

AMENDED IN SENATE MAY 5, 2014  
AMENDED IN SENATE APRIL 21, 2014

**SENATE BILL**

**No. 1087**

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**Introduced by Senator Monning**  
(Coauthors: Assembly Members Gonzalez and Medina)

February 19, 2014

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An act to amend Sections 1684, 1685, 1690, 1690.1, 1694, 1695, 1695.5, 1695.55, 1696.2, 1696.5, and 1697 of the Labor Code, relating to farm labor contractors, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1087, as amended, Monning. Farm labor contractors.

Existing law requires farm labor contractors to be licensed by the Labor Commissioner and to comply with specified employment laws applicable to farm labor contractors. Existing law requires farm labor contractors to pay license fees to the Labor Commissioner, and continuously appropriates a portion of the fee revenues for enforcement and verification purposes. Under existing law, a person who violates farm labor contractor requirements is guilty of a misdemeanor.

This bill would prohibit a license to operate as a farm labor contractor from being granted to a person who, within the preceding 3 years, has been found by a court or an administrative agency to have committed sexual harassment of an employee, or who, within the preceding 3 years, employed any supervisory employee whom he or she knew or should have known has been found by a court or an administrative agency, within the preceding 3 years of his or her employment with the applicant, to have committed sexual harassment of an employee.

Existing law authorizes the Labor Commissioner to revoke, suspend, or refuse to renew a farm labor contractor's license under specified

circumstances, including that the licensee or an agent of the licensee violated or failed to comply with certain laws.

This bill would additionally authorize the Labor Commissioner to revoke, suspend, or refuse to renew a farm labor contractor's license if the licensee has been found by a court or an administrative agency to have committed sexual harassment of an employee, or has employed a supervisory employee whom he or she knew or should have known has been found by a court or an administrative agency, within the preceding 3 years, to have committed sexual harassment of an employee.

This bill would increase the license fee paid by an applicant from \$500 to \$600, thereby making an appropriation. The bill would require the *amount attributable to the* fee increase to be expended by the Labor Commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit. The bill would require an applicant to provide the names and addresses of all persons who performed specified services for him or her in the previous year, in order to be issued a license to act as a farm labor contractor. The bill would require each employee of an applicant for licensure as a farm labor contractor to register as a farm labor contractor employee pursuant to federal law, if that registration is required under federal law. *The bill would require an applicant for licensure as a farm labor contractor to execute a written statement attesting that the person's supervisory employees have been trained in the prevention of sexual harassment, as provided.* The bill would also increase the amount of the surety bond that is required to be deposited with the Labor Commissioner in order to be issued a license to act as a farm labor contractor by \$25,000 or \$50,000 based upon the size of the person's annual payroll, and require documentation of the payroll size. The bill would require that the bond be conditioned upon compliance with, and payment of all damages occasioned by failure to comply with, provisions prohibiting unlawful workplace harassment, as specified. *The bill would also authorize certain license fees in the Farmworker Remedial Account which are continuously appropriated, to be used to satisfy claims for damages for violations of provisions prohibiting unlawful workplace harassment, as specified.*

Existing law requires an applicant for licensure as a farm labor contractor to have taken a written examination that demonstrates an essential degree of knowledge of current laws and regulations concerning farm labor contractors and authorizes the Labor

Commissioner to charge a fee of not more than \$100 to cover the cost of administering the examination.

This bill would require that ~~exam~~ *examination* to cover laws and regulations concerning sexual harassment in the workplace. The bill would authorize the Labor Commissioner to consult with the Department of Fair Employment and Housing in preparing the examination. The bill would also increase the maximum amount the Labor Commissioner may charge for developing and administering the ~~exam~~ *examination* to \$200.

Existing law authorizes the Labor Commissioner to renew a license without requiring the applicant to take the examination if during the previous year the applicant has not been found to be in violation of specified laws and regulations, and meets other criteria.

This bill would include among those laws that the applicant must not have violated laws and regulations related to workplace harassment.

Existing law requires an applicant for a license to act as a farm labor contractor to participate in at least 8 hours of educational classes each year.

This bill would increase the requirement to 12 hours of classes and require that those classes include sexual harassment prevention training.

Existing law provides that it is a crime for an employer who has made withholdings from an employee's wages willfully or with intent to defraud to fail to remit the withholdings to the proper agency or to fail to make any required payments required.

