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Association of Workers' Compensation Professionals

Legislative Report

Updated: September 20, 2020

Workers' Compensation

[AB 685](#) ([Reyes D](#)) **COVID-19: imminent hazard to employees: exposure: notification: serious violations.**

Current Text: Chaptered: 9/17/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/25/2020\)](#)

Chapter No.: 84

Introduced: 2/15/2019

Last Amended: 8/25/2020

Status: 9/17/2020-Approved by the Governor. Chaptered by Secretary of State - Chapter 84, Statutes of 2020.

Location: 9/17/2020-A. CHAPTERED

Summary: Would authorize the Division of Occupational Safety and Health, when, in its opinion, a place of employment, operation, or process, or any part thereof, exposes workers to the risk of infection with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2, also known as COVID-19), so as to constitute an imminent hazard to employees, to prohibit the performance of that operation or process, or entry into that place of employment. The bill would require the division to provide a notice thereof to the employer, to be posted in a conspicuous place at the place of employment. The bill would require such a prohibition to be limited to the immediate area in which the imminent hazard exists, as specified. The bill would require such a prohibition to be issued in a manner so as not to materially interrupt the performance of critical governmental functions essential to ensuring public health and safety functions or the delivery of electrical power or water.

[SB 1159](#) ([Hill D](#)) **Workers' compensation: COVID-19: critical workers.**

Current Text: Chaptered: 9/17/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/30/2020\)](#)

Chapter No.: 85

Introduced: 2/20/2020

Last Amended: 8/30/2020

Status: 9/17/2020-Approved by the Governor. Chaptered by Secretary of State. Chapter 85, Statutes of 2020.

Location: 9/17/2020-S. CHAPTERED

Summary: Would define "injury" for an employee to include illness or death resulting from the 2019 novel coronavirus disease (COVID-19) under specified circumstances, until January 1, 2023. The bill would create a disputable presumption, as specified, that the injury arose out of and in the course of the employment and is compensable, for specified dates of injury. The bill would limit the applicability of the presumption under certain circumstances. The bill would require an employee to exhaust their paid sick leave benefits and meet specified certification requirements before receiving any temporary disability benefits or, for police officers, firefighters, and other specified employees, a leave of absence. The bill would also make a claim relating to a COVID-19 illness presumptively compensable, as described above, after 30 days or 45 days, rather than 90 days.

Business Regulation & Econ. Development

[AB 639](#) ([Cervantes D](#)) **California Workforce Development Board: port automation and climate change.**

Current Text: Enrollment: 9/14/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Senate Floor Analyses \(text 8/28/2020\)](#)

Introduced: 2/15/2019

Last Amended: 8/28/2020

Status: 9/14/2020-Enrolled and presented to the Governor at 4 p.m.

Location: 9/14/2020-A. ENROLLED

Summary: Would, until January 1, 2024, require the Labor and Workforce Development Agency and the California Workforce Development Board to oversee a stakeholder process to develop recommendations on how best to mitigate the employment impacts of automation at the Port of Los Angeles and the Port of Long Beach. The bill would create an industry panel consisting of 10 members, as specified, within the agency to inform the stakeholder process. The bill would authorize the California Workforce Development Board to contract the University of California at Los Angeles (UCLA) Labor Center to facilitate implementation and would authorize the UCLA Labor Center to commission expert research and testimony to supplement the stakeholder process.

[AB 1577](#) ([Burke D](#)) **Income taxes: federal CARES Act: gross income: loan forgiveness.**

Current Text: Chaptered: 9/9/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 7/9/2020\)](#)

Chapter No.: 39

Introduced: 2/22/2019

Last Amended: 7/9/2020

Status: 9/9/2020-Approved by the Governor. Chaptered by Secretary of State - Chapter 39, Statutes of 2020.

Location: 9/9/2020-A. CHAPTERED

Summary: Current federal law, the federal CARES Act, and its subsequent amendments in the Paycheck Protection Program and Health Care Enhancement Act and the Paycheck Protection Program Flexibility Act of 2020, among other things, authorizes forgiveness of indebtedness for eligible recipients with covered loans, as defined, in an amount equal to the sum of the recipient's payroll costs, interest on mortgage obligations, rent obligations, and utility payments, subject to specified conditions and during a specified time period. Current federal law excludes any amounts of covered loans forgiven under the CARES Act from gross income for federal income tax purposes. This bill, for taxable years beginning on or after January 1, 2020, would exclude from gross income, for state income tax purposes, any covered loan amount forgiven pursuant to those federal acts.

