

AMENDED IN ASSEMBLY MAY 20, 2004

AMENDED IN ASSEMBLY APRIL 26, 2004

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2690**

**Introduced by Assembly Member Hancock**

February 20, 2004

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An act to ~~add Sections 1720.5 and 1720.6~~ *repeal and add Section 1720.4* to the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 2690, as amended, Hancock. Public works: funds.

Existing law defines “public works,” for purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds.

~~This bill would provide that, for this limited purpose, “public works” shall not include any otherwise covered work that is performed by members of the California Conservation Corps or of certified Community Conservation Corps.~~

~~Under the California Watershed Protection and Restoration Act, the Legislature encourages the California Environmental Protection Agency and the Resources Agency to provide assistance and grants under the act to those who choose to participate in watershed restoration and enhancement. The act also makes certain declarations regarding voluntary, local, and collaborative watershed partnerships.~~

~~This bill would, to the extent that public funds are available or made available for ecological restoration, watershed based community outreach, and environmental education projects, require that those funds be expended to preserve the ability for citizens to volunteer and work in concert with workers paid prevailing wages, thereby providing benefits to both community sustainability and the ecological health of the state's watersheds and natural resources. Otherwise covered work that meets certain criteria, including work that is performed entirely by volunteer labor, is excluded from this definition of "public works." Pursuant to existing law, all workers employed on public works shall be paid not less than the general prevailing rate of per diem wages for work, except for public works projects of \$1,000 or less.~~

~~This bill would exempt from these provisions any work that is performed by a volunteer, a volunteer coordinator, or by members of the California Conservation Corps or of certified Community Conservation Corps.~~

~~The bill would apply this exemption retroactively to otherwise covered work concluded on or after January 1, 2002, to the extent permitted by law.~~

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

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

- 1 ~~SECTION 1.—Section 1720.5 is added to the Labor Code, to~~
- 2 ~~SECTION 1. Section 1720.4 of the Labor Code is repealed.~~
- 3 ~~1720.4.—For the limited purposes of this chapter, "public~~
- 4 ~~works" shall not include any otherwise covered work which meets~~
- 5 ~~all the following conditions:~~
- 6 ~~(a) The work is performed entirely by volunteer labor.~~
- 7 ~~(b) The work involves facilities or structures which are, or will~~
- 8 ~~be, used exclusively by, or primarily for or on behalf of, private~~
- 9 ~~nonprofit community organizations including, but not limited to,~~
- 10 ~~charitable, youth, service, veterans, and sports groups or~~
- 11 ~~associations.~~
- 12 ~~(c) The work will not have an adverse impact on employment.~~
- 13 ~~(d) The work is approved by the Director of Industrial~~
- 14 ~~Relations as meeting the requirements of this section.~~
- 15 ~~For purposes of subdivision (c), the director shall request~~
- 16 ~~information on whether or not the work will have an adverse~~



1 ~~impact on employment from the appropriate local or state~~  
2 ~~organization of duly authorized employee representatives of~~  
3 ~~workers employed on public works.~~

4 *SEC. 2. Section 1720.4 is added to the Labor Code, to read:*

5 *1720.4. (a) This chapter shall not apply to any of the*  
6 *following work:*

7 *(1) Any work performed by a volunteer. For purposes of this*  
8 *section, “volunteer” means an individual who performs work for*  
9 *civic, charitable, or humanitarian reasons for a public agency or*  
10 *corporation qualified under Section 501(c)(3) of the Internal*  
11 *Revenue Code as a tax-exempt organization, without promise,*  
12 *expectation, or receipt of any compensation for work performed.*

13 *(A) An individual shall be considered a volunteer only when his*  
14 *or her services are offered freely and without pressure and*  
15 *coercion, direct or implied, from an employer.*

16 *(B) An individual may receive reasonable meals, lodging,*  
17 *transportation, and incidental expenses or nominal non-monetary*  
18 *awards without losing volunteer status if, in the entire context of*  
19 *the situation, those benefits and payments are not a substitute form*  
20 *of compensation for work performed.*

21 *(C) An individual shall not be considered a volunteer if the*  
22 *person is otherwise employed for compensation at any time (i) in*  
23 *the construction, alteration, demolition, installation, repair, or*  
24 *maintenance work on the same project, or (ii) by a contractor,*  
25 *other than a corporation qualified under Section 501(c)(3) of the*  
26 *Internal Revenue Code as a tax-exempt organization, that is*  
27 *receiving payment to perform construction, alteration, demolition,*  
28 *installation, repair, or maintenance work on the same project.*

29 *(2) Any work performed by a volunteer coordinator. For*  
30 *purposes of this section, “volunteer coordinator” means an*  
31 *individual paid by a corporation qualified under Section 501(c)(3)*  
32 *of the Internal Revenue as a tax-exempt organization, to oversee*  
33 *or supervise volunteers.*

34 *(3) Any work performed by members of the California*  
35 *Conservation Corps or of Community Conservation Corps*  
36 *certified by the California Conservation Corps pursuant to Section*  
37 *14507.5 of the Public Resources Code.*

38 *(b) This section shall apply retroactively to otherwise covered*  
39 *work concluded on or after January 1, 2002, to the extent*  
40 *permitted by law.*



1 read:

2 ~~1720.5. For the limited purposes of this chapter, “public~~  
3 ~~works” shall not include any otherwise covered work that is~~  
4 ~~performed by members of the California Conservation Corps or of~~  
5 ~~Community Conservation Corps certified by the California~~  
6 ~~Conservation Corps pursuant to Section 14507.5 of the Public~~  
7 ~~Resources Code.~~

8 SEC. 2. Section 1720.6 is added to the Labor Code, to read:

9 ~~1720.6. To the extent that public funds are available or made~~  
10 ~~available for ecological restoration, watershed-based community~~  
11 ~~outreach, and environmental education projects, the funds shall be~~  
12 ~~expended to preserve the ability for citizens to volunteer and work~~  
13 ~~in concert with workers paid prevailing wages, thereby providing~~  
14 ~~benefits to both community sustainability and the ecological~~  
15 ~~health of the state’s watersheds and natural resources.~~

