

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MAY 5, 2014

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1087

Introduced by Senator Monning

(Coauthors: Assembly Members Gonzalez and Medina)

February 19, 2014

An act to amend Sections 1684, 1685, 1690, 1690.1, 1694, 1695, 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. *These provisions would not apply until the Labor Commissioner makes a specified form available.*

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. *These provisions would not apply until the Labor Commissioner makes a specified form available.*

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 *deposited with the Labor Commissioner in order to be issued a license to act as a farm labor contractor* 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 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 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 ~~10~~ 9 hours of classes and require that those classes include at least ~~2 hours~~ *one hour* of 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.

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:
 7 (1) The person has executed a written application in a form
 8 prescribed by the Labor Commissioner, subscribed and sworn to
 9 by the person, and containing all of the following:
 10 (A) A statement by the person of all facts required by the Labor
 11 Commissioner concerning the applicant’s character, competency,
 12 responsibility, and the manner and method by which the person

1 proposes to conduct operations as a farm labor contractor if the
2 license is issued.

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

8 (C) A declaration consenting to the designation by a court of
9 the Labor Commissioner as an agent available to accept service
10 of summons in any action against the licensee if the licensee has
11 left the jurisdiction in which the action is commenced or otherwise
12 has become unavailable to accept service.

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

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

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

23 (i) For payrolls up to five hundred thousand dollars (\$500,000),
24 a ~~fifty-thousand-dollar~~ (~~\$50,000~~) *twenty-five-thousand-dollar*
25 (*\$25,000*) bond.

26 (ii) For payrolls of five hundred thousand dollars (\$500,000) to
27 two million dollars (\$2,000,000), a ~~one-hundred-thousand-dollar~~
28 (~~\$100,000~~) *fifty-thousand-dollar* (*\$50,000*) bond.

29 (iii) For payrolls greater than two million dollars (\$2,000,000),
30 a ~~one-hundred-fifty-thousand-dollar~~ (~~\$150,000~~)
31 *seventy-five-thousand-dollar* (*\$75,000*) bond.

32 (B) For purposes of this paragraph, the Labor Commissioner
33 shall require documentation of the size of the person's annual
34 payroll which may include, but is not limited to, information
35 provided by the person to the Employment Development
36 Department, the Franchise Tax Board, the Division of Workers'
37 Compensation, the insurer providing the licensee's workers'
38 compensation insurance, or the Internal Revenue Service.

39 (C) If the contractor has been the subject of a final judgment in
40 a year in an amount equal to or greater than the amount of the bond

1 required, he or she shall be required to deposit an additional bond
2 within 60 days.

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

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

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

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

- 33 (A) Field reentry regulations.
 - 34 (B) Worker pesticide safety training.
 - 35 (C) Employer responsibility for safe working conditions.
 - 36 (D) Symptoms and appropriate treatment of pesticide poisoning.
- 37 (6) The person has registered as a farm labor contractor pursuant
38 to the federal Migrant and Seasonal Agricultural Worker Protection
39 Act (29 U.S.C. Sec. 1801 et seq.), when registration is required

1 pursuant to federal law, and that information is provided by the
2 person to the Labor Commissioner.

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

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

24 (B) *Sexual harassment prevention training shall consist of*
25 *training administered by a licensee or appropriate designee of the*
26 *licensee.*

27 (C) *Sexual harassment prevention training shall include, at a*
28 *minimum, components of the following as consistent with Section*
29 *12950 of the Government Code:*

30 (i) *The illegality of sexual harassment.*

31 (ii) *The definition of sexual harassment under applicable state*
32 *and federal law.*

33 (iii) *A description of sexual harassment, utilizing examples.*

34 (iv) *The internal complaint process of the employer available*
35 *to the employee.*

36 (v) *The legal remedies and complaint process available through*
37 *the Department of Fair Employment and Housing.*

38 (vi) *Directions for how to contact the Department of Fair*
39 *Employment and Housing.*

1 (vii) *The protection against retaliation provided under current*
2 *law.*

3 (D) *The trainer may use the text of the Department of Fair*
4 *Employment and Housing’s pamphlet DFEH-185, “Sexual*
5 *Harassment” as a guide to training, or may use other written*
6 *material or other training resources covering the information*
7 *required in subparagraph (C).*

8 (E) *At the conclusion of the training, the trainer shall provide*
9 *the employee with a copy of the Department of Fair Employment*
10 *and Housing’s pamphlet DFEH-185, and a record of the training*
11 *on a form provided by the Labor Commissioner that includes the*
12 *name of the trainer and the date of the training.*

13 (F) *The licensee shall keep a record with the names of all*
14 *employees who have received sexual harassment training for a*
15 *period of three years.*

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

28 (c) The person shall also enroll and participate in at least ~~10~~
29 *nine* hours of relevant educational classes each year. The classes
30 shall include at least ~~two hours~~ *one hour* of sexual harassment
31 prevention training. The classes shall be chosen from a list of
32 approved classes prepared by the Labor Commissioner, in
33 consultation with the persons and entities listed in subdivision (b)
34 and county agricultural commissioners.

