

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN ASSEMBLY MAY 18, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1042

Introduced by Assembly Member Cooper

February 26, 2015

An act to amend Section ~~7574.01~~ of 7574.11 of, and to amend, repeal, and add Sections 7574.01 and 7574.14 of, the Business and Professions Code, and to amend Section 201.3 of the Labor Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1042, as amended, Cooper. Proprietary security services.

The Proprietary Security Services Act generally regulates the proprietary private security vocation, and requires a proprietary private security officer to, among other things, register with the Department of Consumer Affairs and complete specified training. The act defines a proprietary private security officer as an unarmed individual who, among other qualifications, meets 2 specific criteria of being required to wear a distinctive uniform clearly identifying him or her as a security officer and of being likely to interact with the public while performing his or her duties. *The act exempts specified persons from its requirements.*

~~This bill~~ *bill, on and after January 1, 2017,* would expand the definition of a proprietary private security officer by instead requiring one of the 2 specific criteria to be met and would include examples of

~~the security officer's duties that are likely to involve interacting with the public.~~ *met. The bill would revise one of the criteria, on and after January 1, 2017, to require the likelihood of interacting with the public while providing security services, as defined.*

The bill would also exempt, on and after January 1, 2017, from the act an unarmed, plain clothed person employed by a retail store to exclusively report or prevent theft from the retail store.

The Private Security Services Act provides for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law defines a private patrol operator as a person who, for consideration, agrees to furnish, or furnishes, a watchman, guard patrolperson, or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any property; or performs the service of a watchman, guard, patrolperson, or other person, for any of these purposes. Existing law defines a security guard as an employee of a private patrol operator who performs those above-referenced functions on or about the premises owned or controlled by the customer of the private patrol operator or by the guard's employer or in the company of persons being protected.

Existing law generally requires that an employee of a temporary services employer, as defined, be paid weekly. Existing law provides that a violation of these provisions is punishable as a misdemeanor.

This bill would provide for that weekly pay requirement to apply to a security officer employed by a private patrol operator who is a temporary services employer, as provided.

By expanding the scope of crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 ~~SECTION 1. Section 7574.01 of the Business and Professions~~
- 2 ~~Code is amended to read:~~

1 ~~7574.01. For the purposes of this chapter, the following terms~~
2 ~~shall have the following meanings:~~

3 ~~(a) “Bureau” means the Bureau of Security and Investigative~~
4 ~~Services.~~

5 ~~(b) “Chief” means the Chief of the Bureau of Security and~~
6 ~~Investigative Services.~~

7 ~~(c) “Director” means the Director of Consumer Affairs, unless~~
8 ~~the context indicates otherwise.~~

9 ~~(d) “Person” includes any individual, firm, company,~~
10 ~~association, organization, partnership, and corporation.~~

11 ~~(e) “Proprietary private security employer” means a person who~~
12 ~~has one or more employees who provide security services for the~~
13 ~~employer and only for the employer. A person who employs~~
14 ~~proprietary private security officers pursuant to this chapter at~~
15 ~~more than one location shall be considered a single employer.~~

16 ~~(f) “Proprietary private security officer” means an unarmed~~
17 ~~individual who is employed exclusively by any one employer~~
18 ~~whose primary duty is to provide security services for his or her~~
19 ~~employer, whose services are not contracted to any other entity or~~
20 ~~person, and who is not exempt pursuant to Section 7582.2, and~~
21 ~~who meets either of the following criteria:~~

22 ~~(1) Is required to wear a distinctive uniform or marked shirt or~~
23 ~~jacket clearly identifying the individual as a security officer.~~

24 ~~(2) Is likely to interact with the public while providing security~~
25 ~~services, which may include, but not be limited to, acting to prevent~~
26 ~~unapproved or unlawful entry, directing persons causing a~~
27 ~~disturbance to leave the facility, ensuring that persons removing~~
28 ~~property from the facility are acting within appropriate policy~~
29 ~~requirements, observing and reporting incidents or suspicious~~
30 ~~activity to management and to public safety authorities as~~
31 ~~appropriate, and responding to or reporting incidents of fire,~~
32 ~~medical emergency, hazardous materials, and other incidents or~~
33 ~~conditions following procedures established by the employer.~~

34 ~~(g) “Registrant” means an individual registered with the bureau~~
35 ~~under this chapter.~~

36 ~~SECTION 1. Section 7574.01 of the Business and Professions~~
37 ~~Code is amended to read:~~

38 ~~7574.01. (a) For the purposes of this chapter, the following~~
39 ~~terms shall have the following meanings:~~

40 ~~(a)~~

1 (1) “Bureau” means the Bureau of Security and Investigative
2 Services.

