

AMENDED IN ASSEMBLY APRIL 29, 2015

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. Independent contractors: substance abuse rehabilitation programs: convictions.

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, *notwithstanding any other law, for all state purposes*, would 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 *hire after* successful completion of a ~~substance abuse drug or alcohol~~ 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.~~ *if the person has no history of violent felony convictions and meets any of 4 specified criteria.*

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, *for all state purposes*,
3 a private employer, including a nonprofit entity, may deem a person
4 an independent contractor, for a period not to exceed two years
5 from the date of *hire after* successful completion of a ~~substance~~
6 ~~abuse rehabilitation program~~ *drug or alcohol rehabilitation*
7 *program, and* if the person ~~has been convicted of a felony, except~~
8 ~~a violent felony, or a misdemeanor for an offense involving~~
9 ~~substance abuse.~~ *has no history of violent felony convictions and*
10 *if any of the following apply:*
11 (1) *The person has a prior conviction of a felony, except a*
12 *violent felony, or a misdemeanor for an offense involving substance*
13 *abuse.*
14 (2) *The person has been released to postrelease community*
15 *supervision.*
16 (3) *While subject to postrelease community supervision, the*
17 *person successfully completes a licensed alcohol or substance*
18 *abuse rehabilitation program.*
19 (4) *The person has been referred by a substance abuse*
20 *rehabilitation nonprofit organization for workforce training.*
21 (b) Nothing in this section shall prohibit a private employer, at
22 the employer's discretion, from employing a person described in
23 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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