35 (d) The Labor Commissioner may renew a license without
36 requiring the applicant for renewal to take the examination
37 specified in paragraph (5) of subdivision (a) if the Labor
38 Commissioner finds that the applicant meets all of the following
39 criteria:

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

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

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

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

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

20 1685. No license to operate as a farm labor contractor shall be
21 granted:

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

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

27 (c) To a person who, within the preceding three years, has been
28 found by a court or an administrative agency to have committed
29 sexual harassment of an employee, or who, within the preceding
30 three years, employed any supervisor, crewleader, mayordomo,
31 foreperson, or any other employee of the applicant whose duties
32 include the supervision, direction, or control of any agricultural
33 worker whom the applicant knew or should have known has been
34 found by a court or an administrative agency, within the preceding
35 three years of his or her employment with the applicant, to have
36 committed sexual harassment of an employee. A person shall be
37 deemed not to have knowledge under this subdivision that any
38 supervisor, crewleader, mayordomo, foreperson, or any other
39 employee has been found by a court or any administrative agency
40 to have committed sexual harassment if that supervisor, crewleader,

1 mayordomo, foreperson, or any other employee executes a
2 statement on a form provided by the Labor Commissioner that
3 ~~person has not been found to have committed sexual harassment.~~
4 *includes the following statement: “I have not been found to have*
5 *committed sexual harassment by any court or any administrative*
6 *agency within the preceding three years.” This subdivision shall*
7 *not apply until the Labor Commissioner prepares the form and*
8 *makes it available on the division’s Internet Web site.*

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

10 1690. The Labor Commissioner may revoke, suspend, or refuse
11 to renew any license if it is shown that any of the following have
12 occurred:

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

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

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

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

27 (e) The licensee, or any agent of the licensee, has failed to
28 comply with any provisions of the Vehicle Code pertaining to a
29 farm labor vehicle, as described in Section 322 of the Vehicle
30 Code, under the licensee’s control, or has allowed a farm labor
31 vehicle under his or her control to be operated by a driver without
32 a valid driver’s license and certificate required pursuant to Section
33 12519 of the Vehicle Code.

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

39 (g) The licensee has been found by a court or an administrative
40 agency to have committed sexual harassment of an employee, or

1 has employed any supervisor, crewleader, mayordomo, foreperson,
2 or any other employee of the licensee whose duties include the
3 supervision, direction, or control of any agricultural worker on
4 behalf of the licensee, whom the licensee knew or should have
5 known has been found by a court or an administrative agency,
6 within the preceding three years, to have committed sexual
7 harassment of an employee. A licensee shall be deemed not to
8 have knowledge under this subdivision that any supervisor,
9 crewleader, mayordomo, foreperson, or any other employee has
10 been found by a court or any other administrative agency to have
11 committed sexual harassment if that supervisor, crewleader,
12 mayordomo, foreperson, or any other employee executes a
13 statement on a form provided by the Labor Commissioner that
14 ~~person has not been found to have committed sexual harassment.~~
15 *includes the following statement: "I have not been found to have*
16 *committed sexual harassment by any court or any administrative*
17 *agency within the preceding three years." This subdivision shall*
18 *not apply until the Labor Commissioner prepares the form and*
19 *makes it available on the division's Internet Web site.*

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

21 1690.1. (a) (1) If a licensee fails to remit the proper amount
22 of worker contributions required by Chapter 4 (commencing with
23 Section 901) of Part 1 of Division 1 of the Unemployment
24 Insurance Code, or the Employment Development Department has
25 made an assessment for unpaid worker contributions against the
26 licensee that is final, the Labor Commissioner shall, upon written
27 notice by the Employment Development Department, refuse to
28 issue or renew the license of that licensee until the licensee has
29 fully paid the amount of delinquency for the unpaid worker
30 contributions.

31 (2) The Labor Commissioner shall not, however, refuse to renew
32 the license of a licensee under this section until the assessment for
33 unpaid worker contributions is final and unpaid, and the licensee
34 has exhausted, or failed to seek, his or her right of administrative
35 review of that final assessment, pursuant to Chapter 4 (commencing
36 with Section 901) of Part 1 of Division 1 of the Unemployment
37 Insurance Code.

38 (b) If any licensee fails to remit the amounts required by Section
39 227, the Labor Commissioner shall refuse to issue or renew the

1 license of the licensee until the delinquent amount has been paid
2 in full.

