

MEMO



To: CAPA Board of Directors
Fr: Libby, Karen, and Ann
Re: Legislative Report – October 2018
Date: October 1, 2018

The waiting is over! The Governor took final action on all of the legislative measures before him over the weekend, and now we can focus our full time, energy, and attention on bill/budget ideas for the 2019 legislative year! As you already know, CAPA's sponsored bill, SB 1040 (Dodd) re: response to the needs of IHSS consumers and providers during times of natural disaster was signed into law last week. One of the things Karen, Ann, and I appreciate most about CAPA's legislative efforts is that they are truly team endeavors...from the thoughtful proposal brought to us by Mike Humphries, to the brainstorming sessions with the expanded group, and most importantly, the personal stories of consumers and providers you were able to share with us throughout the legislative process—this is what guaranteed CAPA's success on SB 1040, and is the recipe for all the future successes we are sure we will continue to enjoy!

As a reminder, we have requested all legislative proposals for the upcoming year be submitted no later than this Friday. If you have an idea about which you are unsure, or an idea that you'd like to vet before submitting, please do not hesitate to call, email, or text. The most successful ideas are usually borne out of problems you are currently experiencing (no matter how big or how small,) so try to think of those small annoying hurdles with which you have to grapple daily, or those behemoth, seemingly insurmountable hurdles, for which there is no current solution.

We will be hosting our legislative conference call to discuss all of the ideas submitted to us by the 5th, on the morning of the 17th. I will send out a calendar invite with the pertinent details under separate cover. Please consider joining the call, even if you are not on the legislative committee, and even if you have not submitted an idea. These calls are a great way for us to gather additional information about the ideas

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before us, and to find out whether the problems giving rise to the proposals are system wide, or geographically specific. Final vote on the proposals will be taken by the Board at the November meeting, but this is a great opportunity for everyone to have a chance to weigh in at the jumping off point. Additionally, Karen and I have begun the process of gathering information on proposals our friends and colleagues within the IHSS community may be bringing forth this year, so the call is also your first chance to receive a briefing on that.

Below, please find final action reports on all of the bills CAPA was tracking this legislative session. Two things of note: the first of which is that there are a few bills listed, which have been chaptered, but for which there is no chapter number. This is simply because the bills were signed within the last couple of days, and there is no chapter number currently available in the tracking system. Secondly, AB 3082 (Gonzalez-Fletcher) re: sexual harassment within IHSS was, surprise-surprise, signed into law! All signals were pointing the other way, but sometimes, even Governor Brown 2.0, has a few surprises left for us!

AB 550 (Reyes): State Long-Term Care Ombudsman.

Current law requires the California Department of Aging to allocate federal and state funds for local ombudsman programs according to a specified distribution, but prohibits the department from allocating less than \$35,000 per fiscal year, except in areas with fewer than 10 facilities and fewer than 500 beds. This bill would increase the base allocation for local ombudsman programs to \$100,000 per fiscal year. The bill would appropriate \$2,250,000 from the General Fund to the California Department of Aging for the purpose of increasing base allocation funding for that purpose. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(13), and accordingly is dead for the 2018 legislative year.*** **Recommended Position: Support**

AB 614 (Limon): Area Agency on Aging: Alzheimer's and Dementia specialist:

Current law requires the California Department of Aging to adopt policies and guidelines to carry out the purposes of the Alzheimer's

Day Care-Resource Center Program, whereby direct services contractors receive funding to provide services to meet the special care needs of, and address the behavioral problems of, individuals with Alzheimer's disease or a disease of a related type. This bill would require each area agency on aging to maintain an Alzheimer's and dementia specialist to provide information, assistance, referrals, and options to families. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(18), and accordingly is dead for the 2018 legislative year. Recommended Position: Watch***

