

ASSEMBLY BILL

No. 2288

Introduced by Assembly Member Roger Hernández

February 21, 2014

An act to add Section 1311.5 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2288, as introduced, Roger Hernández. Child Labor Protection Act of 2014.

Existing law establishes a citation system for the imposition of civil sanctions against violators of the laws and regulations of the state relating to the employment of minors, and classifies citations according to the nature of the violation.

This bill would authorize treble damages to an individual who was discriminated against in the terms or conditions of his or her employment because he or she filed a claim or civil action alleging a violation of employment laws that arose while the individual was a minor. The bill would further subject a specified class of violations of employment laws relating to the employment of minors to a civil penalty, as provided. The bill would also require the tolling of the statute of limitations for claims arising from violations of employment laws until the person allegedly aggrieved attains majority, and would declare the latter provision declaratory of existing law.

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

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

1 SECTION 1. Section 1311.5 is added to the Labor Code, to
2 read:

3 1311.5. (a) This section shall be known and may be cited as
4 the Child Labor Protection Act of 2014.

5 (a) The statute of limitations for claims arising under this code
6 shall be tolled until an individual allegedly aggrieved by an
7 unlawful practice attains the age of majority. This subdivision is
8 declaratory of existing law.

9 (b) In addition to other remedies available, an individual who
10 is discharged, threatened with discharge, demoted, suspended,
11 retaliated against, subjected to an adverse action, or in any other
12 manner discriminated against in the terms or conditions of his or
13 her employment because the individual filed a claim or civil action
14 alleging a violation of this code that arose while the individual
15 was a minor, whether the claim or civil action was filed before or
16 after the individual reached the age of majority, shall be entitled
17 to treble damages.

18 (c) A class "A" violation, as defined in subdivision (a) of Section
19 1288, that involves a minor 12 years of age or younger shall be
20 subject to a civil penalty in an amount not less than twenty-five
21 thousand dollars (\$25,000) and not exceeding fifty thousand dollars
22 (\$50,000) for each violation.

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