

ASSEMBLY BILL

No. 1522

Introduced by Assembly Member Gonzalez

January 16, 2014

An act to amend Section 226 of, and to add Article 1.5 (commencing with Section 245) to Chapter 1 of Part 1 of Division 2 of, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as introduced, Gonzalez. Employment: paid sick days.

Existing law authorizes employers to provide their employees paid sick leave.

This bill would provide that an employee, as defined, who works in California for 7 or more days in a calendar year is entitled to paid sick days, as defined, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would also make conforming changes.

This bill would require the Labor Commissioner to administer and enforce these requirements, including the promulgation of regulations, investigation, mitigation, and relief of violations of these requirements. This bill would authorize the Labor Commissioner to impose specified

administrative fines for violations and would authorize an aggrieved person, the commissioner, the Attorney General, or an entity a member of which is aggrieved to bring an action to recover specified civil penalties against an offender, as well as attorney’s fees, costs, and interest.

The bill would specify that it does not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor does it lessen any other obligations of the employer to employees. This bill would further specify that it does not apply to employees in the construction industry covered by a collective bargaining agreement if the agreement expressly waives the requirements of this article in clear and unambiguous terms. However, the bill would specify that it applies to certain public authorities, established to deliver in-home supportive services, except where a collective bargaining agreement provides for an incremental wage increase sufficient to satisfy the bill’s requirements for accrual of sick days.

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. The Legislature finds and declares the following:
- 2 (a) Nearly every worker in the State of California will at some
- 3 time during the year need some time off from work to take care
- 4 of his or her own health or the health of family members.
- 5 (b) Many workers in California do not have any paid sick days,
- 6 or have an inadequate number of paid sick days, to care for their
- 7 own health or the health of family members.
- 8 (c) Low-income workers are significantly less likely to have
- 9 paid sick time than other workers.
- 10 (d) Providing workers time off to attend to their own health care
- 11 and the health care of family members will ensure a healthier and
- 12 more productive workforce in California.
- 13 (e) Paid sick days will have an enormously positive impact on
- 14 the public health of Californians by allowing sick workers paid
- 15 time off to care for themselves when ill, thus lessening their
- 16 recovery time and reducing the likelihood of spreading illness to
- 17 other members of the workforce.
- 18 (f) Paid sick days will allow parents to provide personal care
- 19 for their sick children. Parental care ensures children’s speedy

1 recovery, prevents more serious illnesses, and improves children’s
2 overall mental and physical health.

3 (g) Providing paid sick days is affordable for employers and
4 good for business.

5 (h) Employers who provide paid sick days enjoy greater
6 employee retention and reduce the likelihood of employees coming
7 to work sick. Studies have shown that costs of decreased
8 productivity caused by sick workers exceed the costs of employee
9 absenteeism.

10 (i) Many adults have significant elder care responsibilities
11 requiring them to take time off from work or to work reduced
12 hours.

13 (j) Employees frequently lose their jobs or are disciplined for
14 taking sick days to care for sick family members or to recover
15 from their own illnesses.

16 (k) Workers whose jobs involve significant contact with the
17 public, such as service workers and restaurant workers, are very
18 unlikely to have paid sick days. Often, these workers have no
19 choice but to come to work when they are ill, thereby spreading
20 illness to coworkers and customers.

21 (l) Domestic violence and sexual assault affect many persons
22 without regard to age, race, national origin, sexual orientation, or
23 socioeconomic status.

24 (m) Domestic violence is a crime that has a devastating effect
25 on families, communities, and the workplace. It impacts
26 productivity, effectiveness, absenteeism, and employee turnover
27 in the workplace. The National Crime Survey estimates that
28 175,000 days of work each year are missed due to domestic
29 violence.

30 (n) Survivors of domestic violence and sexual assault may be
31 vulnerable at work when trying to end an abusive relationship
32 because the workplace may be the only place where the perpetrator
33 knows to contact the victim. Studies show that up to one-half of
34 domestic violence victims experience job loss. Forty percent
35 reported on-the-job harassment. Nearly 50 percent of sexual assault
36 survivors lose their jobs or are forced to quit in the aftermath of
37 the assaults.

38 (o) Affording survivors of domestic violence and sexual assault
39 paid sick days is vital to their independence and recovery.