AB 1017 (Santiago): Collective Bargaining Agreements: arbitration: litigation. Current law, with regard to disputes concerning collective bargaining agreements for private employment, requires a court to award attorney's fees to a prevailing party in an action to compel arbitration of the disputes unless the other party has raised substantial and credible issues involving complex or significant questions of law or fact regarding whether or not the dispute is arbitrable. Current law also creates, in this context, a right to attorney's fees for a prevailing party in a court action to compel compliance with the decision or award of an arbitrator or grievance panel regarding the disputes, or for a prevailing appellee in the appeal of the decision of an arbitrator regarding the disputes, unless the other party or appellant, respectively, has raised substantial issues involving complex or significant questions of law. This bill would apply these provisions to public employment. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(18), and accordingly is dead for the 2018 legislative year. Recommended Position: Watch.***

AB 1811 (Committee on Budget): Human Services Omnibus. Current law establishes the Department of Child Support Services to administer all federal and state laws and regulations relating to child support enforcement obligations. Current law requires each county to maintain a local child support agency with responsibility for promptly and effectively enforcing child support obligations. This bill would, beginning July 1, 2018, require the director of the Department of Child Support Services and the president of the Child Support Directors Association of California to jointly lead discussions for the

purposes of identifying programwide operational efficiencies and further refinements to the budget methodology for the child support program, as needed. ***This bill was signed into law by the Governor on June 27, and Chaptered as Chapter 35, Statutes 2018.***

AB 1823 (Committee on Budget): In-Home Supportive Services: provider orientation.

Current law requires prospective providers of in-home supportive services to complete a provider orientation at the time of enrollment, and requires representatives of the recognized employee organization in the county to be permitted to make a presentation of up to 30 minutes at that orientation. Current law requires each public employer, as defined, to provide the exclusive representative mandatory access to its new employee orientations, and requires the parties, upon request of the employer or the exclusive representative, to negotiate regarding the structure, time, and manner of that access. This bill would provide that the above-described requirement to negotiate regarding the structure, time, and manner of the access of the exclusive representative to a new employee orientation applies to IHSS provider orientations in the Counties of Los Angeles, Merced, and Orange. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(18), and accordingly is dead for the 2018 legislative year. Recommended Position: Oppose.***

AB 1870 (Reyes): Employment Discrimination: sexual harassment: Current law, the California Fair Employment and Housing Act, makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Current law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the period to 3 years for which complaints alleging unlawful employment or housing practices may be filed with the department, as specified. ***This bill was vetoed by the Governor on October 1.***
Recommended Position: Watch.

AB 1909 (Nazarian): In-Home Supportive Services: written content translation. Would clarify that the State Department of Social Services is required to provide translations of written content, as defined, in languages spoken by a substantial number of providers of in-home supportive services. The bill would permit the department to work with counties and the County Welfare Directors Association to repurpose existing, county-produced translations of written content. ***This bill was vetoed by the Governor on September 30.***
Recommended Position: Co-Sponsor.

AB 1934 (Jones-Saywer): Dependent Persons: definitions. Current law generally affords dependent persons and adults protections against abuse and neglect. Current law makes it a crime to engage in certain types of conduct against a dependent adult or dependent person, including, among others, committing certain sexual acts upon a dependent person, willfully causing or permitting the person or health of a dependent adult to be injured. Current law also establishes special conditions for dependent adults with respect to court proceedings. This bill would specify that a person is a “dependent person” or “dependent adult” under the definitions as specified irrespective of whether the person lives independently. The bill would also recast certain legislative findings regarding crimes against dependent adults. ***This bill was signed into law by the Governor on July 9, as Chapter 70, Statutes 2018.***
Recommended Position: Support.

AB 1937 (Santiago): Public Employment: payroll deductions. Current law prescribes various duties of the Controller in connection with deductions requested by employee organizations and other bona fide organizations regarding requests for deductions from the salaries and wages of their members. Current law prescribes the duties of the governing boards of school districts in regard to requests by certificated employees for deductions from the salaries and wages, and prescribes similar duties for the governing boards of community college districts. Current law authorizes a trial court employee or interpreter to permit a dues deduction from his or her salary in the same manner provided to public agency employees pursuant to

specified law applicable to the state and the Controller, as described above. This bill would revise and recast these provisions. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(15), and accordingly is dead for the 2018 legislative year.***

Recommended Position: Watch.

