

BRUCE MATLOCK
ATTORNEY AT LAW

June 3, 2013

2013

CEAC LEGISLATIVE UPDATE

Even though I sent an update two weeks ago, I want to bring you the latest on these bills. Last week was the final time for bills to be approved by their house of origin and move to the other house. A number of bills did so, but there are some that are dead for this year. They could be revived next year. Also, a bill author may amend any bill he/she introduced to revive some of these issues. I will keep you informed.

You may download copies of these bills from www.leginfo.ca.gov, or contact me. If you need assistance let me know. Please do not rely on this report as legal advice, because it isn't. If you need more detailed information, you should contact your local attorney, or give me a call.

Summary of Major Bills

Assembly

AB 5: Prohibits discrimination against the homeless by government agencies and employees providing services to the public. **No action this year.**

AB10: Would increase minimum wage to \$8.25 1/1/14, \$8.75 1/1/15, 9.25 1/1/16, and thereafter base minimum wage increases on increases in the Consumer Price Index. **Passed Assembly in Senate.**

AB 155: Overturns a court decision and clarifies that an employee has the right to receive a copy of payroll records in accordance with LC 226. **Passed Assembly in Senate. Amended to provide that employer may only charge for the per page cost of physical duplication of the records. Former employees terminated for harassment or violence may not be charged.**

AB 263: Prohibits anyone from using immigration status to retaliate against an employee for filing an employment complaint with a public agency. Penalty could include suspension of business license. **Passed Assembly in Senate.**

BRUCE MATLOCK
ATTORNEY AT LAW

Legislative Update
6-3-13, pg. 2

AB 442: Under current law the Labor Commissioner enforces claims that an employer paid less than minimum wage and may levy a penalty equal to twice the amount not paid. This bill would make payable to the employee an additional penalty of twice the amount not paid. **Passed Assembly, in Senate.**

AB 556: DFEH: Would add military and veteran status to protected classes under the Fair Employment and Housing Act. **Passed Assembly in Senate.**

AB 1082: Amended to require that employers with more than 50 employees file a notice with the Labor Commissioner each year listing the number of employees, average hours of work, and whether they have "essential" health insurance. **No action this year.**

AB 1138: Adds a new notice requirement for Workers compensation Insurance: Employers would be required to post a notice listing the names of all employees who are covered by the employer's workers compensation policy. The list would have to be updated quarterly. Employers would also have to include the employees name and last 4 digits of Social Security on the WC notice to new employees. Failure to meet the bills criteria would allow the employee to sue outside the workers comp system for alleged injuries. **Dead for this year.**

AB1164 Liens for unpaid wages: Would allow any claimant to file a lien against an employer's assets if denied wages. **No action this year.**

Senate

SB 292: Adds to illegal harassment threats of sexual violence and specifies that an act is sexual harassment regardless of the sexual orientation, sexual desire, or intent of the harasser. **Passed Senate in Assembly.**

SB 390: Makes it a crime to fail to remit funds withheld from an employee's paycheck pursuant to state, federal or local law. **Passed Senate in Assembly.**

BRUCE MATLOCK
ATTORNEY AT LAW

Legislative Update
6-3-13, pg. 3

SB 400: Victims of Domestic Violence. Prohibits employers from taking action against employees who are the victims of domestic violence. Adds "stalking" to definition of domestic violence. Requires the employer to reasonable accommodate a victim of domestic violence who requests accommodation unless the accommodation would create an undue hardship on the employer. Specifies actions that are included in reasonable accommodation. **Passed Senate in Assembly.**

SB 404: "Familia Status" added as protected class under FEHA. Similar legislation has been introduced before. "*Familial status*" means an individual who provides medical or supervisory care to a family member." Family member includes spouse, child, registered domestic partner, parent, parent-in-law, siblings, grandparents and grandchildren. **Passed Senate in Assembly.**

SB 462: Existing law allows a prevailing party, employee or employee to recover attorney fees in a court action for a wage and hour violation. This bill would condition the employers right to recover fees on the condition that the employees claim was made in "bad faith". **Passed Senate in Assembly.**

SB 556: Would make principle liable for acts of contractor employees if the contractor's employees are required to wear principals uniform, logo, or place logo on contractors or employees car. **Amended to only cover public agencies. Passed Senate in Assembly.**

SB 607 Alternative Work Schedule: Allows an individual employee to select an AWS if the employer has 10 or fewer employees. **Failed passage.**

SB 713: Would insulate employer that relied on Administrative rulings from punishment except for unpaid wages. Does not apply to Labor Commissioner opinions. **No action this year.**

SB 761: Changes Paid Family Leave to a job protected leave. **Amended to only apply to employers with 10 or more employees and employees who have been employed for more than 90 days. No action this year.**

SB 770: Adds caring for grandparents, grandchildren, siblings and parent-in-law under the Paid Family Leave Act. **Passed Senate in Assembly.**