Consumer Protection & Privacy

[AB 713](#) ([Mullin D](#)) **California Consumer Privacy Act of 2018.**

Current Text: Enrollment: 9/14/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/28/2020\)](#)

Introduced: 2/19/2019

Last Amended: 8/28/2020

Status: 9/14/2020-Enrolled and presented to the Governor at 4 p.m.

Location: 9/14/2020-A. ENROLLED

Summary: The California Consumer Privacy Act of 2018 (CCPA) grants a consumer various rights with regard to personal information relating to that consumer collected by a business. The act also grants a consumer the right to request a business to delete any personal information about the consumer collected by the business and requires a business to do so upon receipt of a verified request, except as specified. The act excepts certain categories of personal information and entities from its provisions, including medical information, as specified. This bill would except from the CCPA information that was deidentified in accordance with specified federal law, or was derived from medical information, protected health information, individually identifiable health information, or identifiable private information, consistent with specified federal policy, as provided.

[AB 846](#) ([Burke D](#)) **Public employment: public officers or employees declared by law to be peace officers.**

Current Text: Enrollment: 9/14/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 6/25/2020\)](#)

Introduced: 2/20/2019

Last Amended: 6/25/2020

Status: 9/14/2020-Enrolled and presented to the Governor at 4 p.m.

Location: 9/14/2020-A. ENROLLED

Summary: Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice to perform various functions involving the training of peace officers. Current law requires peace officers in this state to meet specified minimum standards, including, among other requirements, that peace officers be evaluated by a physician and surgeon or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer. This bill would require that evaluation to include bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation.

[AB 1281](#) ([Chau D](#)) Privacy: California Consumer Privacy Act of 2018.

Current Text: Enrollment: 9/8/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 6/25/2020\)](#)

Introduced: 2/21/2019

Last Amended: 6/25/2020

Status: 9/8/2020-Enrolled and presented to the Governor at 4:30 p.m.

Location: 9/8/2020-A. ENROLLED

Summary: The California Consumer Privacy Act of 2018, until January 1, 2021, exempts from its provisions certain information collected by a business about a natural person in the course of the natural person acting as a job applicant, employee, owner, director, officer, medical staff member, or contractor, as specified. The act also, until January 1, 2021, exempts from specified provisions personal information reflecting a written or verbal communication or a transaction between the business and the consumer, if the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency and whose communications or transaction with the business occur solely within the context of the business conducting due diligence regarding, or providing or receiving a product or service to or from that company, partnership, sole proprietorship, nonprofit, or government agency. This bill would extend both exemptions until January 1, 2022.

Government Regs & Contracts

[AB 323](#) ([Rubio, Blanca D](#)) Newspapers: state agency advertising: worker status: independent contractors.

Current Text: Enrollment: 9/14/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/27/2020\)](#)

Introduced: 1/30/2019

Last Amended: 8/27/2020

Status: 9/14/2020-Enrolled and presented to the Governor at 4 p.m.

Location: 9/14/2020-A. ENROLLED

Summary: Current law sets out the various responsibilities of the Department of General Services and state agencies in overseeing and implementing state contracting procedures and policies. Current law also provides that whenever any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required by law to be published in a newspaper, the publication is required to be made only in a newspaper of general circulation, as specified. This bill would require the department to publish, on the department's internet website, an annual report by July 1 of each year containing specified information relating to payments for placement of marketing or outreach advertising material by each state agency. The bill would provide that these provisions are not intended to amend any of the above-described provisions relating to required publications of official advertising, notices, resolutions, orders, or other matters.

Health Care - related

[AB 2100](#) ([Wood D](#)) Medi-Cal: pharmacy benefits.

Current Text: Enrollment: 9/10/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 8/20/2020\)](#)

Introduced: 2/5/2020

Last Amended: 8/20/2020

Status: 9/10/2020-Enrolled and presented to the Governor at 2:30 p.m.