AB 1942 (Santiago): California Earned Income Tax Credit: Earned Income Tax Credit Information Act. The Personal Income Tax Law, in modified conformity with federal income tax laws, allows an earned income credit against personal income tax, and a payment in excess of that credit amount, to an eligible individual that is equal to that portion of the EITC allowed by federal law as determined by the EITC adjustment factor as set forth in the annual Budget Act which, unless otherwise specified in that act, is 0%. This bill would require the Franchise Tax Board to revise the Form 540 to include specified language relating to claiming the California EITC on the Form 3514 and to revise the Form 540 2EZ to attach the Form 3514.

This bill failed to meet legislative deadlines pursuant to Rule 61(b)(8), and accordingly is dead for the 2018 legislative year.

Recommended Position: Support.

AB 2017 (Chiu): Public Employers: employee organizations. Current law prohibits a public employer, as defined, from deterring or discouraging public employees from becoming or remaining members of an employee organization. Under current law, a public employer is defined, for these purposes, to include counties, cities, districts, the state, schools, transit districts, the University of California, and the California State University, among others. Existing law grants the Public Employment Relations Board jurisdiction over violations of these provisions. This bill would include in the definition of “public employer” under these provisions those employers of excluded supervisory employees and judicial council employees and would include in the definition of “public employee” those employees of a public transit agency with specified labor relation provisions. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(15), and accordingly is dead for the 2018 legislative year..***

Recommended Position: Watch.

AB 2080 (Cervantes): Criminal Offender Record Information: reporting. Current law requires criminal justice agencies to compile records and data, including a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release, about criminal offenders. Current law requires admissions or releases from detention facilities to be reported by the detention agency to the Department of Justice within 30 days of that action. This bill would clarify the requirement that both admission and release from detention facilities be reported by the detention agency to the department within 30 days. ***This bill was signed into law on 9/27 and Chaptered as Chapter 814, Statutes of 2018. Recommended Position: watch.***

AB 2154 (Bonta): Public Employment: labor relations: release time. Current law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Current law establishes other requirements relating to labor relations that are applicable to specified transit agencies. This bill would prescribe requirements relating to release time that would apply to all of the public employers and employees subject to the acts described above and would generally repeal the provisions relating to release time in those acts. ***This bill failed to meet legislative deadlines pursuant to Rule 61 (b)(5), and accordingly is dead for the 2018 legislative year. Recommended Position: Watch.***

AB 2430 (Arambula): Medi-Cal: program for aged and disabled persons. Current law requires the department to exercise its option under federal law to implement a program for aged and disabled persons, as described. Current law requires an individual under these provisions to satisfy certain financial eligibility requirements,

including, among other things, that his or her countable income does not exceed an income standard equal to 100% of the applicable federal poverty level, plus an income disregard of \$230 for an individual, or \$310 in the case of a couple, except that the income standard determined shall not be less than the SSI/SSP payment level for a disabled individual or couple, as applicable. This bill would instead require, upon receipt of federal approval, all countable income over 100% of the federal poverty level, up to 138% of the federal poverty level, to be disregarded, after taking all other disregards, deductions, and exclusions into account for those persons eligible under the program for aged and disabled persons.

This bill failed to meet legislative deadlines pursuant to Rule 61(b)(15), and accordingly is dead for the 2018 legislative year..

Recommended Position: Support.

AB 2461 (Flora): Criminal History Information: subsequent arrest notification. Current law authorizes the Department of Justice to provide subsequent state or federal arrest or disposition notification to an entity authorized by state or federal law to receive state or federal summary criminal history information to assist in fulfilling employment, licensing, certification duties, or the duties of approving relative caregivers, nonrelative extended family members, and resource families upon the arrest or disposition of a person whose fingerprints are maintained on file at the Department of Justice or the Federal Bureau of Investigation as the result of an application for licensing, employment, certification, or approval. This bill would require the department to provide that information. ***This bill was signed into law by the Governor on September 7, as Chapter 300, Statutes of 2018.*** **Recommended Position: Support.**

AB 2587 (Levine): Disability Compensation: paid family leave. Would delete the existing statutory application of vacation leave to the waiting period, consistent with the removal of the 7-day waiting period for these benefits on and after January 1, 2018. This bill contains other existing laws. ***This bill was signed into law by the Governor on July 9, as Chapter 80, Statutes of 2018.*** **Position: Watch.**

