

ASSEMBLY BILL

No. 202

Introduced by Assembly Member Gonzalez

January 29, 2015

An act to add Section 2754 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 202, as introduced, Gonzalez. Professional sports teams: cheerleaders: employee status.

Existing law prescribes comprehensive requirements relating to minimum wages, overtime compensation, and standards for working conditions for the protection of employees applicable to an employment relationship.

This bill would require that a California-based professional sports team that utilizes the services of cheerleaders, as defined, to provide those cheerleaders with specified rights and benefits afforded to its employees under existing employment laws, regardless of the terms and conditions under which the cheerleader performs.

Because a violation of specified employment laws, including wage and hour laws, that would apply to California-based professional sports teams using the services of cheerleaders would be a crime, 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: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 2754 is added to the Labor Code, to read:
2 2754. (a) A professional sports team that is a California-based
3 team that employs professional athletes, as those terms are defined
4 in subdivision (g) of Section 3600.5, and that utilizes the services
5 of cheerleaders during its exhibitions or games, shall provide those
6 cheerleaders with all of the rights and benefits afforded to its
7 employees under this code, regardless of the terms and conditions
8 under which the cheerleader performs.
9 (b) For purposes of this section, “cheerleader” is defined to
10 mean an individual who performs acrobatics, dance, or gymnastic
11 exercises in promotion of a professional sports franchise identified
12 in subdivision (a).
13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

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