Location: 9/10/2020-A. ENROLLED

Summary: Would require the State Department of Health Care Services to establish the Independent Prescription Drug Medical Review System (IPDMRS), commencing on January 1, 2021, which generally models specified requirements of the Knox-Keene Health Care Service Plan Act. The bill would provide that any Medi-Cal beneficiary grievance involving a disputed health care service is eligible for review under the IPDMRS, and would define "disputed health care service" as any outpatient prescription drug eligible for coverage and payment by the Medi-Cal program that has been denied, modified, or delayed by a decision of the department, or by one of its contracting fiscal intermediaries for the administration of the prescription drug benefit if that entity makes a final decision, in whole or in part, due to a finding that the service is not medically necessary.

[AB 2118](#) ([Kalra D](#)) Health care service plans and health insurers: reporting requirements.

Current Text: Enrollment: 9/15/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/25/2020\)](#)

Introduced: 2/6/2020

Last Amended: 8/25/2020

Status: 9/15/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/15/2020-A. ENROLLED

Summary: Would require a health care service plan and health insurer, excluding for a specialized health care service plan or specialized health care policy, to report to the Department of Managed Health Care and the Department of Insurance, respectively, by October 1, 2021, and annually thereafter, for products in the individual and small group markets, and for rates effective during the 12-month period ending January 1 of the following year, on specified information, including premiums, cost sharing, benefits, enrollment, and trend factors, and would exclude prescribed information from the reporting requirements until January 1, 2023.

[AB 2157](#) ([Wood D](#)) Health care coverage: independent dispute resolution process.

Current Text: Enrollment: 8/27/2020 [html](#) [pdf](#)

Current Analysis: 08/19/2020 [Senate Floor Analyses \(text 2/10/2020\)](#)

Introduced: 2/10/2020

Status: 8/27/2020-Enrolled and presented to the Governor at 3:30 p.m.

Location: 8/27/2020-A. ENROLLED

Summary: Current law requires the Department of Managed Health Care and the Department of Insurance to establish an independent dispute resolution process to resolve a claim dispute between a health care service plan or health insurer, as appropriate, and a noncontracting individual health professional, and sets forth requirements and guidelines for that process, including contracting with an independent organization for the purpose of conducting the review process. Current law requires each department to establish uniform written procedures for the submission, receipt, processing, and resolution of these disputes, as specified. Existing law requires the independent organization, in deciding the dispute, to base its decision regarding the appropriate reimbursement on all relevant information. This bill would require the procedures established by each department to include a process for each party to submit into evidence information that will be kept confidential from the other party, in order to preserve the confidentiality of the source contract.

[AB 2164](#) ([Rivas, Robert D](#)) Telehealth.

Current Text: Enrollment: 9/10/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 8/20/2020\)](#)

Introduced: 2/11/2020

Last Amended: 8/20/2020

Status: 9/10/2020-Enrolled and presented to the Governor at 2:30 p.m.

Location: 9/10/2020-A. ENROLLED

Summary: Current law prohibits a requirement of in-person contact between a health care provider and a Medi-Cal patient when the service may be provided by telehealth, and, for purposes of telehealth, prohibits the department from limiting the type of setting where Medi-Cal services are provided. Existing law authorizes, to the extent that federal financial participation is available, the use of health care services by store and forward under the Medi-Cal program, subject to billing and reimbursement policies developed by the department, and prohibits a requirement of in-person contact between a health care provider and a Medi-Cal patient when these services are provided by store and forward. This bill would provide that an FQHC or RHC "visit" includes an encounter between an FQHC or RHC patient and a health care provider using telehealth by synchronous interaction or asynchronous store and forward. The bill would specify that an FQHC or RHC is not precluded from establishing a patient who is located within the FQHC's or RHC's federal designated service area through synchronous interaction or asynchronous store and forward as of the date of service if specified requirements are met.

[AB 2360](#) ([Maienschein D](#)) Telehealth: mental health.

Current Text: Enrollment: 9/11/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 8/5/2020\)](#)

Introduced: 2/18/2020

Last Amended: 8/5/2020

Status: 9/11/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/11/2020-A. ENROLLED

Summary: Would require health care service plans and health insurers, by July 1, 2021, to provide access to a telehealth consultation program that meets specified criteria and provides providers who treat children and pregnant and certain postpartum persons with access to a mental health consultation program, as specified. The bill would require the consultation by a mental health clinician with expertise appropriate for pregnant, postpartum, and pediatric patients to be conducted by telephone or telehealth video, and to include guidance on the range of evidence-based treatment options, screening tools, and referrals. The bill would require health care service plans and insurers to communicate information relating to the telehealth program at least twice a year in writing.