AB 2680 (Jones-Sawyer): Employment: applicants: criminal conviction history. The Fair Employment and Housing Act, prohibits an employer, as defined, to include on any application for employment any question that seeks the disclosure of an applicant's conviction history, to inquire into or consider the conviction history of an applicant until that applicant has received a conditional offer, and, when conducting a conviction history background check, to consider, distribute, or disseminate information related to specified prior arrests, diversions, and convictions. This bill would, under those laws relating to contract and applications for employment, require the Department of Justice to adopt a standard form for use by an employer, whether public or private, seeking the consent of an applicant for employment to conduct a conviction history background check on that applicant by the department, as specified. ***This failed to meet policy committee deadline pursuant to Rule 61 (b)(5) and accordingly is dead for the 2018 Legislative year. Recommended Position: Watch.***

AB 2703 (Mayes): Personal Income Tax: credit: home care services. Would allow a credit against Personal Income Taxes for each taxable year beginning on or after January 1, 2018, and before January 1, 2023, in an amount equal to the amount paid or incurred during the taxable year by a qualified taxpayer, as defined, for home care services not to exceed \$10,000. The bill would define "home care services" to mean nonmedical services and assistance provided by a registered home care aide, as defined, a licensed home health agency, or a licensed hospice to a qualified taxpayer who, because of advanced age or physical or mental disability, cannot perform these services that enable the qualified taxpayer to remain in his or her residence and include specified tasks. ***This bill failed to meet legislative deadlines pursuant to Rule 61 (b)(18) and accordingly is dead for the 2018 Legislative year. Recommended Position: Watch.***

AB 2715 (Limon): Employers: prohibited disclosure of information: arrest or detention. Would modify the above-described exception to apply to persons seeking employment or already employed by the Department of Justice or a criminal justice

agency whose specific duties directly relate to the collection or analysis of evidence or property, directly relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders, or directly relate to the collection, storage, dissemination, or usage of criminal offender record information. Because this bill would modify the scope of a crime, it would impose a state-mandated local program. ***This bill failed to meet legislative deadlines pursuant to Rule 61 (b)(5), and accordingly is dead for the 2018 Legislative year. Recommended Position: Watch.***

AB 2841 (Gonzalez-Fletcher): Sick Leave: accrual and use. Would change the requirements of the employer's alternate sick leave accrual method to require no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment, as specified. The bill would also provide an employer is under no obligation to allow an employee's total accrual of paid of sick leave to exceed 80 hours or 10 days, as specified. The bill would raise the limitation on sick leave carried over to the following year of employment to 40 hours or 5 days. ***This bill failed to meet legislative deadlines pursuant to Rule 61 (b)(8), and accordingly is dead for the 2018 Legislative year. Recommended Position: Watch.***

AB 2872 (Carrillo): In-Home Supportive Services: peer-to-peer training. Current law authorizes a county board of supervisors to contract with a nonprofit consortium, or to establish a public authority, to provide in-home supportive services and requires those entities to perform specified functions, including providing training to providers and recipients. This bill would require the department to designate the hours, per county, to compensate providers of in-home supportive services for educating other providers, using peer-to-peer training, in subject areas relating to the program, including how to enroll as a new provider and how to navigate the program, as specified. ***This bill vetoed by the Governor on 10/1. Recommended Position: Watch.***

AB 2970 (Cooper): Public Employees: new employee orientations. Current law generally requires state and local public employers that conduct new employee orientations to provide the

exclusive representative of those employees access to the orientation. Current law requires the exclusive representative to receive at least 10 days' notice in advance of an orientation and requires that the structure, time, and manner of exclusive representative access shall be determined through mutual agreement between the employer and the exclusive representative, subject to specified requirements. This bill would require that the date, time, and place of the orientation be confidential and not be shared with anyone other than employees or the exclusive representative. ***This bill is failed to meet legislative deadlines, pursuant to Rule 61 (b)(13), and accordingly is dead for the 2018 Legislative year.*** **Recommended Position: Watch.**

