

Assembly Bill No. 2509

CHAPTER 298

An act to amend Section 1205 of the Labor Code, relating to employment.

[Approved by Governor August 28, 2002. Filed with Secretary of State August 28, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2509, Goldberg. Labor standards: local jurisdiction.

Existing law provides that provisions of state law regulating wages, hours, and working conditions for employees do not restrict the exercise of local police powers over those matters in a more stringent manner.

This bill would define a local jurisdiction as a city, county, district, or agency, or any subdivision or combination thereof. It would provide that where a local jurisdiction expends funds provided to it by a state agency, as defined, or operates a program or engages in an activity that has received assistance from a state agency and the local jurisdiction has established, under its police powers, its own labor standards, as defined, those standards apply with regard to the expenditure, program, or activity, so long as the local standards do not conflict with and are not preempted by state law.

This bill would prohibit state agencies from requiring that a local jurisdiction refrain from applying its own labor standards in order to receive state funds or assistance.

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

SECTION 1. Section 1205 of the Labor Code is amended to read: 1205. (a) As used in this section:

(1) "Local jurisdiction" means any city, county, district, or agency, or any subdivision or combination thereof.

(2) "State agency" means any state office, officer, department, division, bureau, board, commission, or agency, or any subdivision thereof.

(3) "Labor standards" means any legal requirements regarding wages paid, hours worked, and other conditions of employment.

(b) Nothing in this part shall be deemed to restrict the exercise of local police powers in a more stringent manner.

(c) When a local jurisdiction expends funds that have been provided to it by a state agency, operates a program that has received assistance



from a state agency, or engages in an activity that has received assistance from a state agency, labor standards established by the local jurisdiction through exercise of local police powers or spending powers shall take effect with regard to that expenditure, program, or activity, so long as those labor standards are not in explicit conflict with, or explicitly preempted by, state law. A state agency may not require as a condition to the receipt of state funds or assistance that a local jurisdiction refrain from applying labor standards established by the local jurisdiction to expenditures, programs, or activities supported by the state funds or assistance in question.