This bill would authorize the Labor Commissioner to refuse to issue or renew the license until the amount of any delinquency under these provisions is fully paid.

Existing law requires every licensee to have a written statement ready for inspection stating the rate of compensation he or she receives from the grower and that he or she is paying to employees, as specified.

This bill would require that this statement be provided to a current or former employee or the grower within 21 calendar days of a written request. The bill would make a licensee who fails to comply with this requirement subject to a civil penalty of \$750 recoverable by the employee or grower. The bill would further require a licensee to reduce to writing and maintain for 3 years a copy of any agreement with a grower or other farm labor contractor concerning the amount of the commission or payment made to the licensee for services and produce that agreement in response to a discovery request or subpoena, as specified.

Existing law requires a farm labor contractor to furnish, immediately upon request of any agricultural grower with whom the farm labor contractor has a contract to supply farmworkers, a payroll list of all the contractor's employees working for the grower, as specified.

This bill would additionally require the farm labor contractor to make the payroll list available to employees of the Division of Labor Standards Enforcement, as specified, and produce that payroll list in response to a discovery request or subpoena in any civil action or claim for unpaid wages or penalties brought by a current or former employee, as provided.

Existing law provides that any farm labor contractor who engages in farm labor contracting activities after his or her license has been suspended or revoked is punishable by a fine of not less than \$1,000 but not exceeding \$5,000, or by imprisonment for not less than 6 months and not more than one year, or both.

This bill would instead provide that any farm labor contractor who engages in farm labor contracting activities after his or her license has been suspended, revoked, or denied reissuance is punishable by a fine of not less than \$10,000, or by imprisonment for not less than 6 months and not more than one year, or both.

Existing law provides that any violation of these provisions is a misdemeanor. Because this bill would change various provisions, the violation of which are misdemeanors, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

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

- 1 SECTION 1. Section 1684 of the Labor Code is amended to
- 2 read:
- 3 1684. (a) The Labor Commissioner shall not issue to any
- 4 person a license to act as a farm labor contractor, nor shall the
- 5 Labor Commissioner renew that license, until all of the following
- 6 conditions are satisfied:

1 (1) The person has executed a written application in a form  
2 prescribed by the Labor Commissioner, subscribed and sworn to  
3 by the person, and containing all of the following:

4 (A) A statement by the person of all facts required by the Labor  
5 Commissioner concerning the applicant's character, competency,  
6 responsibility, and the manner and method by which the person  
7 proposes to conduct operations as a farm labor contractor if the  
8 license is issued.

9 (B) The names and addresses of all persons, except bona fide  
10 employees on stated salaries, financially interested, either as  
11 partners, associates, or profit sharers, in the proposed operation as  
12 a farm labor contractor, together with the amount of their respective  
13 interests.

14 (C) A declaration consenting to the designation by a court of  
15 the Labor Commissioner as an agent available to accept service  
16 of summons in any action against the licensee if the licensee has  
17 left the jurisdiction in which the action is commenced or otherwise  
18 has become unavailable to accept service.

19 (D) The names and addresses of all persons who in the previous  
20 calendar year performed any services described in subdivision (b)  
21 of Section 1682 within the scope of his or her employment by the  
22 licensee on whose behalf he or she was acting, unless the person  
23 was employed as an independent contractor.

24 (2) The Labor Commissioner, after investigation, is satisfied as  
25 to the character, competency, and responsibility of the person.

26 (3) (A) The person has deposited with the Labor Commissioner  
27 a surety bond in an amount based on the size of the person's annual  
28 payroll for all employees, as follows:

29 (i) For payrolls up to five hundred thousand dollars (\$500,000),  
30 a fifty-thousand-dollar (\$50,000) bond.

31 (ii) For payrolls of five hundred thousand dollars (\$500,000) to  
32 two million dollars (\$2,000,000), a one-hundred-thousand-dollar  
33 (\$100,000) bond.

34 (iii) For payrolls greater than two million dollars (\$2,000,000),  
35 a one-hundred-fifty-thousand-dollar (\$150,000) bond.

36 (B) For purposes of this paragraph, the Labor Commissioner  
37 shall require documentation of the size of the person's annual  
38 payroll which may include, but is not limited to, information  
39 provided by the person to the Employment Development  
40 Department, the Franchise Tax Board, the Division of Workers'

1 Compensation, the insurer providing the licensee's workers'  
2 compensation insurance, or the Internal Revenue Service.