AB 3039 (Holden): Health Care Facilities: criminal background checks. Current law requires the State Department of Social Services to license and regulate community care facilities, residential care facilities for persons with chronic, life-threatening illness, residential care facilities for the elderly, child care centers, and family child care homes. Current law requires the department to obtain a criminal record for all applicants for licenses for these facilities and specified other employees and officers of these facilities. Existing law prohibits persons with specified convictions from obtaining a license, permit, or certificate. Existing law provides a process by which the department can grant an exemption from these prohibitions. This bill, among other things, would limit the disqualifying convictions to a directly and adversely related crime, as defined, within the preceding 5 years or a violent felony, as defined. ***This bill failed to meet legislative deadlines, pursuant to Rule 61 (b)(8), and accordingly is dead for the 2018 Legislative year.*** **Recommended Position: Watch.**

AB 3082 (Gonzalez-Fletcher): In-Home Supportive Services. Would require the department, on or before July 1, 2019, in consultation with interested stakeholders, to develop a program to address the issue of sexual harassment of IHSS providers. The bill would require the program to include a uniform statewide protocol to follow whenever a provider reports sexual harassment, a continuing program of sexual harassment education for providers and recipients,

a procedure for providers to report sexual harassment with guidelines and timelines for investigation, and a procedure to ensure protection against retaliation. The bill would require the department, on or before July 1, 2020, and annually thereafter, to submit a report to the Legislature summarizing the outcomes of the program. ***This bill signed into law by the Governor on 9/30. Recommended Position: Support.***

AB 3098 (Friedman): Residential Care Facilities for the Elderly: emergency plans. Current law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Current law requires a facility to have an emergency plan that includes specified provisions and is available, upon request, to residents onsite and available to local emergency responders. Current law exempts a facility that has obtained a certificate of authority to offer continuing care contracts from this requirement. A violation of these provisions is punishable as a misdemeanor. This bill would repeal the above-described provision exempting a facility that has obtained a certificate of authority to offer continuing care contracts from the requirement of having an emergency plan. ***This bill was signed into law by the Governor on 9/11 and Chaptered as Chapter 348, Statutes of 2018. Recommended Position: Watch.***

AB 3114 (Thurmond): Personal Care Services. Would authorize a county board of supervisors to contract with a nonprofit consortium or to establish a public authority to provide waiver personal care services. The bill would authorize certain entities to meet and confer in good faith regarding wages, benefits, and other terms and conditions of employment with representatives of recognized employee organizations for an individual who is employed by a recipient of waiver personal care services. The bill would also make conforming changes. ***This bill did not meet the legislative deadlines pursuant to Rule 61 (b)(5) and accordingly is dead for the 2018 Legislative year. Recommended Position: Sponsor.***

AB 3200 (Kalra): Public Social Services: SSI/SSP. Under current law, benefit payments under SSP are calculated by establishing the

maximum level of nonexempt income and federal SSI and state SSP benefits for each category of eligible recipient, with an annual cost-of-living adjustment, effective January 1 of each year. Current law prohibits, for each calendar year, commencing with the 2011 calendar year, any cost-of-living adjustment from being made to the maximum benefit payment unless otherwise specified by statute, except for the pass along of any cost-of-living increase in the federal SSI benefits. Current law continuously appropriates funds for the implementation of SSP. This bill would reinstate the cost-of-living adjustment beginning January 1 of the 2019 calendar year. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(15), and accordingly is dead for the 2018 legislative year. Recommended Position: Support.***

SB 120 (Committee on Budget) In-Home Supportive Services Provider Wages: emergency caregiver payments for foster care: civil immigration detainees: recording fees. The California Values Act prohibits state and local law enforcement agencies from contracting with the federal government for use of their facilities to house individuals as federal detainees, except as specified. This bill would specify that state and local law enforcement agencies are prohibited from contracting with the federal government for use of their facilities to house individuals as federal detainees for purposes of civil immigration custody, except as specified. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(18), and accordingly is dead for the 2018 legislative year. Recommended Position: Support.***

SB 244 (Lara): Privacy: agencies: personal information Would require that personal information, as defined, and records containing personal information that are collected or obtained by the state, any state agency, or any subdivision of the state, including agents of the California State University and the California Community Colleges, as well as any private persons contracted to administer public services or programs or maintain data for state or local agencies, from an applicant for public services or programs be collected, recorded, or used only for the purpose of assessing

eligibility for and providing those public services and programs for which the application has been submitted.

