

Introduced by Senator Price

February 22, 2013

An act to amend Section 90.5 of the Labor Code, relating to labor standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 790, as introduced, Price. Labor standards: enforcement.

Existing law requires the Labor Commissioner to establish and maintain a field enforcement unit, which shall be administratively and physically separate from offices of the division that accept and determine individual employee complaints. Existing law requires the Labor Commissioner to adopt an enforcement plan for the field enforcement unit. Existing law requires the Labor Commissioner to annually report to the Legislature concerning the effectiveness of the field enforcement unit.

This bill would make technical, nonsubstantive changes to this provision.

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

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

- 1 SECTION 1. Section 90.5 of the Labor Code is amended to
- 2 read:
- 3 90.5. (a) It is the policy of this state to vigorously enforce
- 4 minimum labor standards in order to ensure employees are not
- 5 required or permitted to work under substandard unlawful
- 6 conditions or for employers that have not secured the payment of
- 7 compensation, and to protect employers who comply with the law

1 from those who attempt to gain a competitive advantage at the
2 expense of their workers by failing to comply with minimum labor
3 standards.

4 (b) In order to ensure that minimum labor standards are
5 adequately enforced, the Labor Commissioner shall establish and
6 maintain a field enforcement unit, which shall be administratively
7 and physically separate from offices of the division that accept
8 and determine individual employee complaints. The unit shall have
9 offices in Los Angeles, San Francisco, San Jose, San Diego,
10 Sacramento, and any other locations that the Labor Commissioner
11 deems appropriate. The unit shall have primary responsibility for
12 administering and enforcing those statutes and regulations most
13 effectively enforced through field investigations, including Sections
14 226, 1021, 1021.5, 1193.5, 1193.6, 1194.5, 1197, 1198, 1771,
15 1776, 1777.5, 2651, 2673, 2675, and 3700, in accordance with the
16 plan adopted by the Labor Commissioner pursuant to subdivision
17 (c). Nothing in this section shall be construed to limit the authority
18 of this unit in enforcing ~~any~~ a statute or regulation in the course
19 of its investigations.

20 (c) The Labor Commissioner shall adopt an enforcement plan
21 for the field enforcement unit. The plan shall identify priorities for
22 investigations to be undertaken by the unit that ensure the available
23 resources will be concentrated in industries, occupations, and areas
24 in which employees are relatively low paid and unskilled, and
25 those in which there has been a history of violations of the statutes
26 cited in subdivision (b), and those with high rates of noncompliance
27 with Section 3700.

28 (d) The Labor Commissioner shall annually report to the
29 Legislature, not later than March 1, concerning the effectiveness
30 of the field enforcement unit. The report shall include, but not be
31 limited to, ~~all of~~ the following:

32 (1) The enforcement plan adopted by the Labor Commissioner
33 pursuant to subdivision (c), and the rationale for the priorities
34 identified in the plan.

35 (2) The number of establishments investigated by the unit, and
36 the number of types of violations found.

37 (3) The amount of wages found to be unlawfully withheld from
38 workers, and the amount of unpaid wages recovered for workers.

- 1 (4) The amount of penalties and unpaid wages transferred to
- 2 the General Fund as a result of the efforts of the unit.

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