3 (C) If the contractor has been the subject of a final judgment in  
4 a year in an amount equal to or greater than the amount of the bond  
5 required, he or she shall be required to deposit an additional bond  
6 within 60 days.

7 (D) All bonds required under this chapter shall be payable to  
8 the people of the State of California and shall be conditioned upon  
9 the farm labor contractor's compliance with all the terms and  
10 provisions of this chapter and subdivisions (j) and (k) of Section  
11 12940 of, and Sections 12950 and 12950.1 of, the Government  
12 Code, and payment of all damages occasioned to any person by  
13 failure to do so, or by any violation of this chapter or of subdivision  
14 (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of,  
15 the Government Code, *or any violation of Title VII of the Civil*  
16 *Rights Act of 1964 (Public Law 88-352)*, or false statements or  
17 misrepresentations made in the procurement of the license. The  
18 bond shall also be payable for interest on wages and for any  
19 damages arising from violation of orders of the Industrial Welfare  
20 Commission, and for any other monetary relief awarded to an  
21 agricultural worker as a result of a violation of this code or of  
22 subdivision (j) or (k) of Section 12940 of, or Section 12950 or  
23 12950.1 of, the Government ~~Code~~. *Code, or any violation of Title*  
24 *VII of the Civil Rights Act of 1964 (Public Law 88-352)*.

25 (4) The person has paid to the Labor Commissioner a license  
26 fee of five hundred dollars (\$500) plus a filing fee of ten dollars  
27 (\$10). However, when a timely application for renewal is filed,  
28 the ten-dollar (\$10) filing fee is not required. The license fee shall  
29 increase by one hundred dollars (\$100), to six hundred dollars  
30 (\$600), on January 1, 2015. ~~The increased fee amount attributable~~  
31 *to this increase* shall be expended by the Labor Commissioner to  
32 fund the Farm Labor Contractor Enforcement Unit and the Farm  
33 Labor Contractor License Verification Unit. Notwithstanding  
34 Section 1698, no portion of that increase shall be credited to the  
35 General Fund. The Labor Commissioner shall deposit one hundred  
36 fifty dollars (\$150) of each licensee's annual license fee into the  
37 Farmworker Remedial Account. Funds from this account shall be  
38 disbursed by the Labor Commissioner only to persons determined  
39 by the Labor Commissioner to have been damaged by any licensee  
40 if the damage exceeds the amount of the licensee's bond or the

1 surety fails to pay the full amount of the licensee's bond, or to  
2 persons determined by the Labor Commissioner to have been  
3 damaged by an unlicensed farm labor contractor. In making these  
4 determinations, the Labor Commissioner shall disburse funds from  
5 the Farmworker Remedial Account to satisfy claims against farm  
6 labor contractors or unlicensed farm labor contractors, which shall  
7 also include interest on wages and any damages arising from the  
8 violation of orders of the Industrial Welfare Commission, for any  
9 other monetary relief awarded to an agricultural worker as a result  
10 of a violation of this code, *and for all damages arising from any*  
11 *violation of subdivision (j) or (k) of Section 12940 of, or of Section*  
12 *12950 or 12950.1 of, the Government Code, or any violation of*  
13 *Title VII of the Civil Rights Act of 1964 (Public Law 88-352). The*  
14 Labor Commissioner may disburse funds from the Farmworker  
15 Remedial Account to farm labor contractors, for payment of  
16 farmworkers, when a contractor is unable to pay farmworkers due  
17 to the failure of a grower or packer to pay the contractor. Any  
18 disbursed funds subsequently recovered by the Labor  
19 Commissioner pursuant to Section 1693, or otherwise, shall be  
20 returned to the Farmworker Remedial Account.

21 (5) The person has taken a written examination that demonstrates  
22 an essential degree of knowledge of the current laws and  
23 administrative regulations concerning farm labor contractors as  
24 the Labor Commissioner deems necessary for the safety and  
25 protection of farmers, farmworkers, and the public, including the  
26 identification and prevention of sexual harassment in the  
27 workplace. To successfully complete the examinations, the person  
28 must correctly answer at least 85 percent of the questions posed.  
29 The examination period shall not exceed four hours. The  
30 examination may only be taken a maximum of three times in a  
31 calendar year. The examinations shall include a demonstration of  
32 knowledge of the current laws and regulations regarding wages,  
33 hours, and working conditions, penalties, employee housing and  
34 transportation, collective bargaining, field sanitation, and safe  
35 work practices related to pesticide use, including all of the  
36 following subjects:

- 37 (A) Field reentry regulations.
- 38 (B) Worker pesticide safety training.
- 39 (C) Employer responsibility for safe working conditions.
- 40 (D) Symptoms and appropriate treatment of pesticide poisoning.