1 SEC. 2. In enacting this act, it is the intent of the Legislature
2 to do the following:

3 (a) Ensure that workers in California can address their own
4 health needs and the health needs of their families by requiring
5 employers to provide a minimum level of paid sick days including
6 time for family care.

7 (b) Decrease public and private health care costs in California
8 by enabling workers to seek early and routine medical care for
9 themselves and their family members and to address domestic
10 violence or sexual assault.

11 (c) Protect employees in California from losing their jobs while
12 they use sick days to care for themselves or their families.

13 (d) Provide economic security to employees in California who
14 take time off from work for reasons related to domestic violence
15 or sexual assault.

16 (e) Safeguard the welfare, health, safety, and prosperity of the
17 people of and visitors to California.

18 SEC. 3. Section 226 of the Labor Code is amended to read:

19 226. (a) ~~Every~~*An* employer shall, semimonthly or at the time
20 of each payment of wages, furnish ~~each of his or her employees~~
21 *to each employee*, either as a detachable part of the check, draft,
22 or voucher paying the employee's wages, or separately ~~when if~~
23 wages are paid by personal check or cash, an accurate itemized
24 statement in writing showing (1) gross wages earned, (2) total
25 hours worked by the employee, ~~except for any employee whose~~
26 *unless the employee's* compensation is solely based on a salary
27 and ~~who the employee~~ is exempt from payment of overtime under
28 subdivision (a) of Section 515 or ~~any an~~ applicable order of the
29 Industrial Welfare Commission, (3) the number of piece-rate units
30 earned and ~~any the~~ applicable piece rate if the employee is paid
31 on a piece-rate basis, (4) all deductions, provided that all deductions
32 made on written orders of the employee may be aggregated and
33 shown as one item, (5) net wages earned, (6) the inclusive dates
34 of the period for which the employee is paid, (7) the name of the
35 employee and only the last four digits of his or her social security
36 number or an employee identification number other than a social
37 security number, (8) the name and address of the legal entity that
38 is the employer and, if the employer is a farm labor contractor, as
39 defined in subdivision (b) of Section 1682, the name and address
40 of the legal entity that secured the services of the employer, ~~and~~

1 (9) *paid sick leave accrued and used pursuant to Article 1.5*
2 *(commencing with Section 245), and (10) all applicable hourly*
3 *rates in effect during the pay period and the corresponding number*
4 *of hours worked at each hourly rate by the employee and, beginning*
5 *July 1, 2013, if the employer is a temporary services employer as*
6 *defined in Section 201.3, the rate of pay and the total hours worked*
7 *for each temporary services assignment. The deductions made*
8 *from payment of wages shall be recorded in ink or other indelible*
9 *form, properly dated, showing the month, day, and year, and a*
10 *copy of the statement and the record of the deductions shall be*
11 *kept on file by the employer for at least three years at the place of*
12 *employment or at a central location within the State of California.*
13 *For purposes of this subdivision, “copy” includes a duplicate of*
14 *the itemized statement provided to an employee or a*
15 *computer-generated record that accurately shows all of the*
16 *information required by this subdivision.*

17 (b) An employer that is required by this code or ~~any~~ a regulation
18 adopted pursuant to this code to keep the information required by
19 subdivision (a) shall afford current and former employees the right
20 to inspect or copy records pertaining to their employment, upon
21 reasonable request to the employer. The employer may take
22 reasonable steps to ensure the identity of a current or former
23 employee. If the employer provides copies of the records, the actual
24 cost of reproduction may be charged to the current or former
25 employee.

26 (c) An employer who receives a written or oral request to inspect
27 or copy records pursuant to subdivision (b) pertaining to a current
28 or former employee shall comply with the request as soon as
29 practicable, but no later than 21 calendar days from the date of the
30 request. A violation of this subdivision is an infraction.
31 Impossibility of performance, not caused by or a result of a
32 violation of law, shall be an affirmative defense for an employer
33 in any action alleging a violation of this subdivision. An employer
34 may designate the person to whom a request *is made* under this
35 subdivision ~~will be made~~.

