

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY MARCH 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 500**

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**Introduced by Assembly Member Waldron**

February 23, 2015

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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. Workforce Apprenticeship Grant Program.~~

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, bill would establish the Workforce Apprenticeship Grant Program to be administered by the Labor and Workforce Development Agency. The 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, participate in the grant program by hiring, for a period not to exceed 2 years from the date of hire after successful completion of hire, a person who successfully completed a drug or alcohol rehabilitation program, if the person has been referred to a substance abuse rehabilitation nonprofit or has completed a sentence for conviction of a felony, except a violent felony, or a misdemeanor for an offense involving substance abuse, has no history of violent felony convictions and meets any of 4 specified criteria.~~

~~The bill would authorize a county department of social services to apply to the grant program to enter into agreements with nonprofits and businesses to hire persons who are eligible for the program.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. *It is the intent of the Legislature to enact a paid*  
 2 *work grant program, titled the Workforce Apprenticeship Grant*  
 3 *Program, for the purpose of rehabilitating persons who have*  
 4 *completed a state-recognized substance abuse program.*

5     ~~SECTION 1.~~

6     SEC. 2. Section 30 is added to the Labor Code, to read:

7     30. (a) Notwithstanding any other law, for all state purposes,  
 8 a private employer, including a nonprofit entity, ~~may deem a person~~  
 9 ~~an independent contractor, for a period not to exceed two years~~  
 10 ~~from the date of hire after successful completion of a drug or~~  
 11 ~~alcohol rehabilitation program, and if the person has no history of~~  
 12 ~~violent felony convictions and if any of the following apply: may~~  
 13 *participate in the Workforce Apprenticeship Grant Program by*  
 14 *hiring, for a period not to exceed two years from the date of hire,*  
 15 *a person who successfully completed a licensed drug or alcohol*  
 16 *rehabilitation program, if that person has been referred to a*  
 17 *substance abuse rehabilitation nonprofit or has completed a*

1 *sentence for conviction of a felony, except a violent felony, or a*  
2 *misdemeanor for an offense involving substance abuse, has no*  
3 *history of violent felony convictions, and any of the following*  
4 *apply:*

5 (1) The person has a prior conviction of a felony, except a  
6 violent felony, or a misdemeanor for an offense involving substance  
7 abuse.

8 (2) The person has been released to postrelease community  
9 supervision.

10 (3) While subject to postrelease community supervision, the  
11 person successfully completes a licensed alcohol or substance  
12 abuse rehabilitation program.

13 (4) The person has been referred by a substance abuse  
14 rehabilitation nonprofit organization for workforce training.

15 (b) (1) *The Workforce Apprenticeship Grant Program is hereby*  
16 *established. A county department of social services may apply to*  
17 *the grant program, which shall be administered by the Labor and*  
18 *Workforce Development Agency. The goal of the Workforce*  
19 *Apprenticeship Grant Program is to provide persons described in*  
20 *subdivision (a) an opportunity gain real world work experience*  
21 *to transition into the workforce.*

22 (2) *Upon appropriation by the Legislature, the sum of three*  
23 *million dollars (\$3,000,000) shall be made available from the*  
24 *General Fund to the Labor and Workforce Development Agency*  
25 *to provide grants to counties that would enter into agreements*  
26 *with nonprofits and businesses to hire persons described in*  
27 *subdivision (a). Criteria for case management and eligibility shall*  
28 *be established by the Labor and Workforce Development Agency.*  
29 *Employers shall cover salary costs and meet federal requirements.*  
30 *The grant moneys shall cover employee administration, including,*  
31 *but not limited to, employee benefits.*

32 ~~(b)~~

33 (c) Nothing in this section shall prohibit a private employer, at  
34 the employer's discretion, from employing a person described in  
35 subdivision (a) as an employee.

36 ~~(e)~~

- 1    (*d*) 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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