1 (6) The person has registered as a farm labor contractor pursuant  
2 to the federal Migrant and Seasonal Agricultural Worker Protection  
3 Act (29 U.S.C. Sec. 1801 et seq.), when registration is required  
4 pursuant to federal law, and that information is provided by the  
5 person to the Labor Commissioner.

6 (7) Each of the person's employees has registered as a farm  
7 labor contractor employee pursuant to the federal Migrant and  
8 Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801  
9 et seq.) if that registration is required pursuant to federal law, and  
10 that information is provided by the person to the Labor  
11 Commissioner.

12 (8) *The person has executed a written statement, that has been*  
13 *provided to the Labor Commissioner, attesting that the person's*  
14 *supervisory employees, including any crewleader, mayordomo,*  
15 *foreperson, or other employee whose duties include the supervision,*  
16 *direction, or control of agricultural employees, have been trained*  
17 *at least once each calendar year in the prevention of sexual*  
18 *harassment in the workplace, and that all nonsupervisory*  
19 *employees, including agricultural employees, have been trained*  
20 *in identifying, preventing, documenting, and reporting sexual*  
21 *harassment in the workplace within 10 calendar days of being*  
22 *hired by the person.*

23 (b) The Labor Commissioner shall consult with the Director of  
24 Pesticide Regulation, the Department of the California Highway  
25 Patrol, the Department of Housing and Community Development,  
26 the Employment Development Department, the Department of  
27 Fair Employment and Housing, the Department of Food and  
28 Agriculture, the Department of Motor Vehicles, and the Division  
29 of Occupational Safety and Health in preparing the examination  
30 required by paragraph (5) of subdivision (a) and the appropriate  
31 educational materials pertaining to the matters included in the  
32 examination, and may charge a fee of not more than two hundred  
33 dollars (\$200) to cover the cost of administration of the  
34 examination.

35 (c) The person shall also enroll and participate in at least 12  
36 hours of relevant educational classes each year. The classes shall  
37 include sexual harassment prevention training. The classes shall  
38 be chosen from a list of approved classes prepared by the Labor  
39 Commissioner, in consultation with the persons and entities listed  
40 in subdivision (b) and county agricultural commissioners.

1 (d) The Labor Commissioner may renew a license without  
2 requiring the applicant for renewal to take the examination  
3 specified in paragraph (5) of subdivision (a) if the Labor  
4 Commissioner finds that the applicant meets all of the following  
5 criteria:

6 (1) Has satisfactorily completed the examination during the  
7 immediately preceding two years.

8 (2) Has not during the preceding year been found to be in  
9 violation of any applicable laws or regulations including, but not  
10 limited to, Division 7 (commencing with Section 12501) of the  
11 Food and Agricultural Code, subdivisions (j) and (k) of Section  
12 12940 of, and Section 12950 or 12950.1 of, the Government Code,  
13 Part 1 (commencing with Section 17000) of Division 13 of the  
14 Health and Safety Code, Division 2 (commencing with Section  
15 200), Division 4 (commencing with Section 3200), and Division  
16 5 (commencing with Section 6300) of this code, and Chapter 1  
17 (commencing with Section 12500) of Division 6 of the Vehicle  
18 Code.

19 (3) Has, for each year since the license was obtained, enrolled  
20 and participated in at least eight hours of relevant, educational  
21 classes, chosen from a list of approved classes prepared by the  
22 Labor Commissioner.

23 (4) Has complied with all other requirements of this section.

24 SEC. 2. Section 1685 of the Labor Code is amended to read:

25 1685. No license to operate as a farm labor contractor shall be  
26 granted:

27 (a) To any person who sells or proposes to sell intoxicating  
28 liquors in a building or on premises where he *or she* operates or  
29 proposes to operate as a farm labor contractor.

30 (b) To a person whose license has been revoked within three  
31 years from the date of application.