36 (d) This section does not apply to ~~any~~ an employer of ~~any~~ a
37 person employed by the owner or occupant of a residential dwelling
38 whose duties are incidental to the ownership, maintenance, or use
39 of the dwelling, including the care and supervision of children, or

1 whose duties are personal and not in the course of the trade,
2 business, profession, or occupation of the owner or occupant.

3 (e) (1) An employee suffering injury as a result of a knowing
4 and intentional failure by an employer to comply with subdivision
5 (a) is entitled to recover the greater of all actual damages or fifty
6 dollars (\$50) for the initial pay period in which a violation occurs
7 and one hundred dollars (\$100) per employee for each violation
8 in a subsequent pay period, not to exceed an aggregate penalty of
9 four thousand dollars (\$4,000), and is entitled to an award of costs
10 and reasonable attorney’s fees.

11 (2) (A) An employee is deemed to suffer injury for purposes
12 of this subdivision if the employer fails to provide a wage
13 statement.

14 (B) An employee is deemed to suffer injury for purposes of this
15 subdivision if the employer fails to provide accurate and complete
16 information as required by any one or more of items (1) to ~~(9)~~,
17 (10), inclusive, of subdivision (a) and the employee cannot
18 promptly and easily determine from the wage statement alone one
19 or more of the following:

20 (i) The amount of the gross wages or net wages paid to the
21 employee during the pay period or any of the other information
22 required to be provided on the itemized wage statement pursuant
23 to items (2) to (4), inclusive, (6), ~~and (9)~~ (9), and (10) of
24 subdivision (a).

25 (ii) Which deductions the employer made from gross wages to
26 determine the net wages paid to the employee during the pay
27 period. Nothing in this subdivision alters the ability of the employer
28 to aggregate deductions consistent with the requirements of item
29 (4) of subdivision (a).

30 (iii) The name and address of the employer and, if the employer
31 is a farm labor contractor, as defined in subdivision (b) of Section
32 1682, the name and address of the legal entity that secured the
33 services of the employer during the pay period.

34 (iv) The name of the employee and only the last four digits of
35 his or her social security number or an employee identification
36 number other than a social security number.

37 (C) For purposes of this paragraph, “promptly and easily
38 determine” means a reasonable person would be able to readily
39 ascertain the information without reference to other documents or
40 information.

1 (3) For purposes of this subdivision, a “knowing and intentional
2 failure” does not include an isolated and unintentional payroll error
3 due to a clerical or inadvertent mistake. In reviewing for
4 compliance with this section, the factfinder may consider as a
5 relevant factor whether the employer, prior to an alleged violation,
6 has adopted and is in compliance with a set of policies, procedures,
7 and practices that fully comply with this section.

8 (f) A failure by an employer to permit a current or former
9 employee to inspect or copy records within the time set forth in
10 subdivision (c) entitles the current or former employee or the Labor
11 Commissioner to recover a seven-hundred-fifty-dollar (\$750)
12 penalty from the employer.

13 (g) The listing by an employer of the name and address of the
14 legal entity that secured the services of the employer in the itemized
15 statement required by subdivision (a) shall not create any liability
16 on the part of that legal entity.

17 (h) An employee may also bring an action for injunctive relief
18 to ensure compliance with this section, and is entitled to an award
19 of costs and reasonable attorney’s fees.

20 (i) This section does not apply to the state, to ~~any~~ a city, county,
21 city and county, district, or to any other governmental entity, except
22 that if the state or a city, county, city and county, district, or other
23 governmental entity furnishes its employees with a check, draft,
24 or voucher paying the employee’s wages, the state or a city, county,
25 city and county, district, or other governmental entity shall use no
26 more than the last four digits of the employee’s social security
27 number or shall use an employee identification number other than
28 the social security number on the itemized statement provided with
29 the check, draft, or voucher.

30 SEC. 4. Article 1.5 (commencing with Section 245) is added
31 to Chapter 1 of Part 1 of Division 2 of the Labor Code, to read:

32
33 Article 1.5. Paid Sick Days
34

35 245. This article shall be known and may be cited as the
36 Healthy Workplaces, Healthy Families Act of 2014.

