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CA RIMS CLD Legislative Report Updated: August 19, 2024

Workers' Compensation

AB 1239 (Calderon, D) Workers' compensation: disability payments.

Current Text: 06/10/2024 - Amended [HTML](#) [PDF](#)

Introduced: 02/16/2023

Last Amended: 06/10/2024

Status: 08/15/2024 - Re-referred to Com. on INS. pursuant to Assembly Rule 77.2.

Location: 08/15/2024 - Assembly Enrollment to Governor's Desk

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 the employee's employment. Current law governs temporary and permanent disability indemnity payments. Current law, until January 1, 2025, 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, 2027. (06/10/2024 text)

Position: SUPPORT

AB 2337 (Dixon, R) Workers' compensation: electronic signatures.

Current Text: 06/20/2024 - Amended [HTML](#) [PDF](#)

Introduced: 02/12/2024

Last Amended: 06/20/2024

Status: 08/08/2024 - From Consent Calendar. Ordered to third reading.

Location: 08/08/2024 - Assembly Enrollment to Governor's Desk

Summary: The Uniform Electronic Transactions Act provides that if a law requires a record to be in writing, or if a law requires a signature, an electronic record satisfies the law. Existing 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 the employee's employment. Current law establishes a Workers' Compensation Appeals Board and sets forth various proceedings that are required to be brought forth before the board. Current law provides that the appeals board is vested with full power, authority, and jurisdiction to try and determine finally all the matters specified in those proceedings subject only to the review by the courts, as specified. Current law requires every compromise and release agreement to be in writing and duly executed, signed by the employee or other beneficiary, and attested by 2 disinterested witnesses or acknowledged before a notary public. This bill would define "signature" for purposes of a proceeding before the board to include an electronic signature, as defined in the Uniform Electronic Transactions Act and would apply the notarization procedures of that act to the above-described acknowledgment requirement. (06/20/2024 text)

Position: SUPPORT

SB 636 (Cortese, D) Workers' compensation: utilization review. Note – This bill has been amended!

Current Text: 08/30/2024 - Enrollment [HTML](#) [PDF](#)

Introduced: 02/16/2023

Last Amended: 08/22/2024

Status: 08/30/2024 - In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 30. Noes 9.) Ordered to engrossing and enrolling.

Location: 08/30/2024 - Senate ENROLLMENT

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 requires every employer to establish a medical treatment utilization review process, in compliance with specified requirements, either directly or through its insurer or an entity with which the employer or insurer contracts for these services. Current law prohibits any person other than a licensed physician who is competent to evaluate the specific clinical issues involved in the medical treatment services from modifying, delaying, or denying requests for authorization of medical treatment for

reasons of medical necessity to cure or relieve. This bill would, commencing July 1, 2026, for private employers, require the physician to be licensed by California state law. (08/22/2024 text)

[SB 1205](#) ([Laird, D](#)) Workers' compensation: medical treatment.

Current Text: 06/27/2024 - Amended [HTML](#) [PDF](#)

Introduced: 02/15/2024

Last Amended: 06/27/2024

Status: 08/15/2024 - From committee: Do pass as amended. (Ayes 11. Noes 3.) (August 15).

Calendar: 08/19/24 #179 Assembly HELD

Location: 08/07/2024 - Assembly

Summary: Current law, under the workers' compensation system, requires employers to provide medical, surgical, chiropractic, acupuncture, licensed clinical social worker, and hospital treatment reasonably required to cure or relieve the injured worker from the effects of the injury. Current law makes it a misdemeanor for an employer to discharge, threaten to discharge, or discriminate against, or for an insurer to advise, direct, or threaten an insured to discharge, an employee because they have filed or made known their intention to file a claim for compensation, or an application for adjudication, or because the employee has received a rating, award, or settlement, as specified. This bill would require an employee, when possible, to make a reasonable effort to schedule treatment outside of work hours. The bill would require the employee to provide notice if treatment occurs during work hours, as specified. The bill would require that the leave taken by an employee pursuant to these provisions run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 and the California Family Rights Act if the employee would have been eligible for that leave. (06/27/2024 text)

Position: WATCH

Labor & Employment

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

Current Text: 01/25/2024 - Amended [HTML](#) [PDF](#)

Introduced: 02/17/2023

Last Amended: 01/25/2024

Status: 08/15/2024 - In committee: Held under submission.

Location: 06/17/2024 - Senate APPR. SUSPENSE FILE

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, 2025, a report that outlines recommendations for raising the minimum wage for all workers in California. (01/25/2024 text)

[AB 2123](#) ([Papan, D](#)) Disability compensation: paid family leave.

Current Text: 07/03/2024 - Amended [HTML](#) [PDF](#)

Introduced: 02/06/2024

Last Amended: 07/03/2024

Status: 08/05/2024 - Read second time. Ordered to third reading.

Location: 08/05/2024 – Assembly Enrollment to Governor's Desk

Summary: Current law establishes, within the 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 to workers who take time off work to care for certain seriously ill family members, to bond with a minor child within one year of birth or placement, as specified, or to participate in a qualifying exigency related to the covered active duty or call to covered active duty of certain family members. Current law authorizes an employer to require an employee to take up to 2 weeks of earned but unused vacation before, and as a condition of, the employee's initial receipt of these benefits during any 12-month period in which the employee is eligible for these benefits. This bill would make that authorization and related provisions inapplicable to any disability commencing on or after January 1, 2025. (07/03/2024 text)

Position: WATCH AND OPPOSE?

[AB 2499](#) ([Schiavo, D](#)) Employment: unlawful discrimination and paid sick days: victims of violence.