32 (c) To a person who, within the preceding three years, has been  
33 found by a court or an administrative agency to have committed  
34 sexual harassment of an employee, or who, within the preceding  
35 three years, employed any crewleader, mayordomo, foreperson,  
36 or any other employee of the applicant whose duties include the  
37 supervision, direction, or control of any agricultural worker whom  
38 the applicant knew or should have known has been found by a  
39 court or an administrative agency, within the preceding three years

1 of his or her employment with the applicant, to have committed  
2 sexual harassment of an employee.

3 SEC. 3. Section 1690 of the Labor Code is amended to read:

4 1690. The Labor Commissioner may revoke, suspend, or refuse  
5 to renew any license if it is shown that any of the following have  
6 occurred:

7 (a) The licensee or any agent of the licensee has violated or  
8 failed to comply with any of the provisions of this chapter.

9 (b) The licensee has made any misrepresentations or false  
10 statements in his or her application for a license.

11 (c) The conditions under which the license was issued have  
12 changed or no longer exist.

13 (d) The licensee, or any agent of the licensee, has violated, or  
14 has willfully aided or abetted any person in the violation of, or  
15 failed to comply with, any law of the State of California regulating  
16 the employment of employees in agriculture, the payment of wages  
17 to farm employees, or the conditions, terms, or places of  
18 employment affecting the health and safety of farm employees,  
19 which is applicable to the business, activities, or operations of the  
20 licensee in his or her capacity as a farm labor contractor.

21 (e) The licensee, or any agent of the licensee, has failed to  
22 comply with any provisions of the Vehicle Code pertaining to a  
23 farm labor vehicle, as described in Section 322 of the Vehicle  
24 Code, under the licensee's control, or has allowed a farm labor  
25 vehicle under his or her control to be operated by a driver without  
26 a valid driver's license and certificate required pursuant to Section  
27 12519 of the Vehicle Code.

28 (f) The licensee has been found, by a court or the Secretary of  
29 Labor, to have violated any provision of the federal Migrant and  
30 Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801  
31 et seq.), provided that the licensee is required to register as a farm  
32 labor contractor pursuant to federal law.

33 (g) The licensee has been found by a court or an administrative  
34 agency to have committed sexual harassment of an employee, or  
35 has employed any crewleader, mayordomo, foreperson, or any  
36 other employee of the licensee whose duties include the  
37 supervision, direction, or control of any agricultural worker on  
38 behalf of the licensee, whom the licensee knew or should have  
39 known has been found by a court or an administrative agency,

1 within the preceding three years, to have committed sexual  
2 harassment of an employee.

3 SEC. 4. Section 1690.1 of the Labor Code is amended to read:

4 1690.1. (a) (1) If a licensee fails to remit the proper amount  
5 of worker contributions required by Chapter 4 (commencing with  
6 Section 901) of Part 1 of Division 1 of the Unemployment  
7 Insurance Code, or the Employment Development Department has  
8 made an assessment for unpaid worker contributions against the  
9 licensee that is final, the Labor Commissioner shall, upon written  
10 notice by the Employment Development Department, refuse to  
11 issue or renew the license of that licensee until the licensee has  
12 fully paid the amount of delinquency for the unpaid worker  
13 contributions.

14 (2) The Labor Commissioner shall not, however, refuse to renew  
15 the license of a licensee under this section until the assessment for  
16 unpaid worker contributions is final and unpaid, and the licensee  
17 has exhausted, or failed to seek, his *or her* right of administrative  
18 review of that final assessment, pursuant to Chapter 4 (commencing  
19 with Section 901) of Part 1 of Division 1 of the Unemployment  
20 Insurance Code.

21 (b) If any licensee fails to remit the amounts required by Section  
22 227, the Labor Commissioner shall refuse to issue or renew the  
23 license of the licensee until the delinquent amount has been paid  
24 in full.

25 SEC. 5. Section 1694 of the Labor Code is amended to read:

26 1694. If a licensee has departed from the state or has left the  
27 jurisdiction in which a violation of this chapter is alleged to have  
28 occurred with intent to defraud creditors or to avoid service of  
29 summons in any action brought under this chapter, service shall  
30 be made upon the surety as prescribed in the Code of Civil  
31 Procedure. A copy of the summons shall be mailed to the licensee  
32 at the last known post office address of his or her residence, as  
33 shown by the records of the Labor Commissioner. Service is  
34 complete as to the licensee, after mailing, at the expiration of the  
35 time prescribed by the Code of Civil Procedure for service of  
36 summons in the particular court in which suit is brought.