[AB 2520](#) (Chiu D) Access to medical records.

Current Text: Chaptered: 9/18/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 6/26/2020\)](#)

Introduced: 2/19/2020

Last Amended: 6/26/2020

Status: 9/18/2020-Signed by the Governor

Location: 9/18/2020-A. CHAPTERED

Summary: Current law requires a health care provider, as defined, to provide a patient or the patient's representative with all or any part of the patient's medical records that the patient has a right to inspect, subject to the payment of clerical costs incurred in locating and making the records available, following a written request from the patient. Current law requires the health care provider to provide one copy of the relevant portion of the patient's record at no charge if the patient or patient's representative presents proof to the provider that the records are needed to support an appeal regarding eligibility for a public benefit program, as defined. Current law makes a willful violation of these provisions by specified health care providers an infraction. This bill would require a health care provider to provide an employee of a nonprofit legal services entity representing the patient a copy of the medical records at no charge under those conditions, and would include speech-language pathologists, audiologists, physician assistants, and nurse practitioners within the definition of a health care provider.

[AB 3242](#) (Irwin D) Mental health: involuntary commitment.

Current Text: Enrollment: 9/15/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/24/2020\)](#)

Introduced: 2/21/2020

Last Amended: 8/24/2020

Status: 9/15/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/15/2020-A. ENROLLED

Summary: The Lanterman-Petris-Short Act authorizes the involuntary commitment and treatment of persons with specified mental health disorders for the protection of the persons so committed. Under the act, if a person, as a result of a mental health disorder, is a danger to others, or to themselves, or is gravely disabled, the person may, upon probable cause, be taken into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment. Current law requires persons providing the evaluation services to be properly qualified professionals, and authorizes those professionals to provide telehealth evaluation services. Current law also provides immunity from civil and criminal liability for similar detention by specified licensed general acute care hospitals, licensed acute psychiatric hospitals, licensed professional staff at those hospitals, or any physician and surgeon providing emergency medical services in any department of those hospitals if various conditions are met. This bill would authorize an examination, assessment, or evaluation specified, required, or authorized by the above-mentioned provisions to be conducted using telehealth.

[SB 406](#) (Pan D) Health care: omnibus bill.

Current Text: Enrollment: 9/10/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Senate Floor Analyses \(text 8/24/2020\)](#)

Introduced: 2/20/2019

Last Amended: 8/24/2020

Status: 9/10/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/10/2020-S. ENROLLED

Summary: Would delete the requirement that a plan or a health insurer comply with the requirement to cover preventive health services without cost sharing to the extent required by federal law, and would instead require a group or individual health care service plan contract or health insurer to, at a minimum, provide coverage for specified preventive services without any cost-sharing requirements for those preventive services, thereby indefinitely extending those requirements.

[SB 653](#) ([Chang R](#)) Dental hygienists: registered dental hygienist in alternative practice: scope of practice.

Current Text: Enrollment: 9/9/2020 [html](#) [pdf](#)

Current Analysis: 08/16/2020 [Assembly Appropriations \(text 1/23/2020\)](#)

Introduced: 2/22/2019

Last Amended: 1/23/2020

Status: 9/9/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/9/2020-S. ENROLLED

Summary: Would authorize a registered dental hygienist to provide, without supervision, fluoride varnish to a patient. The bill would additionally authorize a registered dental hygienist to provide dental hygiene preventive services and oral screenings at specified sponsored events and nonprofit organizations.

[SB 852](#) ([Pan D](#)) Health care: prescription drugs.

Current Text: Enrollment: 9/8/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Senate Floor Analyses \(text 8/24/2020\)](#)

Introduced: 1/13/2020

Last Amended: 8/24/2020

Status: 9/8/2020-Enrolled and presented to the Governor at 2 p.m.

