

AMENDED IN ASSEMBLY MARCH 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 500

Introduced by Assembly Member Waldron

February 23, 2015

An act to add Section 30 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 500, as amended, Waldron. ~~Drug and alcohol rehabilitation programs: independent contractors.~~ *Independent contractors: substance abuse rehabilitation programs: convictions.*

~~Existing law defines the term “independent contractor” for certain employment purposes.~~

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. Existing law makes it unlawful for any person or employer to willfully misclassify an individual as an independent contractor.

Existing law prohibits an employer from asking an applicant for employment to disclose information concerning an arrest or detention that did not result in conviction or information concerning a conviction that has been judicially dismissed or ordered sealed, as provided.

Existing law requires every private employer regularly employing 25 or more employees to reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program provided that this reasonable accommodation does not impose an undue hardship on the employer. Existing law requires the employer to make reasonable efforts to safeguard the

privacy of the employee as to the fact that he or she has enrolled in an alcohol or drug rehabilitation program.

~~This bill would provide that notwithstanding any other law, a person who has been convicted of a felony involving substance abuse, who has no violent felony convictions, who successfully completes an alcohol or substance abuse rehabilitation program that is approved or licensed by the state, and who is hired by a private employer, may be deemed an independent contractor for all state purposes, authorize a private employer, including a nonprofit entity, to deem a person an independent contractor, for a period not to exceed 2 years from the date of successful completion of the a substance abuse rehabilitation program, if the person has been convicted of a felony involving substance abuse, except a violent felony, or a misdemeanor for an offense involving substance abuse.~~

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 30 is added to the Labor Code, to read:
- 2 30. (a) ~~Notwithstanding any other law, a person may be~~
- 3 ~~deemed an independent contractor for all state purposes, private~~
- 4 ~~employer, including a nonprofit entity, may deem a person an~~
- 5 ~~independent contractor, for a period not to exceed two years from~~
- 6 ~~the date of successful completion of a drug or alcohol rehabilitation~~
- 7 ~~program, if all of the following apply:~~
- 8 ~~(1) The substance abuse rehabilitation program if the person~~
- 9 ~~has been convicted of a felony felony, except a violent felony, or~~
- 10 ~~a misdemeanor for an offense involving substance abuse.~~
- 11 ~~(2) The person has been released to postrelease community~~
- 12 ~~supervision.~~
- 13 ~~(3) While subject to postrelease community supervision, the~~
- 14 ~~person successfully completes an alcohol or substance abuse~~
- 15 ~~rehabilitation program that is approved or licensed by the state.~~
- 16 ~~(4) The person is hired by a private employer, which may~~
- 17 ~~include a nonprofit entity.~~
- 18 ~~(5) The person has no convictions for a violent felony.~~
- 19 (b) Nothing in this section shall prohibit a private employer, at
- 20 the employer’s discretion, from employing a person described in
- 21 subdivision (a) as an employee.

1 (c) Nothing in this section shall prohibit the person from
2 obtaining union membership during the term of the rehabilitation
3 program.

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