OVERVIEW OF LEGISLATION ENACTED

2016

Category	Sub-category	Bill	Synopsis	What to do?
Construction				
	Various			
		AB 2486-Baker-R	By January 1, 2019, the CSLB will have a search function on its website that allows consumers to search by ZIP code or geographic location.	No action to take.
		SB 66-Leyva-D	Requires the CSLB to provide licensee information to the CA Community Colleges.	No action to take, but there is concern about confidentiality of licensee information.

		SB 465-Hill-D	This bill was in response to the Berkeley balcony collapse, resulting in 6 deaths. There are several provisions, including a CSLB study of how to have contractors report CD settlements. Requires licensees to self-report being convicted of a felony or other crime related to the qualifications, functions, and duties of a licensed contractor. Also requires the Bldg. Standards Commission to study possible changes to exterior elevated elements.	No direct action to take. CALPASC will update on the study results, which are due 1-1-2018. Also, be aware there will be more sharing of Cal/OSHA citation data with CSLB. And, be aware of self-reporting of convictions.
		SB 1209-Morrell-R	Requires the CSLB to disclose citations on a license to any other license where the qualifier is listed as a personnel member on the license issued the citation.	If you have multiple licenses, review who is listed as personnel of record and qualifying individuals.
	Payment	AB 326-Frazier-D	For Prevailing Wage projects, if a wage and penalty assessment is given to a contractor, the contractor may deposit an amount equal to the assessment to avoid liquidated damages. This bill requires a release of the funds plus interest within 30 days of final resolution.	Obviously, we hope to avoid wage and penalty assessments. If, however, a contractor has made a mistake, this bill provides faster return of deposited funds. This would make it more equitable for a contractor to decide to post the assessment amount to avoid liquidated damages.
		AB 626-Chiu-D	Provides a better payment dispute resolution process for public contracts.	Contractors should keep the provisions of this bill handy to implement when involved in a payment dispute on a public project.

		AB 1793-Holden-D	Provides a stronger defense for contractors to retain payment, when they performed work and were inadvertently unlicensed for any part of the work.	Obviously, we want to maintain full licensure at all times. If, however, there is a period of time when a contractor is inadvertenly unlicensed, they should review the provisions of this bill to ensure payment.
	Construction Defect Resolution	AB 1963-Calderon-D	Extends the Calderon process, which is a dispute resolution procedure for condo associations, through 7-1-2024.	Be aware the Calderon process will continue to be available for at least the next 7 years.
Labor Law				
		AB 1676-Campos-D	Specifies that prior salary cannot, by itself, justify any disparity in compensation for employees of the opposite sex.	Consult with your labor attorney regarding any use you make of prior salary history when making salary proposals or adjustments.
		AB 1843-Stone-D	Prohibits an employer from asking an applicant for employment any questions regarding any history of juvenile court or other proceedings while that person was subject to juvenile court law.	Make sure your hiring practices avoid asking for, or using any information relative to the time any job applicant was subject to juvenile court law.
		AB 1926-Cooper-D	On public works projects, requires the payment of prevailing wages, including travel time, be paid for preemployment activities as a condition of employment; for apprentices dispatched to a contractor.	If you do projects subject to prevailing wage, ensure your payment provisions for apprentices include these provisions.

		AB 2337-Burke-D	Requires employers with 25 or more employees to inform new hires, and other employees upon request, of their rights that no employment action be taken against them due to being a victim of domestic violence, sexual assault, or stalking.	Revise new hire packets to include these provisions; and provide clear procedures for current employees to request and receive this information. Employers do not have to comply until the Labor Commissioner develops a sample form.
		AB 2535-Ridley Thomas-D	Provides that if an employee is exempt from payment of minimum wage and overtime; their total hours don't need to be shown on their paycheck.	Consult with your labor attorney if you want to take advantage of this change.
		AB 2886-Committee on Insurance	On March 1, 2018, an employee would be allowed 30 days to appeal a determination regarding state disability benefits, instead of the current 20 days.	No action to take.
		SB 3-Leno-D	This bill passed earlier in the year, increases the minimum wage in California from the current $10/hr to $15/hr incrementally each year through 2022. Employers with less than 26 employees will be increased one year behind those with 26 or more.	Make sure you are up to date each year as these increases phase in. Also be aware of local ordinances affecting minimum wage, and the IWC order regarding providing of tools when employees earn less than two times the minimum wage.