37 245.5. For the purposes of this article the following terms have
38 the following meanings:

39 (a) “Employee” does not include the following:

1 (1) An employee covered by a valid collective bargaining
2 agreement if the agreement expressly provides for the wages, hours
3 of work, and working conditions of employees, and expressly
4 provides for paid sick days or a paid leave or paid time off policy
5 that permits the use of sick days for those employees, final and
6 binding arbitration of disputes concerning the application of its
7 paid sick days provisions, premium wage rates for all overtime
8 hours worked, and regular hourly rate of pay of not less than 30
9 percent more than the state minimum wage rate.

10 (2) An employee in the construction industry covered by a valid
11 collective bargaining agreement if the agreement expressly provides
12 for the wages, hours of work, and working conditions of
13 employees, premium wage rates for all overtime hours worked,
14 and regular hourly pay of not less than 30 percent more than the
15 state minimum wage rate, and the agreement expressly waives the
16 requirements of this article in clear and unambiguous terms. For
17 purposes of this subparagraph, “employee in the construction
18 industry” means an employee performing onsite work associated
19 with construction, including work involving alteration, demolition,
20 building, excavation, renovation, remodeling, maintenance,
21 improvement, repair work, and any other work as described by
22 Chapter 9 (commencing with Section 7000) of Division 3 of the
23 Business and Professions Code, and other similar or related
24 occupations or trades.

25 (b) “Family member” means any of the following:

26 (1) A child, which for purposes of this article means a biological,
27 adopted, or foster child, stepchild, legal ward, or a child to whom
28 the employee stands in loco parentis. This definition of a child is
29 applicable regardless of age or dependency status.

30 (2) A biological, adoptive, or foster parent, stepparent, or legal
31 guardian of an employee or the employee’s spouse or registered
32 domestic partner, or a person who stood in loco parentis when the
33 employee was a minor child.

34 (3) A spouse.

35 (4) A registered domestic partner.

36 (5) A grandparent.

37 (6) A grandchild.

38 (7) A sibling.

1 (c) “Health care provider” has the same meaning as defined in
2 paragraph (6) of subdivision (c) of Section 12945.2 of the
3 Government Code.

4 (d) “Paid sick days” means time that is compensated at the same
5 wage as the employee normally earns during regular work hours
6 and is provided by an employer to an employee for the purposes
7 described in Section 246.5.

8 (e) “Small business” means an employer who employs 10 or
9 fewer employees during 20 or more calendar workweeks in the
10 current or preceding calendar year.

11 246. (a) An employee who works in California for seven or
12 more days in a calendar year is entitled to paid sick days as
13 specified in this section.

14 (b) (1) An employee shall accrue paid sick days at the rate of
15 not less than one hour per every 30 hours worked, beginning at
16 the commencement of employment or the operative date of this
17 article, whichever is first.

18 (2) An employee who is exempt from overtime requirements
19 as an administrative, executive, or professional employee under a
20 wage order of the Industrial Welfare Commission is deemed to
21 work 40 hours per workweek for the purposes of this section,
22 unless the employee’s normal workweek is less than 40 hours, in
23 which case the employee will accrue paid sick days based upon
24 that normal workweek.

25 (c) An employee shall be entitled to use accrued paid sick days
26 beginning on the 90th calendar day of employment, after which
27 day the employee may use paid sick days as they are accrued.

28 (d) Accrued paid sick days shall carry over to the following
29 calendar year. However, an employer may limit an employee’s
30 use of paid sick days to 24 hours or three days in each calendar
31 year.

32 (e) An employer is not required to provide additional paid sick
33 days pursuant to this section if the employer has a paid leave policy
34 or paid time off policy and the employer makes available an
35 amount of leave that satisfies the accrual requirements of this
36 section and that may be used for the same purposes and under the
37 same conditions as specified in this section.

38 (f) (1) Except as specified in paragraph (2), an employer is not
39 required to provide compensation to an employee for accrued,

1 unused paid sick days upon termination, resignation, retirement,
2 or other separation from employment.

3 (2) If an employee separates from an employer and is rehired
4 by the employer within one year, previously accrued and unused
5 paid sick days shall be reinstated. The employee shall be entitled
6 to use those previously accrued and unused paid sick days and to
7 accrue additional paid sick days upon rehiring.

8 (g) An employer may lend paid sick days to an employee in
9 advance of accrual, at the employer’s discretion and with proper
10 documentation.