Location: 9/8/2020-S. ENROLLED

Summary: Would require the California Health and Human Services Agency (CHHSA) to enter into partnerships, in consultation with other state departments as necessary to, among other things, increase patient access to affordable drugs. The bill would require CHHSA to enter into partnerships to produce or distribute generic prescription drugs and at least one form of insulin, provided that a viable pathway for manufacturing a more affordable form of insulin exists at a price that results in savings. The bill would, subject to appropriation by the Legislature, require CHHSA to submit a report to the Legislature on or before July 1, 2023, that, among other things, assesses the feasibility and advantages of directly manufacturing generic prescription drugs and selling generic prescription drugs at a fair price.

[SB 855](#) ([Wiener D](#)) Health coverage: mental health or substance use disorders.

Current Text: Enrollment: 9/9/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Senate Floor Analyses \(text 8/24/2020\)](#)

Introduced: 1/14/2020

Last Amended: 8/24/2020

Status: 9/9/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/9/2020-S. ENROLLED

Summary: The California Mental Health Parity Act requires every health care service plan contract or disability insurance policy issued, amended, or renewed on or after July 1, 2000, that provides hospital, medical, or surgical coverage to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age, and of serious emotional disturbances of a child under the same terms and conditions applied to other medical conditions, as specified. Existing law requires those benefits to include, among other things, outpatient services, inpatient hospital services, partial hospital services, and prescription drugs, if the plan contract or policy includes coverage for prescription drugs. This bill would revise and recast those provisions, and would instead require a health care service plan contract or disability insurance policy issued, amended, or renewed on or after January 1, 2021, provide coverage for medically necessary treatment of mental health and substance use disorders, as defined, under the same terms and conditions applied to other medical conditions.

Health Care Service Plans

[AB 1124](#) ([Maienschein D](#)) Health care service plans: regulations: exemptions.

Current Text: Enrollment: 9/14/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/25/2020\)](#)

Introduced: 2/21/2019

Last Amended: 8/25/2020

Status: 9/14/2020-Enrolled and presented to the Governor at 4 p.m.

Location: 9/14/2020-A. ENROLLED

Summary: Under current law, upon the request of the Director of Health Care Services, the director must exempt a county-operated pilot program contracting with the State Department of Health Care Services, and may exempt a non-county-operated pilot

program, subject to any conditions the Director of Health Care Services deems appropriate. Current law also exempts a health care service plan operated by a city, county, city and county, public entity, political subdivision, or public joint labor management trust that satisfies certain criteria, including that the plan requires providers to be reimbursed solely on a fee-for-service basis. This bill would authorize the director, no later than May 1, 2021, to authorize 2 pilot programs, one in northern California and one in southern California, under which providers approved by the department may undertake risk-bearing arrangements with a voluntary employees' beneficiary association with enrollment of more than 100,000 lives, notwithstanding the fee-for-service requirement described above, or a trust fund that is a welfare plan and a multiemployer plan with enrollment of more than 25,000 lives, for independent periods of time beginning no earlier than January 1, 2022, to December 31, 2025, inclusive, if certain criteria are met, including that each risk-bearing provider is registered with the department as a risk-based organization and holds or will obtain a limited or restricted license, as applicable.

Labor & Employment

[AB 1947](#) ([Kalra D](#)) **Employment violation complaints: requirements: time.**

Current Text: Enrollment: 8/27/2020 [html](#) [pdf](#)

Current Analysis: 08/21/2020 [Senate Floor Analyses \(text 1/17/2020\)](#)

Introduced: 1/17/2020

Status: 8/27/2020-Enrolled and presented to the Governor at 3:30 p.m.

Location: 8/27/2020-A. ENROLLED

Summary: Current law creates the Division of Labor Standards Enforcement, which is headed by the Labor Commissioner, and commits to it the general authority to enforce the requirements of the Labor Code. Current law generally authorizes people who believe that they have been discharged or otherwise discriminated against in violation of any law enforced by the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. Existing law generally requires the Labor Commissioner to commence actions to enforce labor standards within 3 years of their accrual, as specified. This bill would extend the period of time within which people may file complaints subject to the 6-month deadline, described above, to within one year after the occurrence of the violations.

[AB 2017](#) ([Mullin D](#)) **Employee: sick leave: kin care.**

Current Text: Enrollment: 9/4/2020 [html](#) [pdf](#)

Current Analysis: 08/14/2020 [Senate Floor Analyses \(text 3/12/2020\)](#)

Introduced: 1/29/2020

Last Amended: 3/12/2020

Status: 9/4/2020-Enrolled and presented to the Governor at 2 p.m.

