

AMENDED IN ASSEMBLY MARCH 9, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 311

Introduced by Assembly Member Cook

February 9, 2011

An act to add Section 108 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 311, as amended, Cook. Employment: labor standards: consultation unit.

Existing law establishes the Division of Labor Standards Enforcement in the Department of Industrial Relations for the enforcement of labor laws.

This bill would establish in the division the Labor Standards Consultation Unit for the purpose of providing consulting services to an employer or employee regarding compliance with labor standards. The bill would *state the intent of the Legislature that the unit ultimately be self-supporting and, to further that end, would* authorize the unit to charge a requester a fee for consulting services provided, not to exceed the actual cost to the unit, and to *further* fund its operation from grants obtained from for-profit or not-for-profit nongovernmental *and governmental* entities. The bill would prohibit the division from citing an employer for a violation of any labor standard, order, or regulation discovered as a result of an employer requesting or accepting services from the unit pursuant to the bill if the employer remedies the violation within 30 days *and the employer is not the subject of an ongoing investigation by the division.*

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 108 is added to the Labor Code, to read:

2 108. (a) There is established in the Division of Labor Standards
3 Enforcement, the Labor Standards Consultation Unit to provide,
4 upon request, a full range of consulting services to any employer
5 or employee. Those consulting services shall include providing
6 information, advice, or recommendations on complying with labor
7 standards, orders, or regulations adopted pursuant to this code.

8 (b) (1) The unit may charge the requester a fee for consulting
9 services provided pursuant to this section, not to exceed the actual
10 cost to the unit.

11 (2) The unit may fund its operation through grants obtained
12 from for-profit or not-for-profit nongovernmental entities *and*
13 *governmental entities and from fees charged for consulting*
14 *services, with the intent that this unit ultimately be self-supporting*
15 *through grants, donations, and fees.*

16 (c) (1) The division ~~may~~ *shall* not cite an employer for a
17 violation of any standard, order, or regulation adopted pursuant to
18 this code, if the violation is discovered as a result of an employer
19 requesting or accepting consulting services offered pursuant to
20 this section and, ~~if~~ within 30 days of that discovery, the employer
21 takes corrective action that remedies the violation. *The corrective*
22 *action must make whole the employee or employees affected by*
23 *the violation, if required under other provisions of this code.*

24 (2) *This subdivision does not apply to an employer who is the*
25 *subject of an ongoing formal investigation by the division for a*
26 *wage and hour violation.*