		SB 836-Budget Committee	The provisions of this bill are on page 12 of the 218 pages of this omnibus budget bill. Effective 7-1-2016, PAGA claims must be filed online with the state Labor and Workforce Development Agency. The Agency now has up to 60 days to respond, and any proposed settlement agreement must be sent to the Agency.	Consult with your labor attorney regarding your procedures to respond to a PAGA claim. Take advantage of the extended time frame if you can.
		SB 954-Hertzberg-D	Changes the requirements for payment of per diem, benefits, industry advancement funds, etc. on public works projects.	If you do projects subject to prevailing wage, make sure your payment procedures incorporate these changes.
		SB 1001-Mitchell-D	Adds state penalties for an employer who violates immigration laws.	Make sure you are following federal immigration law regarding employment practices.
		SB 1063-Hall-D	Prohibits an employer from paying any of its employees lesser wage rates for similar work, than those paid to employees of another race or ethnicity.	Ensure your wage rates contain no discriminatory practices over race or ethnicity.
		SB 1234-De León-D	Establishes the California Secure Choice Retirement Savings Program. Employers who don't offer a qualifying retirement plan for employees will need to provide the opportunity for those employees to participate in the state plan. Employees will be allowed to opt-out if they choose.	The law takes effect 1-1-2017, but the set up and regulations will take some time. Keep alert for the program's implementation. If you don't have a qualifying retirement plan, you will need to set up a payroll deposit plan for employees who don't opt out.

		SB 1342-Mendoza-D	Confirms that a legislative body of a city or county may delegate that body's authority to issue subpoenas for wage theft investigations to the county superior court.	This is an effort to ramp up enforcement capabilities of local wage laws and ordinances. Employers need to ensure they stay on top of all the local requirements.
Workers' Compensation				
		AB 1244-Gray-D	Anti-fraud bill, providing disciplinary actions against medical providers and attorneys.	No action required, but it is good to know the fight against WC fraud continues.
		AB 2883-Committee on Insurance	Tightens up what individuals can be excluded under an employer's Workers' Compensation policy. Now must be a managing member of a LLC, a general partner of a partnership, or own 15% or more of issued stock in a corporation. To be excluded, those individuals must now executive a written waiver, that must be received and accepted by an insurer to be effective.	Due to a glitch, this bill takes effect on 1-1-2017 for all WC policies, not based on your WC renewal in 2017. Consult with your broker and make sure your excluded personnel are fully documented prior to 1-1-2017.
		SB 482-Lara-D	Requires health care practicioners to consult the CURES(Controlled Substance Utilization Review and Evaluation System) prior to dispensing Schedule II, III, or IV substances. These are primarily opioids or other narcotic and addictive drugs.	No action needed, but it is nice to know the state is continuing to fight the opioid epidemic in both WC and general health.

		SB 1160-Mendoza-D	Sweeping bipartisan WC reform bill. Reforms Utilization Review procedures effective 1-1-2018. Also reforms lien filings, dismissal or stay of lien proceedings when filers are indicted or convicted of fraud, and disallows assignment of liens. Allows for disciplinary actions to be taken against medical providers who consistently treat outside the Medical Treatment Utilization Schedule (MTUS), beginning 1-1-2018.	No action needed, but toward the end of 2017 employers should be aware of reporting doctors and clinics who consistently treat outside MTUS guidelines.
Workforce Development				
		AB 2063-Gallagher-R	Provides for work experience education credit opportunities, as well as authorizing job shadowing experience for career tech.	Consult with your local Workforce Development Board if any of these provisions could help.
		AB 2288-Burke-D	Requires the WIOA boards to ensure that preapprenticeship traning in the building and construction trades have a plan to help increase the representation of women in these trades.	No action needed by contractors.
Cal/OSHA				
		SB 1167-Leyva-D	Requires Cal/OSHA to propose for adoption, by 1-1-2019, to the Cal/OSHA Standards Board, an indoor heat illness prevention regulation.	Stay tuned for this controversial proposal, for those who have indoor places of employment.