Current Text: 08/15/2024 - Amended [HTML](#) [PDF](#)

Introduced: 02/13/2024

Last Amended: 08/15/2024

Status: 08/15/2024 - From committee: Amend, and do pass as amended. (Ayes 5. Noes 2.) (August 15). Read second time and amended. Ordered returned to second reading. (Amended text released 8/16/2024)

Location: 08/15/2024 – Assembly Enrollment to Governor's Desk

Summary: Existing law, subject to specified requirements for the employee, prohibits an employer from discharging or in any manner discriminating against an employee because of the employee's status as a victim of crime or abuse or for

taking time off for specified purposes. Those purposes include serving on a jury, and, if the employee is a victim of a crime, appearing in court as a witness in any judicial proceeding, and obtaining or attempting to obtain prescribed relief. Existing law requires an employer to provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for the safety of the victim while at work. Existing law requires reinstatement and reimbursement for discrimination or retaliation, as prescribed. Existing law makes an employer's willful refusal to restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law guilty of a misdemeanor. Existing law authorizes an employee who is discriminated or retaliated against because the employee has exercised these rights to file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations. Existing law defines terms for these purposes. Existing law, subject to specified requirements for the employee, also prohibits an employer with 25 or more employees from discharging, or in any manner discriminating or retaliating against, an employee who is a victim, for taking time off from work to seek medical attention for injuries caused by crime or abuse, to obtain certain services as a result of the crime or abuse or related to an experience of crime or abuse, or to participate in safety planning and take other actions to increase safety from future crime or abuse. Existing law requires reinstatement and reimbursement for discrimination or retaliation, as prescribed. Existing law makes an employer's willful refusal to restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law guilty of a misdemeanor. Existing law authorizes an employee who is discriminated or retaliated against because the employee has exercised these rights to file a complaint with the division. Existing law defines terms for these purposes. Existing law requires an employer to inform each employee of the victim rights above in writing, to be provided upon hire and to other employees upon request. Existing law requires the Labor Commissioner to develop and post a form that an employer may use to comply, as prescribed.

This bill would revise and recast the jury, court, and victim time off provisions for employees as unlawful employment practices within the California Fair Employment and Housing Act and, thus, within the enforcement authority of the Civil Rights Department. The bill would refer to a "qualifying act of violence," as defined, instead of crime, or crime or abuse. The bill would substantially revise existing definitions for its purposes, including defining "victim" as an individual against whom a qualifying act of violence is committed. The bill would prohibit an employer with 25 or more employees from discharging or in any manner discriminating or retaliating against an employee who is a victim or who has a family member who is a victim for taking time off work for any of a number of additional prescribed purposes relating to a qualifying act of violence. The bill would permit an employer to limit the total leave taken pursuant to these provisions, as specified, and require that the leave taken by an employee pursuant to these provisions run concurrently with leave taken pursuant to the federal Family and Medical Leave Act of 1993 and the California Family Rights Act if the employee would have been eligible for that leave. (08/15/2024 text)

Position: WATCH

[AB 2738 \(Rivas, Luz, D\)](#) Labor Code: alternative enforcement: occupational safety.

Current Text: 05/20/2024 - Amended [HTML](#) [PDF](#)

Introduced: 02/15/2024

Last Amended: 05/20/2024

Status: 08/15/2024 - From committee: Amend, and do pass as amended. (Ayes 5. Noes 2.) (August 15). Read second time and amended. Ordered returned to second reading.

Location: 08/15/2024 – Assembly Enrollment to Governor's Desk

Summary: Current law establishes the Department of Industrial Relations in the Labor and Workforce Development Agency, administered by the Director of Industrial Relations, and vests it with various powers and duties to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment. Current law, until January 1, 2029, authorizes a public prosecutor, as defined, to prosecute an action through alternative enforcement procedures, for a violation of specified provisions of the Labor Code or to enforce those provisions independently. Current law requires moneys recovered by public prosecutors under that code to be applied first to payments, such as wages, damages, and other penalties, due to affected workers. Current law further requires all civil penalties recovered by a public prosecutor pursuant to those provisions to be paid to the General Fund of the state, unless otherwise specified. Current law authorizes the court to award a prevailing plaintiff reasonable attorney's fees and costs in an action under those provisions, as specified. The bill would instead require moneys recovered by public prosecutors under the Labor Code to be applied first to payments due to affected workers, then to attorney's fees and costs if otherwise authorized by this code. The bill would require the remaining moneys to be divided equally between the General Fund of the state and the public prosecutor's office to be used to support labor law enforcement, unless otherwise specified. (05/20/2024 text)

Position: OPPOSE

[SB 988 \(Wiener, D\)](#) Freelance Worker Protection Act.

Current Text: 04/18/2024 - Amended [HTML](#) [PDF](#)

Introduced: 01/30/2024

Last Amended: 04/18/2024

Status: 08/15/2024 - From committee: Do pass as amended. (Ayes 12. Noes 0.) (August 15).

Calendar: 08/19/24 **Senate Enrollment to Governor's Desk**

Location: 08/07/2024 - Assembly SECOND READING

Summary: Current law generally regulates employment and, with certain exceptions, requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission. 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. This bill would impose minimum requirements, commencing January 1, 2025, relating to contracts between a hiring party and a freelance worker, defined as a person, as specified, that is hired or retained as an independent contractor by a hiring party to provide professional services in exchange for an amount equal to or greater than \$250, as specified. Specifically, the bill would require a hiring entity to pay a freelance worker the compensation specified by a contract for professional services on or before the date specified by the contract or, if the contract does not specify a date, no later than 30 days after completion of the freelance worker's services. (04/18/2024 text)

Position: WATCH