

Assembly Bill No. 897

CHAPTER 305

An act to amend Section 2502 of the Labor Code, as added by Section 1 of Chapter 212 of the Statutes of 2015, relating to grocery workers.

[Approved by Governor September 21, 2015. Filed with
Secretary of State September 21, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 897, Gonzalez. Grocery workers.

Existing law regulates various aspects of the workplace and employee safety and health.

Chapter 212 of the Statutes of 2015, which will become operative on January 1, 2016, will, upon a change in control of a grocery establishment, require an incumbent grocery employer to prepare a list of specified eligible grocery workers for a successor grocery employer and would require the successor grocery employer to hire from this list during a 90-day transition period. Chapter 212 of the Statutes of 2015 defines a "grocery establishment" to mean a retail store in this state that is over 15,000 square feet in size and that sells primarily household foodstuffs for offsite consumption, as specified.

This bill additionally would include in that definition that a grocery establishment does not include a retail store that has ceased operations for 6 months or more.

This bill would incorporate changes to Section 2502 of the Labor Code, as added by Section 1 of Chapter 212 of the Statutes of 2015, that would become operative only if the earlier chaptered bill becomes operative.

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

SECTION 1. Section 2502 of the Labor Code, as added by Section 1 of Chapter 212 of the Statutes of 2015, is amended to read:

2502. For purposes of this part, the following definitions shall apply:

(a) "Change in control" means any sale, assignment, transfer, contribution, or other disposition of all or substantially all of the assets or a controlling interest, including by consolidation, merger, or reorganization, of the incumbent grocery employer or any person who controls the incumbent grocery employer or any grocery establishment under the operation or control of either the incumbent grocery employer or any person who controls the incumbent grocery employer.

(b) "Eligible grocery worker" means any individual whose primary place of employment is at the grocery establishment subject to a change in control,

and who has worked for the incumbent grocery employer for at least six months prior to the execution of the transfer document. “Eligible grocery worker” does not include a managerial, supervisory, or confidential employee.

(c) “Employment commencement date” means the date on which an eligible grocery worker retained by the successor grocery employer pursuant to this part commences work for the successor grocery employer in exchange for benefits and compensation under the terms and conditions established by the successor grocery employer and as required by law.

(d) “Grocery establishment” means a retail store in this state that is over 15,000 square feet in size and that sells primarily household foodstuffs for offsite consumption, including the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods. Other household supplies or other products shall be secondary to the primary purpose of food sales. A grocery establishment does not include a retail store that has ceased operations for six months or more.

(e) “Incumbent grocery employer” means the person that owns, controls, or operates the grocery establishment at the time of the change in control.

(f) “Person” means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

(g) “Successor grocery employer” means the person that owns, controls, or operates the grocery establishment after the change in control.

(h) “Transfer document” means the purchase agreement or other document effecting the change in control.

SEC. 2. Section 1 of this bill incorporates amendments to Section 2502 of the Labor Code, as added by Section 1 of Chapter 212 of the Statutes of 2015. Section 1 of this bill shall become operative only if Chapter 212 of the Statutes of 2015 becomes operative.