Location: 9/4/2020-A. ENROLLED

Summary: Current law requires an employer who provides sick leave for employees to permit an employee to use the employee's accrued and available sick leave entitlement to attend to the illness of a family member and prohibits an employer from denying an employee the right to use sick leave or taking specific discriminatory action against an employee for using, or attempting to exercise the right to use, sick leave to attend to such an illness. This bill would provide that the designation of the sick leave taken under these provisions is at the sole discretion of the employee.

[AB 2143](#) ([Stone, Mark D](#)) **Settlement agreements: employment disputes.**

Current Text: Chaptered: 9/11/2020 [html](#) [pdf](#)

Current Analysis: 08/14/2020 [Senate Floor Analyses \(text 3/2/2020\)](#)

Chapter No.: 73

Introduced: 2/10/2020

Last Amended: 3/2/2020

Status: 9/11/2020-Approved by the Governor. Chaptered by Secretary of State - Chapter 73, Statutes of 2020.

Location: 9/11/2020-A. CHAPTERED

Summary: Current law prohibits an agreement to settle an employment dispute from containing a provision that prohibits, prevents, or otherwise restricts a settling party that is an aggrieved person, as defined, from working for the employer against which the aggrieved person has filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer. This bill would require the aggrieved person to have filed the claim in good faith for the prohibition to apply.

[AB 2257](#) ([Gonzalez D](#)) Worker classification: employees and independent contractors: occupations: professional services.

Current Text: Chaptered: 9/4/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/25/2020\)](#)

Chapter No.: 38

Introduced: 2/13/2020

Last Amended: 8/25/2020

Status: 9/4/2020-Approved by the Governor. Chaptered by Secretary of State - Chapter 38, Statutes of 2020.

Location: 9/4/2020-A. CHAPTERED

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as described. 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. Existing exemptions include persons providing professional services under specified circumstances, including certain services provided by still photographers, photojournalists, freelance writers, editors, and newspaper cartoonists. This bill would revise and recast these provisions. The bill would additionally exempt certain occupations in connection with creating, marketing, promoting, or distributing sound recordings or musical compositions.

[AB 2479](#) ([Gipson D](#)) Rest periods: petroleum facilities: safety-sensitive positions.

Current Text: Enrollment: 9/4/2020 [html](#) [pdf](#)

Current Analysis: 08/14/2020 [Senate Floor Analyses \(text 3/4/2020\)](#)

Introduced: 2/19/2020

Last Amended: 3/4/2020

Status: 9/4/2020-Enrolled and presented to the Governor at 2 p.m.

Location: 9/4/2020-A. ENROLLED

Summary: Current law prohibits an employer from requiring an employee to work during a mandated meal or rest or recovery period, as specified. Current law requires an employer who fails to provide an employee a mandated meal or rest or recovery period to pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest or recovery period was not provided. Current law provides, until January 1, 2021, an exemption from the rest period requirements for specified employees who hold a safety-sensitive position at a petroleum facility, as defined, to the extent that the employee is required to carry and monitor a communication device and to respond to emergencies, or is required to remain on employer premises to monitor the premises and respond to emergencies. This bill would extend that exemption until January 1, 2026.

[AB 2537](#) ([Rodriguez D](#)) Personal protective equipment: health care employees.

Current Text: Enrollment: 9/11/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/25/2020\)](#)

Introduced: 2/19/2020

Last Amended: 8/25/2020

Status: 9/11/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/11/2020-A. ENROLLED

Summary: Current law requires an employer to furnish employment and a place of employment that is safe and healthful for the employees and to establish, implement, and maintain an effective injury prevention program, as prescribed. Regulations enacted by the Department of Industrial Relations regulate the nature and use personal protective equipment and regulate practices in health care facilities connected with aerosol transmissible diseases. This bill would require public and private employers of workers in a general acute care hospital, as defined, to supply those employees who provide direct patient care or provide services that directly support personal care with the personal protective equipment necessary to comply with the regulations described above, as specified. The bill would also require an employer to ensure that the employees use the personal protective equipment supplied to them.

[AB 2992](#) ([Weber D](#)) Employment practices: leave time.

