribe notice requirements if the employer denies a renewed request. The bill would authorize an employer to request written notice from the employee's medical provider to determine if the employee has a qualifying disability.

SB 876 (Smallwood-Cuevas D) Employment discrimination.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/1/2023-Referred to Com. on RLS.

Location: 2/17/2023-S. RLS.

Summary: Current law, the California Fair Employment and Housing Act, identifies certain acts as unlawful employment practices, including for an employer, because of the race, religious creed, color, or specified other characteristics of the person, to refuse to hire or employ the person, discharge the person from employment, or discriminate against the person in compensation or in terms, conditions, or privileges of employment, except as otherwise specified. This bill would state the intent of the Legislature to enact legislation that would protect workers from discrimination in the workplace.

SB 881 (Alvarado-Gil D) Paid sick days: accrual and use.

Current Text: Amended: 4/11/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 4/11/2023

Status: 4/11/2023-Set for hearing April 19. From committee with author's amendments. Read second time and amended. Re-referred to Com. on L., P.E. & R.

Location: 3/29/2023-S. L., P.E. & R.

Calendar: 4/19/2023 Upon adjournment of Banking and Financial Institutions Committee - 1021 O Street, Room 2100 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, DAVE, Chair

Summary: Current law, with certain exceptions, entitles an employee to paid sick days for certain purposes if the employee works in California for the same employer for 30 or more days within a year from the commencement of employment. Under current law, an employer has no obligation under these provisions to allow an employee's total accrual of paid sick leave to exceed 48 hours or 6 days, provided that an employee's rights to accrue and use paid sick leave are not otherwise limited, as specified. Under current law, sick leave carries over to the following year of employment, but an employer is permitted to limit the use of the carryover amount, in each year of employment, calendar year, or 12-month period, to 24 hours or 3 days. This bill would modify the employer's alternate sick leave accrual method

to require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing not less than 40 hours or 5 days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment. The bill would also provide that an employer is under no obligation to allow an employee's total accrual of paid sick leave to exceed 80 hours or 10 days, as specified. The bill would raise the employer's authorized limitation on the employee's use of carryover sick leave to 40 hours or 5 days.