

ASSEMBLY BILL

No. 1383

**Introduced by Committee on Labor and Employment (Roger
Hernández (Chair), Alejo, Chau, and Holden)**

March 4, 2013

An act to amend Section 1205 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1383, as introduced, Committee on Labor and Employment. Employment regulations: local enforcement.

Under existing law, the fundamental authority to regulate wages, hours, and working conditions lies within the police power of both the state and local jurisdictions. Existing law provides that such state laws regulating these matters do not restrict the exercise of local police powers in a more stringent manner.

This bill would state that nothing in the Labor Code prohibits local enforcement of employment regulations in a manner more stringent than enforcement by the state.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1205 of the Labor Code is amended to
2 read:
3 1205. (a) As used in this section:
4 (1) "Local jurisdiction" means any city, county, district, or
5 agency, or any subdivision or combination thereof.

1 (2) “State agency” means any state office, officer, department,
2 division, bureau, board, commission, or agency, or any subdivision
3 thereof.

4 (3) “Labor standards” means any legal requirements regarding
5 wages paid, hours worked, and other conditions of employment.

6 (b) Nothing in this ~~part~~ *code* shall be deemed to restrict the
7 exercise of local police powers in a more stringent manner.

8 (c) When a local jurisdiction expends funds that have been
9 provided to it by a state agency, operates a program that has
10 received assistance from a state agency, or engages in an activity
11 that has received assistance from a state agency, labor standards
12 established by the local jurisdiction through exercise of local police
13 powers or spending powers shall take effect with regard to that
14 expenditure, program, or activity, so long as those labor standards
15 are not in explicit conflict with, or explicitly preempted by, state
16 law. A state agency may not require as a condition to the receipt
17 of state funds or assistance that a local jurisdiction refrain from
18 applying labor standards established by the local jurisdiction to
19 expenditures, programs, or activities supported by the state funds
20 or assistance in question.