Current Text: Enrollment: 9/11/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 8/20/2020\)](#)

Introduced: 2/21/2020

Last Amended: 8/20/2020

Status: 9/11/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/11/2020-A. ENROLLED

Summary: Current law prohibits an employer from discharging, or discriminating or retaliating against, an employee who is a victim of domestic violence, sexual assault, or stalking, for taking time off from work to obtain or attempt to obtain relief to help ensure the health, safety, or welfare of the victim or victim's child. Current law authorizes an employee to file a complaint with the Division of Labor Standards Enforcement for a violation of that prohibition, and makes it a misdemeanor for an employer to refuse to rehire, promote, or restore an employee who has been determined to be so eligible by a grievance procedure or legal hearing. This bill would expand the above provision to prohibit an employer from discharging, or discriminating or retaliating against, an employee who is a victim of crime or abuse for taking time off from work to obtain or attempt to obtain relief, as prescribed.

[AB 3053](#) ([Daly D](#)) Labor Commissioner: unpaid wage claim process.

Current Text: Enrollment: 9/4/2020 [html](#) [pdf](#)

Current Analysis: 08/21/2020 [Senate Floor Analyses \(text 6/4/2020\)](#)

Introduced: 2/21/2020

Last Amended: 6/4/2020

Status: 9/4/2020-Enrolled and presented to the Governor at 2 p.m.

Location: 9/4/2020-A. ENROLLED

Summary: Would, beginning July 1, 2021, require the Labor Commissioner to create an online portal on their internet website that would allow wage claimants to file unpaid wage claims, track those claims, and submit requested documents regarding those claims.

[AB 3075](#) ([Gonzalez D](#)) Wages: enforcement.

Current Text: Enrollment: 9/15/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/20/2020\)](#)

Introduced: 2/21/2020

Last Amended: 8/20/2020

Status: 9/15/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/15/2020-A. ENROLLED

Summary: Current law requires a statement of information to contain certain information, including specified statements regarding the general type of business that constitutes the principal business activity of the corporation or limited liability company. Current law provides that an individual who signs a statement of information for any limited liability company or foreign limited liability company affirms under penalty of perjury the information stated in the statement is accurate. This bill, beginning January 1, 2022, or upon certification by the Secretary of State that California Business Connect is implemented, whichever is earlier, would require the statement of information to also contain a statement indicating whether any officer or any director, or, in the case of a limited liability company, any member or any manager, has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.

[AB 3175](#) ([Levine D](#)) Entertainment industry: age-eligible minors: training.

Current Text: Enrollment: 9/11/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 8/13/2020\)](#)

Introduced: 2/21/2020

Last Amended: 8/13/2020

Status: 9/11/2020-Enrolled and presented to the Governor at 3 p.m.

Location: 9/11/2020-A. ENROLLED

Summary: Current law requires an employer having 5 or more employees to provide at least 2 hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California, as specified. For purposes of this requirement, current law directs the Department of Fair Employment and Housing to develop or obtain online training courses and to make those courses available on the department's internet website. This bill would instead require that the parent or legal guardian ensure that sexual harassment training, as made available online by the department, be completed by the age-eligible minor, as defined, accompanied by their parent or legal guardian. The bill would require that the parent or legal guardian certify to the Labor Commissioner that the training has been completed, as specified.

[SB 1102](#) ([Monning D](#)) Employers: Labor Commissioner: required disclosures.

Current Text: Enrollment: 9/8/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Senate Floor Analyses \(text 8/25/2020\)](#)

Introduced: 2/19/2020

Last Amended: 8/25/2020

Status: 9/8/2020-Enrolled and presented to the Governor at 2 p.m.

Location: 9/8/2020-S. ENROLLED

Summary: Current law requires an employer to provide an employee, at the time of hiring, a written notice including specified information in the language the employer normally uses to communicate employment-related information to the employee. Current law requires the Labor Commissioner to prepare a template that includes the specified information mentioned above and to make the template available to employers in the manner as determined by the commissioner. This bill would require an employer to include in their written notice to all employees, specified information required in the event of a federal or state declared disaster or applicable to the county or counties in which the employee will be employed. The bill would prohibit an employer from retaliating against an employee for raising questions about the declarations' requirements or recommendations.