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

4 1694. If a licensee has departed from the state or has left the
5 jurisdiction in which a violation of this chapter is alleged to have
6 occurred with intent to defraud creditors or to avoid service of
7 summons in any action brought under this chapter, service shall
8 be made upon the surety as prescribed in the Code of Civil
9 Procedure. A copy of the summons shall be mailed to the licensee
10 at the last known post office address of his or her residence, as
11 shown by the records of the Labor Commissioner. Service is
12 complete as to the licensee, after mailing, at the expiration of the
13 time prescribed by the Code of Civil Procedure for service of
14 summons in the particular court in which suit is brought.

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

16 1695. (a) Every licensee shall do all of the following:

17 (1) Carry his or her license and proof of registration issued
18 pursuant to paragraph (8) with him or her at all times and exhibit
19 the same to all persons with whom he or she intends to deal in his
20 or her capacity as a farm labor contractor prior to so dealing.

21 (2) File at the United States Post Office serving the address of
22 the licensee, as noted on the face of his or her license, with the
23 office of the Labor Commissioner, and with the agricultural
24 commissioner of the county or counties in which the labor
25 contractor has contracted with a grower, a correct change of address
26 immediately upon each occasion the licensee permanently moves
27 his or her address. The address shall also be the mailing address
28 for purposes of notice required by the Labor Code or by any other
29 applicable statute or regulations respecting service by mail.

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

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

37 (5) Have available for inspection by his or her employees and
38 by the grower with whom he or she has contracted a written
39 statement in English and Spanish showing the rate of compensation
40 he or she receives from the grower and the rate of compensation

1 he or she is paying to his or her employees for services rendered
2 to, for, or under the control of the grower. Upon written request,
3 the statement shall be provided to a current or former employee
4 or the grower within 21 calendar days. A licensee who fails to
5 comply with this paragraph is subject to a civil penalty of seven
6 hundred fifty dollars (\$750) recoverable by the employee or the
7 grower.

8 (6) Take out a policy of insurance with any insurance carrier
9 authorized to do business in the State of California in an amount
10 satisfactory to the commissioner, which insures the licensee against
11 liability for damage to persons or property arising out of the
12 licensee's operation of, or ownership of, any vehicle or vehicles
13 for the transportation of individuals in connection with his or her
14 business, activities, or operations as a farm labor contractor.

15 (7) Have displayed prominently at the site where the work is to
16 be performed and on all vehicles used by the licensee or his or her
17 employees or agents for the transportation of employees the rate
18 of compensation the licensee is paying to his or her employees for
19 their services, printed in both English and Spanish and in lettering
20 of a size to be prescribed by the Department of Industrial Relations.

21 (8) Register annually with the agricultural commissioner of the
22 county or counties in which the labor contractor has contracted
23 with a grower.

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

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

37 SEC. 7. Section 1695.55 of the Labor Code is amended to read:

38 1695.55. (a) Every person acting in the capacity of a farm
39 labor contractor shall provide any grower with whom he or she
40 has contracted to supply farmworkers a payroll record for each

1 farmworker providing labor under the contract. The payroll record
2 shall include a disclosure of the net and gross wages, total hours
3 worked, and total hourly and piece rate earnings for each
4 farmworker.

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

8 SEC. 8. Section 1696.2 of the Labor Code is amended to read:

9 1696.2. All vehicles used by a licensee or his or her employees
10 or agents for the transportation of individuals in his or her
11 operations as a farm labor contractor shall have displayed
12 prominently at the entrance of the vehicle the name of the farm
13 labor contractor and the number of his or her license as issued by
14 the Labor Commissioner pursuant to this chapter.

15 SEC. 9. Section 1696.5 of the Labor Code is amended to read:

16 1696.5. Every licensee shall, at the time of each payment of
17 wages, which shall be not less often than once every week as
18 required by Section 205 of this code, furnish each of the workers
19 employed by him or her either as a detachable part of the check,
20 draft, or voucher paying the employee's wages, or separately, an
21 itemized statement in writing that complies with the requirements
22 of subdivision (a) of Section 226 and shows in detail each
23 deduction made from the wages.

24 SEC. 10. Section 1697 of the Labor Code is amended to read:

25 1697. (a) Any person who violates this chapter, or who causes
26 or induces another to violate this chapter, is guilty of a
27 misdemeanor punishable by a fine of not more than one thousand
28 dollars (\$1,000), or imprisonment in the county jail for not more
29 than six months, or both.

30 (b) Any employee aggrieved by any violation of this chapter,
31 other than acts and conduct also proscribed by Sections 1153,
32 1154, and 1155, may do all of the following:

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

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

38 (c) Any farm labor contractor who engages in farm labor
39 contracting activities after his or her license has been suspended,
40 revoked, or denied reissuance is guilty of an offense punishable

1 by a fine of not less than ten thousand dollars (\$10,000), or by
2 imprisonment for not less than six months and not more than one
3 year, or both.

4 SEC. 11. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.