37 SEC. 6. Section 1695 of the Labor Code is amended to read:

38 1695. (a) Every licensee shall do all of the following:

39 (1) Carry his or her license and proof of registration issued  
40 pursuant to paragraph (8) with him or her at all times and exhibit

1 the same to all persons with whom he or she intends to deal in his  
2 or her capacity as a farm labor contractor prior to so dealing.

3 (2) File at the United States Post Office serving the address of  
4 the licensee, as noted on the face of his or her license, with the  
5 office of the Labor Commissioner, and with the agricultural  
6 commissioner of the county or counties in which the labor  
7 contractor has contracted with a grower, a correct change of address  
8 immediately upon each occasion the licensee permanently moves  
9 his or her address. The address shall also be the mailing address  
10 for purposes of notice required by the Labor Code or by any other  
11 applicable statute or regulations respecting service by mail.

12 (3) Promptly when due, pay or distribute to the individuals  
13 entitled thereto, all moneys or other things of value entrusted to  
14 the licensee by any third person for this purpose.

15 (4) Comply on his or her part with the terms and provisions of  
16 all legal and valid agreements and contracts entered into between  
17 the licensee in his or her capacity as a farm labor contractor and  
18 third persons.

19 (5) Have available for inspection by his or her employees and  
20 by the grower with whom he or she has contracted a written  
21 statement in English and Spanish showing the rate of compensation  
22 he or she receives from the grower and the rate of compensation  
23 he or she is paying to his or her employees for services rendered  
24 to, for, or under the control of the grower. Upon written request,  
25 the statement shall be provided to a current or former employee  
26 or the grower within 21 calendar days. A licensee who fails to  
27 comply with this paragraph is subject to a civil penalty of seven  
28 hundred fifty dollars (\$750) recoverable by the employee or the  
29 grower.

30 (6) Take out a policy of insurance with any insurance carrier  
31 authorized to do business in the State of California in an amount  
32 satisfactory to the commissioner, which insures the licensee against  
33 liability for damage to persons or property arising out of the  
34 licensee's operation of, or ownership of, any vehicle or vehicles  
35 for the transportation of individuals in connection with his or her  
36 business, activities, or operations as a farm labor contractor.

37 (7) Have displayed prominently at the site where the work is to  
38 be performed and on all vehicles used by the licensee or his or her  
39 employees or agents for the transportation of employees the rate  
40 of compensation the licensee is paying to his or her employees for

1 their services, printed in both English and Spanish and in lettering  
2 of a size to be prescribed by the Department of Industrial Relations.

3 (8) Register annually with the agricultural commissioner of the  
4 county or counties in which the labor contractor has contracted  
5 with a grower.

6 (9) Provide information and training on applicable laws and  
7 regulations governing worker safety, including the requirements  
8 of Article 10.5 (commencing with Section 12980) of Chapter 2 of  
9 Division 7 of the Food and Agricultural Code, sexual harassment,  
10 or regulating the terms and conditions of agricultural employment,  
11 to each crewleader, foreperson, or other employee whose duties  
12 include the supervision, direction, or control of any agricultural  
13 worker on behalf of a licensee, or pursuant to, a contract or  
14 agreement for agricultural services entered into with a licensee.

15 (10) (A) Maintain copies of any contract or agreement for labor  
16 or services entered into with a grower or other labor contractor for  
17 a period of three years after the completion date of the contract,  
18 make those contracts or agreements available to employees of the  
19 Division of Labor Standards Enforcement in accordance with  
20 subdivision (b) of Section 1174, and produce those contracts or  
21 agreements in response to a discovery request or subpoena in any  
22 civil action or any claim for unpaid wages or penalties under  
23 Section 98 brought by a current or former employee.

24 (B) For the purposes of complying with this paragraph only,  
25 the licensee may, in response to a subpoena or discovery request,  
26 produce only the portions of the contract that show the amount of  
27 the commission or other payment paid or promised to be paid to  
28 the licensee for labor or services provided under the agreement  
29 and the manner by which it is calculated.

30 (C) If an oral agreement for labor or services was made with  
31 the grower or other farm labor contractor, the licensee shall reduce  
32 the elements of the agreement to writing showing the amount of  
33 the commission or other payment paid or promised to be paid to  
34 the licensee for labor or services provided under the agreement  
35 and the manner by which it is calculated. This document shall also  
36 be maintained for a period of three years, made available to  
37 employees of the Division of Labor Standards Enforcement, and  
38 be produced in response to a subpoena or discovery request as  
39 otherwise provided in this paragraph for written contracts or  
40 agreements.