3 ~~(b)~~

4 (2) “Chief” means the Chief of the Bureau of Security and
5 Investigative Services.

6 ~~(c)~~

7 (3) “Director” means the Director of Consumer Affairs, unless
8 the context indicates otherwise.

9 ~~(d)~~

10 (4) “Person” includes any individual, firm, company,
11 association, organization, partnership, and corporation.

12 ~~(e)~~

13 (5) “Proprietary private security employer” means a person who
14 has one or more employees who provide security services for the
15 employer and only for the employer. A person who employs
16 proprietary private security officers pursuant to this chapter at
17 more than one location shall be considered a single employer.

18 ~~(f)~~

19 (6) “Proprietary private security officer” means an unarmed
20 individual who is employed exclusively by any one employer
21 whose primary duty is to provide security services for his or her
22 employer, whose services are not contracted to any other entity or
23 person, and who is not exempt pursuant to Section 7582.2, and
24 who meets both of the following criteria:

25 ~~(1)~~

26 (A) Is required to wear a distinctive uniform clearly identifying
27 the individual as a security officer.

28 ~~(2)~~

29 (B) Is likely to interact with the public while performing his or
30 her duties.

31 ~~(g)~~

32 (7) “Registrant” means an individual registered with the bureau
33 under this chapter.

34 (b) *This section shall remain in effect only until January 1, 2017,*
35 *and as of that date is repealed.*

36 SEC. 2. Section 7574.01 is added to the Business and
37 Professions Code, to read:

38 7574.01. (a) *For the purposes of this chapter, the following*
39 *terms shall have the following meanings:*

1 (1) “Bureau” means the Bureau of Security and Investigative
2 Services.

3 (2) “Chief” means the Chief of the Bureau of Security and
4 Investigative Services.

5 (3) “Director” means the Director of Consumer Affairs, unless
6 the context indicates otherwise.

7 (4) “Person” includes any individual, firm, company,
8 association, organization, partnership, and corporation.

9 (5) “Proprietary private security employer” means a person
10 who has one or more employees who provide security services for
11 the employer and only for the employer. A person who employs
12 proprietary private security officers pursuant to this chapter at
13 more than one location shall be considered a single employer.

14 (6) “Proprietary private security officer” means an unarmed
15 individual who is employed exclusively by any one employer whose
16 primary duty is to provide security services for his or her employer,
17 whose services are not contracted to any other entity or person,
18 and who meets either of the following criteria:

19 (A) Is required to wear a distinctive uniform or marked shirt or
20 jacket clearly identifying the individual as a security officer.

21 (B) Is likely to interact with the public while providing security
22 services.

23 (8) “Registrant” means an individual registered with the bureau
24 under this chapter.

25 (9) “Security services” are activities by a proprietary private
26 security officer for the protection of persons or property and
27 include, but are not limited to:

28 (A) Acting to prevent or deter unapproved or unlawful entry.

29 (B) Acting to prevent or deter criminal acts or disturbances.

30 (C) Acting to prevent or deter unlawful or inappropriate taking
31 of property.

32 (D) Reporting incidents of fire, medical emergency, and
33 hazardous materials, in accordance with the established
34 procedures of the employer and to public safety officials, as
35 appropriate.

36 (E) Reporting incidents of activity that may cause harm to a
37 person or property in accordance with the employer’s established
38 procedures and to public safety authorities, as appropriate.

39 (b) This section shall become operative on January 1, 2017.

1 *SEC. 3. Section 7574.11 of the Business and Professions Code*
2 *is amended to read:*

3 7574.11. (a) An applicant seeking registration as a proprietary
4 private security officer shall apply to the department on forms
5 provided by the department.

6 (b) An application for registration as a proprietary private
7 security officer shall include, but not be limited to, the following:

8 (1) Submission of fingerprints for submission to the Department
9 of Justice.

10 (A) The department shall submit to the Department of Justice
11 fingerprint images and related information required by the
12 Department of Justice for all proprietary private security officer
13 registration applicants, as defined by ~~subdivision (f) of~~ Section
14 7574.01, for the purposes of obtaining information as to the
15 existence and content of a record of state or federal convictions
16 and state or federal arrests and also information as to the existence
17 and content of a record of state or federal arrests for which the
18 Department of Justice establishes that the person is free on bail or
19 on his or her own recognizance pending trial or appeal.