[SB 1383](#) ([Jackson D](#)) **Unlawful employment practice: California Family Rights Act.**

Current Text: Chaptered: 9/17/2020 [html](#) [pdf](#)

Current Analysis: 08/24/2020 [Assembly Floor Analysis \(text 6/29/2020\)](#)

Chapter No.: 86

Introduced: 2/21/2020

Last Amended: 6/29/2020

Status: 9/17/2020-Approved by the Governor. Chaptered by Secretary of State. Chapter 86, Statutes of 2020.

Location: 9/17/2020-S. CHAPTERED

Summary: Would expand the California Family Rights Act to make it an unlawful employment practice for any employer with 5 or more employees to refuse to grant a request by an employee to take up to 12 workweeks of unpaid protected leave during any 12-month period to bond with a new child of the employee or to care for themselves or a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as specified. The bill would require an employer who employs both parents of a child to grant leave to each employee.

[SB 1384](#) ([Monning D](#)) **Labor Commissioner: financially disabled persons: representation.**

Current Text: Enrollment: 9/1/2020 [html](#) [pdf](#)

Current Analysis: 08/21/2020 [Assembly Floor Analysis \(text 3/25/2020\)](#)

Introduced: 2/21/2020

Last Amended: 3/25/2020

Status: 9/1/2020-Enrolled and presented to the Governor at 1 p.m.

Location: 9/1/2020-S. ENROLLED

Summary: Current law provides that the Labor Commissioner, may upon request, represent a claimant who is financially unable to represent themselves in a hearing where an employer is appealing an order of the commissioner, where the claimant is attempting to uphold the order of the commissioner. This bill would extend the authority of the commissioner to also represent a claimant who is financially unable to represent themselves in a hearing where a court order has compelled arbitration to determine the claim and the commissioner has determined that the claim has merit. The bill would also require that a petition to compel arbitration pursuant to specified statutes be served on the Labor Commissioner.

Unemployment

[AB 1066](#) ([Gonzalez D](#)) **Unemployment compensation: benefits payable: collection.**

Current Text: Enrollment: 9/14/2020 [html](#) [pdf](#)

Current Analysis: 08/31/2020 [Assembly Floor Analysis \(text 8/20/2020\)](#)

Introduced: 2/21/2019

Last Amended: 8/20/2020

Status: 9/14/2020-Enrolled and presented to the Governor at 4 p.m.

Location: 9/14/2020-A. ENROLLED

Summary: Under current law, if an employer fails to keep and furnish to the Director of Employment Development any required records or reports necessary for a full determination, decision, or other proper disposition of a claim for unemployment benefits within a reasonable time as the director may by rule, regulation, or procedure prescribe, it is to be conclusively presumed that the claimant is entitled to the maximum total amount of benefits payable unless the director deems sufficient a lesser total amount is due and owing to the claimant. This bill would require, on and after January 1, 2021, that if an employer, within 10 days after receiving an initial notice from the director of the need to furnish over required records or reports necessary for a full determination of a claim for unemployment compensation benefits, fails to furnish those required records or reports to the director, it be

conclusively presumed that the claimant is entitled to the maximum total benefits payable, unless the director determines, based on the evidence, that the claimant is entitled to a lesser amount.

[AB 1993](#) ([Kamlager D](#)) **Unemployment and disability insurance: benefits: in-home supportive services and waiver personal care services.**

Current Text: Enrollment: 9/10/2020 [html](#) [pdf](#)

Current Analysis: 08/29/2020 [Assembly Floor Analysis \(text 8/20/2020\)](#)

Introduced: 1/27/2020

Last Amended: 8/20/2020

Status: 9/10/2020-Enrolled and presented to the Governor at 2:30 p.m.

Location: 9/10/2020-A. ENROLLED

Summary: Current law provides for the payment of unemployment compensation benefits and extended benefits to eligible individuals who meet specified requirements. Current law provides definitions for “employment” for purposes of these provisions. Current federal and state law excludes services performed by a child in the employ of a parent, a parent in the employ of their child, or a person in the employ of their spouse, from the definition of “employment” for purposes of unemployment taxes and unemployment insurance benefit eligibility, as specified. This bill would provide that the definition of “employment” for the purposes of unemployment insurance coverage includes services performed by an individual in the employ of their parent, child, or spouse if that individual is providing services through the In-Home Supportive Services program or the Waiver Personal Care Services program.