This bill was signed into law by the Governor on 9/28 and Chaptered as Chapter 885, Statutes 2018. Recommended Position: Watch.

SB 548 (Atkins): State and Local Public Employee Labor Relations: complaints.

The Meyers-Milias-Brown Act and the Ralph C. Dills Act grant the Public Employment Relations Board the power to hear specified disputes in relation to these provisions and to make determinations regarding them. This bill, in connection with the acts described above, would prescribe certain procedures applicable to the Public Employment Relations Board with regard to complaints of unfair practice by employee organizations that represent firefighters, as defined. ***This bill failed to meet legislative deadlines pursuant to Rule 61(b)(18), and accordingly is dead for the 2018 legislative year. Recommended Position: Watch.***

SB 840 (Mitchell): Budget Act of 2018.

This bill would make appropriations for the support of state government for the 2018–19 fiscal year. This bill would declare that it is to take effect immediately as a Budget Bill. ***This bill was signed into law by the Governor on June 27, as Chapter 29, Statutes of 2018.***

SB 845 (Committee on Budget and Fiscal Review): Human Services Omnibus. Would, beginning July 1, 2018, require the director of the Department of Child Support Services and the president of the Child Support Directors Association of California to jointly lead discussions for the purposes of identifying programwide operational efficiencies and further refinements to the budget methodology for the child support program, as needed. The bill would also require the department to submit a report to the chairs of the budget committees of each house of the Legislature that includes a description of the topics discussed and recommendations by July 1, 2019. The bill would repeal these provisions on January 1, 2021.

This bill failed to meet legislative deadlines pursuant to Rule 61(b)(18), and accordingly is dead for the 2018 legislative year.

SB 846 (Committee on Budget and Fiscal Review): Employment. The Ralph C. Dills Act defines “fair share fee” as the fee deducted by the state employer from the salary or wages of a state employee in an appropriate unit who does not become a member of, and financially support, the recognized employee organization, and prescribes conditions for its use. The Meyers-Milias-Brown Act, if an Agency Shop agreement is in place, provides for the payment of an agency fee, which requires an employee either to join the recognized employee organization or pay a fee, as specified. A recent Supreme Court opinion held that fair share and agency fees violate the free speech rights of employees who are not employee organization members. This bill would prohibit the Controller, a public employer, an employee organization, or any of their employees or agents, from being liable under state law for, and would grant to them a complete defense to, any claims or actions under California law for requiring, deducting, receiving, or retaining agency or fair share fees from public employees, and would deny standing to current or former public employees to pursue these claims or actions, if the fees were permitted at the time and paid prior to June 27, 2018. ***This bill signed into law by the Governor, and Chaptered as Chapter 405, Statutes 2018.***

SB 857 (Committee on Budget and Fiscal Review): In-Home Supportive Services: Provider Orientation. Current law requires each public employer, as defined, to provide the exclusive representative mandatory access to its new employee orientations, and requires the parties, upon request of the employer or the exclusive representative, to negotiate regarding the structure, time, and manner of that access. This bill would provide that the above-described requirement to negotiate regarding the structure, time, and manner of the access of the exclusive representative to a new employee orientation applies to IHSS provider orientations in the Counties of Los Angeles, Merced, and Orange. ***This bill was signed into law by the Governor, as Chapter 87, Statutes 2018.***
Recommended Position: Oppose.

SB 1040 (Dodd) In-Home Supportive Services: natural disaster resulting in a state of emergency. The California Emergency Services Act authorizes the Governor to declare a state of emergency under specified conditions and requires a county, including a city and county, to update its emergency plan to address, among other things, how the access and functional needs population, as defined, is served by emergency communications, evacuation, and sheltering. This bill would require a county to use a void and reissue warrant process for any provider who lost or had damaged an uncashed warrant because of a natural disaster resulting in a state of emergency. The bill would require a county, including a city and county, at the next update to its emergency plan, to integrate and require the assessment and provision of supportive services to IHSS recipients. ***This bill was signed into law by the Governor on 9/26, and Chaptered as Chapter 789, Statutes 2018. Recommended Position: Sponsor.***