20 (B) When received, the Department of Justice shall forward to
21 the Federal Bureau of Investigation requests for federal summary
22 criminal history information received pursuant to this section. The
23 Department of Justice shall review the information returned from
24 the Federal Bureau of Investigation and compile and disseminate
25 a response to the department.

26 (C) The Department of Justice shall provide a state and federal
27 level response to the department pursuant to paragraph (1) of
28 subdivision (p) of Section 11105 of the Penal Code.

29 (D) The department shall request from the Department of Justice
30 subsequent arrest notification service, as provided pursuant to
31 Section 11105.2 of the Penal Code, for persons described in
32 subdivision (a).

33 (E) The Department of Justice shall charge a fee sufficient to
34 cover the cost of processing the request described in this section.

35 (2) A fee of fifty dollars (\$50).

36 (c) Upon approval of an application for registration as a
37 proprietary private security officer by the director, the chief shall
38 cause to be issued to the applicant a registration card in a form
39 approved by the director. A registration card shall be valid for two
40 years from the date of issue.

(d) A person may work as a proprietary private security officer pending receipt of the registration card if he or she has been approved by the director and carries on his or her person a hard copy printout of the bureau's approval from the bureau's Internet Web site and either a valid driver's license issued pursuant to Section 12811 of the Vehicle Code or a valid identification card issued pursuant to Section 13000 of the Vehicle Code.

(e) In the event of the loss or destruction of a registration card, the registrant may apply to the bureau on a form provided by the bureau for a certified replacement of the card, stating the circumstances surrounding the loss, and pay a replacement fee of ten dollars (\$10), whereupon the bureau shall issue a replacement of the card.

(f) A registered proprietary private security officer shall apply for renewal biennially with the department on forms provided by the department. The department shall charge a renewal fee of thirty-five dollars (\$35).

SEC. 4. Section 7574.14 of the Business and Professions Code is amended to read:

7574.14. (a) This chapter shall not apply to the following:

(1) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while the officer or employee is engaged in the performance of his or her official duties, including uniformed peace officers employed part time by a public agency pursuant to a written agreement between a chief of police or sheriff and the public agency, provided the part-time employment does not exceed 50 hours in a calendar month.

(2) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

(3) A charitable philanthropic society or association incorporated under the laws of this state that is organized and duly maintained for the public good and not for private profit.

(4) Patrol special police officers appointed by the police commission of a city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges

1 duly filed with the commission after a fair and impartial trial, (2)
2 must be not less than 18 years of age nor more than 40 years of
3 age, (3) must possess physical qualifications prescribed by the
4 commission, and (4) are designated by the police commission as
5 the owners of a certain beat or territory as may be fixed from time
6 to time by the police commission.

7 ~~(e)~~

8 (5) An attorney at law in performing his or her duties as an
9 attorney at law.

10 ~~(f)~~

11 (6) A collection agency or an employee thereof while acting
12 within the scope of his or her employment, while making an
13 investigation incidental to the business of the agency, including
14 an investigation of the location of a debtor or his or her property
15 where the contract with an assignor creditor is for the collection
16 of claims owed or due or asserted to be owed or due or the
17 equivalent thereof.

18 ~~(g)~~

19 (7) Admitted insurers and agents and insurance brokers licensed
20 by the state, performing duties in connection with insurance
21 transacted by them.

22 ~~(h)~~

23 (8) A bank subject to the jurisdiction of the Commissioner of
24 Financial Institutions of the State of California under Division 1
25 (commencing with Section 99) of the Financial Code or the
26 Comptroller of Currency of the United States.

27 ~~(i)~~

28 (9) A person engaged solely in the business of securing
29 information about persons or property from public records.

30 ~~(j)~~

31 (10) A peace officer of this state or a political subdivision
32 thereof while the peace officer is employed by a private employer
33 to engage in off-duty employment in accordance with Section 1126
34 of the Government Code. However, nothing herein shall exempt
35 such a peace officer who either contracts for his or her services or
36 the services of others as a private patrol operator or contracts for
37 his or her services as or is employed as an armed private security
38 officer. For purposes of this subdivision, "armed security officer"
39 means an individual who carries or uses a firearm in the course
40 and scope of that contract or employment.

