

ASSEMBLY BILL

No. 2743

**Introduced by Committee on Labor and Employment (Assembly
Members Roger Hernández (Chair), Alejo, Chau, and Holden)**

February 27, 2014

An act to amend Section 203 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2743, as introduced, Committee on Labor and Employment.
Employment: wages.

Existing law authorizes specified employees working in the entertainment industry and their employers to enter into a collective bargaining agreement to establish a time limit for payment of wages after an employee is discharged or laid off.

Existing law imposes civil penalties on an employer who willfully fails to pay wages, in accordance with specified provisions, for an employee who is discharged or who quits. Existing law authorizes civil action for those penalties.

This bill would apply the civil penalty and suit provision to the violation of a time limit for payment of wages established pursuant to that collective bargaining agreement provision.

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 203 of the Labor Code is amended to
2 read:

1 203. (a) If an employer willfully fails to pay, without
2 abatement or reduction, in accordance with Sections 201, 201.3,
3 201.5, 201.9, 202, and 205.5, any wages of an employee who is
4 discharged or who quits, the wages of the employee shall continue
5 as a penalty from the due date thereof at the same rate until paid
6 or until an action therefor is commenced; but the wages shall not
7 continue for more than 30 days. An employee who secretes or
8 absents himself or herself to avoid payment to him or her, or who
9 refuses to receive the payment when fully tendered to him or her,
10 including any penalty then accrued under this section, is not entitled
11 to any benefit under this section for the time during which he or
12 she so avoids payment.

13 (b) Suit may be filed for these penalties at any time before the
14 expiration of the statute of limitations on an action for the wages
15 from which the penalties arise.