

ASSEMBLY BILL

No. 327

Introduced by Assembly Member Gordon
(Principal coauthor: Senator Hancock)

February 13, 2015

An act to amend Section 1720.4 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 327, as introduced, Gordon. Public works: volunteers.

Existing law defines “public works,” for purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work that is performed under contract and paid for in whole or in part out of public funds. Pursuant to existing law, all workers employed on public works projects are required to be paid not less than the general prevailing rate of per diem wages for work, except as specified.

Existing law governing public works does not apply to specified work performed by a volunteer, a volunteer coordinator, or a member of the California Conservation Corps or a community conservation corps. These provisions are effective only until January 1, 2017, and as of that date are repealed.

This bill would delete that repeal date provision, effectively extending those provisions indefinitely. The bill would also delete an obsolete provision.

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 1720.4 of the Labor Code is amended to
2 read:

3 1720.4. ~~(a)~~—This chapter shall not apply to any of the following
4 work:

5 ~~(1)~~

6 (a) Any work performed by a volunteer. For purposes of this
7 section, “volunteer” means an individual who performs work for
8 civic, charitable, or humanitarian reasons for a public agency or
9 corporation qualified under Section 501(c)(3) of the Internal
10 Revenue Code as a tax-exempt organization, without promise,
11 expectation, or receipt of any compensation for work performed.

12 ~~(A)~~

13 (1) An individual shall be considered a volunteer only when his
14 or her services are offered freely and without pressure and coercion,
15 direct or implied, from an employer.

16 ~~(B)~~

17 (2) An individual may receive reasonable meals, lodging,
18 transportation, and incidental expenses or nominal nonmonetary
19 awards without losing volunteer status if, in the entire context of
20 the situation, those benefits and payments are not a substitute form
21 of compensation for work performed.

22 ~~(C)~~

23 (3) An individual shall not be considered a volunteer if the
24 person is otherwise employed for compensation at any time—~~(i)~~ (A)
25 in the construction, alteration, demolition, installation, repair, or
26 maintenance work on the same project, or—~~(ii)~~ (B) by a contractor,
27 other than a corporation qualified under Section 501(c)(3) of the
28 Internal Revenue Code as a tax-exempt organization, that receives
29 payment to perform construction, alteration, demolition,
30 installation, repair, or maintenance work on the same project.

31 ~~(2)~~

32 (b) Any work performed by a volunteer coordinator. For
33 purposes of this section, “volunteer coordinator” means an
34 individual paid by a corporation qualified under Section 501(c)(3)
35 of the Internal Revenue Code as a tax-exempt organization, to
36 oversee or supervise volunteers. An individual may be considered
37 a volunteer coordinator even if the individual performs some
38 nonsupervisory work on a project alongside the volunteers, so long

1 as the individual's primary responsibility on the project is to
2 oversee or supervise the volunteers rather than to perform
3 nonsupervisory work.

4 ~~(3)~~

5 (c) Any work performed by the California Conservation Corps
6 or by Community Conservation Corps certified by the California
7 Conservation Corps pursuant to Section 14507.5 of the Public
8 Resources Code.

9 ~~(b) This section shall apply retroactively to otherwise covered~~
10 ~~work concluded on or after January 1, 2002, to the extent permitted~~
11 ~~by law.~~

12 ~~(e) This section shall remain in effect only until January 1, 2017,~~
13 ~~and as of that date is repealed, unless a later enacted statute, which~~
14 ~~is enacted before January 1, 2017, deletes or extends that date.~~