SB 1085 (Skinner) Public Employees: leaves of absence: exclusive bargaining representative service. Current law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, the Judicial Council Employer-Employee Relations Act and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, specified local public agencies, and their employees. This bill would require public employers, subject to the acts described above, and specified public employers of transit workers, upon request of the exclusive representative of an employee, to grant reasonable leaves of absence without loss of compensation or other benefits for the purpose of enabling employees to serve as stewards or officers of the exclusive representative, or of any statewide or national employee organization with which the exclusive representative is affiliated. ***This bill was***

signed into law by the Governor, and CChaptered as Chapter 893, Statutes 2018. Recommended Position: Watch.

SB 1207 (De Leon): CalSavers Retirement Savings Program. Would change the name of the California Secure Choice Retirement Savings Program to the CalSavers Retirement Savings Program and would make conforming changes. ***This bill failed to meet legislative deadlines, pursuant to Rule 61 (b)(13), and accordingly is dead for the 2018 Legislative year. Recommended Position: Watch.***

SB 1234 (Vidak): Employee Wages: payment. Current law, with certain exceptions, requires that employers pay wages to their employees twice per calendar month on days designated in advance as regular paydays. A violation of that requirement is a crime. Current law exempts the payment of wages of employees directly employed by the State of California from that requirement. This bill would repeal that exemption as of January 1, 2020, thereby subjecting the payment of wages of employees directly employed by the State of California to the twice-per-month requirement. By changing the definition of a crime, this bill would impose a state-mandated local program. ***This bill failed to meet legislative deadlines, pursuant to Rule 61 (b)(5), and accordingly is dead for the 2018 Legislative year. Recommended Position: Watch.***

SB 1298 (Skinner): The Increasing Access to Employment Act. Current law requires the Department of Justice to maintain state summary criminal history information and requires the Attorney General to furnish state summary criminal history information to specified entities. Current law requires the department to provide the requester with every conviction of an offense rendered against the applicant, except for a conviction for which relief was granted to a victim of human trafficking, as specified. This bill would prohibit the department from releasing, for these purposes, the record of convictions that were dismissed pursuant to specified provisions. ***This bill failed to meet legislative deadlines, pursuant to Rule 61 (b)(8), and accordingly is dead for the 2018 Legislative year. Recommended Position: Watch.***

SB 1300 (Jackson): Unlawful Employment Practices: discrimination and harassment. Would provide that a plaintiff in an action alleging that a defendant failed to take all reasonable steps necessary to prevent discrimination and harassment from occurring, as specified, is not required to prove that the plaintiff endured harassment or discrimination and would provide that it suffices for the plaintiff to show that the employer knew that the conduct was unwelcome to the plaintiff, that the conduct would meet the legal standard for harassment or discrimination if it increased in severity or become pervasive, and that the defendant failed to take all reasonable steps to prevent the same or similar conduct from recurring. ***This bill was signed into law by the Governor on 9/30.*** **Recommended Position: Watch.**

SB 1343 (Mitchell): Employers: sexual harassment training: requirements. Would require an employer who employs 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment training to all employees by January 1, 2020, and once every 2 years after that, as specified. The bill would require the Department of Fair Employment and Housing to develop or obtain a 2-hour online training course on the prevention of sexual harassment in the workplace, as specified, and to post it so that it is available for streaming or downloading on the department's Internet web site. ***This bill was signed into law by the Governor on 9/30.*** **Recommended Position: Watch.**

SB 1412 (Bradford): Applicants for Employment: criminal history. Current law prohibits an employer, whether a public agency or private individual or corporation, from asking an applicant for employment to disclose, from seeking from any source, or from utilizing as a factor in determining any condition of employment, information concerning participating in a pretrial or posttrial diversion program or concerning a conviction that has been judicially dismissed or ordered sealed, as provided. This bill would instead specify that these provisions do not prohibit an employer from asking an applicant about, or seeking from any source information regarding, a particular conviction of the applicant if, pursuant to state or federal law. ***This***

bill was signed into law by the Governor on 9/30. Position:
Watch.