

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 465**

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**Introduced by Assembly Member Roger Hernández**

February 23, 2015

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An act to ~~amend Section 229 of~~ *add Section 925 to* the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 465, as amended, Roger Hernández. ~~Wages—Contracts against public policy.~~

*Existing law declares that negotiation of terms and conditions of labor should result from voluntary agreement between employer and employee. Existing law provides that any person who coerces or compels any other person to enter into an agreement, written or verbal, not to join or become a member of any labor organization, as a condition of securing employment or continuing in employment, is guilty of a misdemeanor.*

*This bill would require the waiver of any legal right, penalty, forum, or procedure for specified employment law violations to be knowing, voluntary, and in writing. The bill would prohibit such a waiver from being made as a condition of employment and would provide that any such waiver required from an employee or potential employee as a condition of employment or continued employment is unconscionable, against public policy, and unenforceable.*

~~Existing law provides that an individual can bring an action for the collection of wages due and unpaid regardless of whether there is a private agreement to arbitrate in place, except in a case regarding the~~

~~interpretation or application of a collective bargaining agreement containing an arbitration agreement.~~

~~This bill would make technical, nonsubstantive changes to this 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 925 is added to the Labor Code, to read:

2     925. (a) Any waiver of any legal right, penalty, forum, or  
3     procedure for a violation of any provision of this code shall be  
4     knowing, voluntary, and in writing. A waiver shall not expressly  
5     be made as a condition of employment.

6     (b) Any waiver of any legal right, penalty, forum, or procedure  
7     for a violation of any provision of this code that is required for an  
8     employee or potential employee as a condition of employment or  
9     continued employment shall be deemed involuntary,  
10    unconscionable, against public policy, and unenforceable.

11    SECTION 1. ~~Section 229 of the Labor Code is amended to~~  
12    ~~read:~~

13    ~~229. An action to enforce the provisions of this article for the~~  
14    ~~collection of due and unpaid wages claimed by an individual may~~  
15    ~~be maintained without regard to the existence of any private~~  
16    ~~agreement to arbitrate. This section shall not apply to claims~~  
17    ~~involving any dispute concerning the interpretation or application~~  
18    ~~of a collective bargaining agreement containing such an arbitration~~  
19    ~~agreement.~~