

**Introduced by Senator Blakeslee**

February 24, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1333, as introduced, Blakeslee. 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 employees and employers with 100 or fewer employees regarding compliance with wage and hour laws. 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 an unspecified number of 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 an employer  
5 or employee. Those consulting services shall include providing  
6 information, advice, or recommendations on complying with wage  
7 and hour laws under the jurisdiction of the division.

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 shall not cite an employer for a violation  
17 of any standard, order, or regulation adopted pursuant to this code  
18 if the violation is discovered as a result of an employer requesting  
19 or accepting consulting services offered pursuant to this section  
20 and, within \_\_\_\_ days of that discovery, the employer takes  
21 corrective action that remedies the violation. The corrective action  
22 must make whole the employee or employees affected by the  
23 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.

27 (d) "Employer" as used in this section includes only employers  
28 with 100 or fewer employees.

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