

**ASSEMBLY BILL**

**No. 472**

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**Introduced by Assembly Member Harper**

February 23, 2015

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An act to amend Section 1720.4 of the Labor Code, relating to prevailing wage.

LEGISLATIVE COUNSEL'S DIGEST

AB 472, as introduced, Harper. Public works: prevailing wage: volunteers.

Existing law generally requires the payment of not less than the prevailing rate of per diem wages for work of a similar character in the locality in which the public work, as defined, is performed by workers employed on public works projects, except for public works projects of \$1,000 or less, or except for any work performed, on or after January 1, 2002, and until January 1, 2017, by a volunteer, a volunteer coordinator, or a member of the California Conservation Corps or a Community Conservation Corps.

This bill would make a nonsubstantive, technical change by deleting 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:

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

7 (A) An individual shall be considered a volunteer only when  
8 his or her services are offered freely and without pressure and  
9 coercion, direct or implied, from an employer.

10 (B) An individual may receive reasonable meals, lodging,  
11 transportation, and incidental expenses or nominal nonmonetary  
12 awards without losing volunteer status if, in the entire context of  
13 the situation, those benefits and payments are not a substitute form  
14 of compensation for work performed.

15 (C) An individual shall not be considered a volunteer if the  
16 person is otherwise employed for compensation at any time (i) in  
17 the construction, alteration, demolition, installation, repair, or  
18 maintenance work on the same project, or (ii) by a contractor, other  
19 than a corporation qualified under Section 501(c)(3) of the Internal  
20 Revenue Code as a tax-exempt organization, that receives payment  
21 to perform construction, alteration, demolition, installation, repair,  
22 or maintenance work on the same project.

23 (2) Any work performed by a volunteer coordinator. For  
24 purposes of this section, “volunteer coordinator” means an  
25 individual paid by a corporation qualified under Section 501(c)(3)  
26 of the Internal Revenue Code as a tax-exempt organization, to  
27 oversee or supervise volunteers. An individual may be considered  
28 a volunteer coordinator even if the individual performs some  
29 nonsupervisory work on a project alongside the volunteers, so long  
30 as the individual’s primary responsibility on the project is to  
31 oversee or supervise the volunteers rather than to perform  
32 nonsupervisory work.

33 (3) Any work performed by the California Conservation Corps  
34 or by Community Conservation Corps certified by the California  
35 Conservation Corps pursuant to Section 14507.5 of the Public  
36 Resources Code.

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

40 (e)

1     **(b)** This section shall remain in effect only until January 1, 2017,  
2     and as of that date is repealed, unless a later enacted statute, which  
3     is enacted before January 1, 2017, deletes or extends that date.

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