1 (b) The board of supervisors of a county may establish fees to  
2 be charged each licensee for the recovery of the actual costs  
3 incurred by commissioners in the administration of registrations  
4 and change of address and the issuance of proofs of registration.

5 SEC. 7. Section 1695.5 of the Labor Code is amended to read:

6 1695.5. (a) Every farm labor contractor, upon request of any  
7 agricultural grower with whom he or she has a contract to supply  
8 farmworkers, shall immediately furnish the grower with a payroll  
9 list of all the contractor’s employees working for the grower.

10 (b) The payroll list shall be on a uniform form approved by the  
11 Labor Commissioner, which shall include, but not be limited to,  
12 the employee’s name, social security number, permanent and  
13 temporary address, telephone number, and length of employment  
14 with the grower.

15 (c) The requirements of this section are in addition to any  
16 requirements of federal law, including the federal Migrant and  
17 Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801  
18 et seq.).

19 (d) A farm labor contractor shall make the payroll list available  
20 to employees of the Division of Labor Standards Enforcement in  
21 accordance with subdivision (b) of Section 1174 and produce that  
22 payroll list in response to a discovery request or subpoena in any  
23 civil action or claim for unpaid wages or penalties brought by a  
24 current or former employee under Section 98.

25 SEC. 8. Section 1695.55 of the Labor Code is amended to read:

26 1695.55. (a) Every person acting in the capacity of a farm  
27 labor contractor shall provide any grower with whom he or she  
28 has contracted to supply farmworkers a payroll record for each  
29 farmworker providing labor under the contract. The payroll record  
30 shall include a disclosure of the net and gross wages, total hours  
31 worked, and total hourly and piece rate earnings for each  
32 farmworker.

33 (b) Each grower entering into a contract with a farm labor  
34 contractor shall retain a copy of the payroll record provided by the  
35 contractor for a period of three years after the contract has ended.

36 SEC. 9. Section 1696.2 of the Labor Code is amended to read:

37 1696.2. All vehicles used by a licensee or his or her employees  
38 or agents for the transportation of individuals in his or her  
39 operations as a farm labor contractor shall have displayed  
40 prominently at the entrance of the vehicle the name of the farm

1 labor contractor and the number of his or her license as issued by  
2 the Labor Commissioner pursuant to this chapter.

3 SEC. 10. Section 1696.5 of the Labor Code is amended to read:

4 1696.5. Every licensee shall, at the time of each payment of  
5 wages, which shall be not less often than once every week as  
6 required by Section 205 of this code, furnish each of the workers  
7 employed by him or her either as a detachable part of the check,  
8 draft, or voucher paying the employee's wages, or separately, an  
9 itemized statement in writing that complies with the requirements  
10 of subdivision (a) of Section 226 and shows in detail each  
11 deduction made from the wages.

12 SEC. 11. Section 1697 of the Labor Code is amended to read:

13 1697. (a) Any person who violates this chapter, or who causes  
14 or induces another to violate this chapter, is guilty of a  
15 misdemeanor punishable by a fine of not more than one thousand  
16 dollars (\$1,000), or imprisonment in the county jail for not more  
17 than six months, or both.

18 (b) Any employee aggrieved by any violation of this chapter,  
19 other than acts and conduct also proscribed by Sections 1153,  
20 1154, and 1155, may do all of the following:

21 (1) Bring a civil action for injunctive relief or damages, or both,  
22 against a farm labor contractor or unlicensed farm labor contractor  
23 who violates this chapter and, upon prevailing, shall recover  
24 reasonable attorney's fees and costs, including expert witness fees.

25 (2) Enforce the liability on the farm labor contractor's bond.

26 (c) Any farm labor contractor who engages in farm labor  
27 contracting activities after his or her license has been suspended,  
28 revoked, or denied reissuance is guilty of an offense punishable  
29 by a fine of not less than ten thousand dollars (\$10,000), or by  
30 imprisonment for not less than six months and not more than one  
31 year, or both.

32 SEC. 12. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 the only costs that may be incurred by a local agency or school  
35 district will be incurred because this act creates a new crime or  
36 infraction, eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section 17556 of  
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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