11 246.5. (a) Upon the oral or written request of an employee,
12 an employer shall provide paid sick days for the following
13 purposes:

14 (1) Diagnosis, care, or treatment of an existing health condition
15 of, or preventive care for, an employee or an employee’s family
16 member.

17 (2) For an employee who is a victim of domestic violence or
18 sexual assault, the purposes described in subdivision (c) of Section
19 230 and subdivision (a) of Section 230.1.

20 (b) An employer shall not require as a condition of using paid
21 sick days that the employee search for or find a replacement worker
22 to cover the days during which the employee uses paid sick days.

23 (c) (1) An employer shall not deny an employee the right to
24 use sick days, discharge, threaten to discharge, demote, suspend,
25 or in any manner discriminate against an employee for using sick
26 days, attempting to exercise the right to use sick days, filing a
27 complaint with the department or in a court alleging a violation of
28 this article, cooperating in an investigation or prosecution of an
29 alleged violation of this article, or opposing any policy or practice
30 or act that is prohibited by this article.

31 (2) There shall be a rebuttable presumption of unlawful
32 retaliation if an employer denies an employee the right to use sick
33 days, discharges, threatens to discharge, demotes, suspends, or in
34 any manner discriminates against an employee within 90 days of
35 any of the following:

36 (A) The filing of a complaint by the employee with the Labor
37 Commissioner or in a court alleging a violation of this article.

38 (B) The cooperation of an employee with an investigation or
39 prosecution of an alleged violation of this article.

1 (C) Opposition by the employee to a policy, practice, or act that
2 is prohibited by this article.

3 247. (a) An employer shall give each employee written notice
4 of the requirements of this article in English, Spanish, Chinese,
5 and any other language spoken by at least 5 percent of the
6 employees. The written notice shall state the following:

7 (1) That an employee is entitled to accrue, request, and use paid
8 sick days.

9 (2) The amount of paid sick days provided for by this article.

10 (3) The terms of use of paid sick days.

11 (4) That retaliation or discrimination against an employee who
12 requests paid sick days or uses paid sick days, or both, is prohibited
13 and that an employee has the right under this article to file a
14 complaint or bring a civil action against an employer who retaliates
15 or discriminates against the employee.

16 (b) In each workplace of the employer, the employer shall
17 display a poster in a conspicuous place containing all the
18 information specified in subdivision (a). The Labor Commissioner
19 shall create a poster containing this information and make it
20 available to employers.

21 (c) An employer who willfully violates the notice and posting
22 requirements of this section is subject to a civil penalty of not more
23 than one hundred dollars (\$100) per each offense.

24 247.5. An employer shall keep for at least five years records
25 documenting the hours worked and paid sick days accrued and
26 used by an employee. An employer shall allow the Labor
27 Commissioner access to these records with appropriate notice and
28 at a mutually agreeable time to monitor compliance with this
29 article. An employer shall make these records available to an
30 employee pursuant to Section 226. If an employer does not
31 maintain adequate records pursuant to this section, it shall be
32 presumed that the employee is entitled to the maximum number
33 of hours accruable under this article, unless the employer can show
34 otherwise by clear and convincing evidence.

35 248. The Labor Commissioner is authorized and directed to
36 coordinate implementation and enforcement of this article and to
37 promulgate guidelines and regulations for those purposes.

38 248.5. (a) The Labor Commissioner is authorized and directed
39 to enforce this article, including investigating an alleged violation,
40 and ordering appropriate temporary relief to mitigate the violation

1 or to maintain the status quo pending the completion of a full
2 investigation or hearing.

3 (b) If the Labor Commissioner, after a hearing that contains
4 adequate safeguards to ensure that the parties are afforded due
5 process, determines that a violation of this article has occurred, he
6 or she may order any appropriate relief, including reinstatement,
7 backpay, the payment of sick days unlawfully withheld, and the
8 payment of an additional sum in the form of an administrative
9 penalty to an employee or other person whose rights under this
10 article were violated. If paid sick days were unlawfully withheld,
11 the dollar amount of paid sick days withheld from the employee
12 multiplied by three, or two hundred fifty dollars (\$250), whichever
13 amount is greater, shall be included in the administrative penalty.
14 In addition, if a violation of this article results in other harm to the
15 employee or person, such as discharge from employment, or
16 otherwise results in a violation of the rights of the employee or
17 person, the administrative penalty shall include a sum of fifty
18 dollars (\$50) for each day or portion thereof that the violation
19 occurred or continued.

20 (c) Where prompt compliance by an employer is not
21 forthcoming, the Labor Commissioner may take any appropriate
22 enforcement action to secure compliance, including the filing of
23 a civil action. In compensation to the state for the costs of
24 investigating and remedying the violation, the commissioner may
25 order the violating employer to pay to the state a sum of not more
26 than fifty dollars (\$50) for each day or portion of a day a violation
27 occurs or continues for each employee or other person whose rights
28 under this article were violated. These funds shall be allocated to
29 the Labor Commissioner to offset the costs of implementing and
30 enforcing this article.

31 (d) An employee or other person may report to the Labor
32 Commissioner a suspected violation of this article. The
33 commissioner shall encourage reporting pursuant to this
34 subdivision by keeping confidential, to the maximum extent
35 permitted by applicable law, the name and other identifying
36 information of the employee or person reporting the violation.
37 However, the commissioner may disclose that person's name and
38 identifying information as necessary to enforce this article or for
39 other appropriate purposes, upon the authorization of that person.

1 (e) The Labor Commissioner, the Attorney General, a person
2 aggrieved by a violation of this article, or an entity a member of
3 which is aggrieved by a violation of this article may bring a civil
4 action in a court of competent jurisdiction against the employer
5 or other person violating this article and, upon prevailing, shall be
6 entitled to such legal or equitable relief as may be appropriate to
7 remedy the violation, including reinstatement, backpay, the
8 payment of sick days unlawfully withheld, the payment of an
9 additional sum as liquidated damages in the amount of fifty dollars
10 (\$50) to each employee or person whose rights under this article
11 were violated for each day or portion thereof that the violation
12 occurred or continued, plus, if the employer has unlawfully
13 withheld paid sick days to an employee, the dollar amount of paid
14 sick days withheld from the employee multiplied by three; or two
15 hundred fifty dollars (\$250), whichever amount is greater; and
16 reinstatement in employment or injunctive relief; and further shall
17 be awarded reasonable attorney's fees and costs, provided,
18 however, that any person or entity enforcing this article on behalf
19 of the public as provided for under applicable state law shall, upon
20 prevailing, be entitled only to equitable, injunctive, or restitutionary
21 relief, and reasonable attorney's fees and costs.

22 (f) In an administrative or civil action brought under this article,
23 the Labor Commissioner or court, as the case may be, shall award
24 interest on all amounts due and unpaid at the rate of interest
25 specified in subdivision (b) of Section 3289 of the Civil Code.

26 (g) The remedies, penalties, and procedures provided under this
27 article are cumulative.

28 249. (a) This article does not limit or affect any laws
29 guaranteeing the privacy of health information, or information
30 related to domestic violence or sexual assault, regarding an
31 employee or employee's family member. That information shall
32 be treated as confidential and shall not be disclosed to any person
33 except to the affected employee, or as required by law.

34 (b) This article shall not be construed to discourage or prohibit
35 an employer from the adoption or retention of a paid sick days
36 policy more generous than the one required herein.

37 (c) This article does not lessen the obligation of an employer to
38 comply with a contract, collective bargaining agreement,
39 employment benefit plan, or other agreement providing more
40 generous sick days to an employee than required herein.

1 (d) This article establishes minimum requirements pertaining
2 to paid sick days and does not preempt, limit, or otherwise affect
3 the applicability of any other law, regulation, requirement, policy,
4 or standard that provides for greater accrual or use by employees
5 of sick days, whether paid or unpaid, or that extends other
6 protections to an employee.

7 249.5. (a) A public authority established under Section 12301.6
8 of the Welfare and Institutions Code shall be required to meet the
9 requirements of this article for individuals who perform domestic
10 services comprising in-home supportive services under Article 7
11 (commencing with Section 12300) of Chapter 3 of Part 3 of
12 Division 9 of the Welfare and Institutions Code.

13 (b) A public authority may satisfy the requirements of this article
14 by entering into a collective bargaining agreement that provides
15 an incremental hourly wage adjustment in an amount sufficient to
16 satisfy the accrual requirements of Section 246.