~~(k)~~

(11) A retired peace officer of the state or political subdivision thereof when the retired peace officer is employed by a private employer in employment approved by the chief law enforcement officer of the jurisdiction where the employment takes place, provided that the retired officer is in a uniform of a public law enforcement agency, has registered with the bureau on a form approved by the director, and has met any training requirements or their equivalent as established for security personnel under Section 7583.5. This officer may not carry an unloaded and exposed handgun unless he or she is exempted under the provisions of Article 2 (commencing with Section 26361) of Chapter 6 of Division 5 of Title 4 of Part 6 of the Penal Code, may not carry an unloaded firearm that is not a handgun unless he or she is exempted under the provisions of Article 2 (commencing with Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of the Penal Code, and may not carry a loaded or concealed firearm unless he or she is exempted under the provisions of Sections 25450 to 25475, inclusive, of the Penal Code or Sections 25900 to 25910, inclusive, of the Penal Code or has met the requirements set forth in subdivision (d) of Section 26030 of the Penal Code. However, nothing herein shall exempt the retired peace officer who contracts for his or her services or the services of others as a private patrol operator.

~~(l)~~

(12) A licensed insurance adjuster in performing his or her duties within the scope of his or her license as an insurance adjuster.

~~(m)~~

(13) A savings association subject to the jurisdiction of the Commissioner of Financial Institutions or the Office of Thrift Supervision.

~~(n)~~

(14) A secured creditor engaged in the repossession of the creditor's collateral and a lessor engaged in the repossession of leased property in which it claims an interest.

~~(o)~~

(15) A peace officer in his or her official police uniform acting in accordance with subdivisions (c) and (d) of Section 70 of the Penal Code.

~~(p)~~

(16) An unarmed, uniformed security person employed exclusively and regularly by a motion picture studio facility employer who does not provide contract security services for other entities or persons in connection with the affairs of that employer only and where there exists an employer-employee relationship if that person at no time carries or uses a deadly weapon, as defined in subdivision ~~(a)~~, (a) of Section 7582.2, in the performance of his or her duties, which may include, but are not limited to, the following business purposes:

~~(1)~~
(A) The screening and monitoring access of employees of the same employer.

~~(2)~~
(B) The screening and monitoring access of prearranged and preauthorized invited guests.

~~(3)~~
(C) The screening and monitoring of vendors and suppliers.

~~(4)~~
(D) Patrolling the private property facilities for the safety and welfare of all who have been legitimately authorized to have access to the facility.

~~(e)~~
(17) An armored contract carrier operating armored vehicles pursuant to the authority of the Department of the California Highway Patrol or the Public Utilities Commission, or an armored vehicle guard employed by an armored contract carrier.

(b) *This section shall remain in effect only until January 1, 2017, and as of that date is repealed.*

SEC. 5. *Section 7574.14 is added to the Business and Professions Code, to read:*

7574.14. (a) *This chapter shall not apply to the following:*

(1) *An officer or employee of the United States of America, or of this state or a political subdivision thereof, while the officer or employee is engaged in the performance of his or her official duties, including uniformed peace officers employed part time by a public agency pursuant to a written agreement between a chief of police or sheriff and the public agency, provided the part-time employment does not exceed 50 hours in a calendar month.*

1 (2) A person engaged exclusively in the business of obtaining
2 and furnishing information as to the financial rating of persons.

3 (3) A charitable philanthropic society or association
4 incorporated under the laws of this state that is organized and
5 duly maintained for the public good and not for private profit.

6 (4) Patrol special police officers appointed by the police
7 commission of a city, county, or city and county under the express
8 terms of its charter who also under the express terms of the charter
9 (A) are subject to suspension or dismissal after a hearing on
10 charges duly filed with the commission after a fair and impartial
11 trial, (B) must be not less than 18 years of age nor more than 40
12 years of age, (C) must possess physical qualifications prescribed
13 by the commission, and (D) are designated by the police
14 commission as the owners of a certain beat or territory as may be
15 fixed from time to time by the police commission.

16 (5) An attorney at law in performing his or her duties as an
17 attorney at law.

18 (6) A collection agency or an employee thereof while acting
19 within the scope of his or her employment, while making an
20 investigation incidental to the business of the agency, including
21 an investigation of the location of a debtor or his or her property
22 where the contract with an assignor creditor is for the collection
23 of claims owed or due or asserted to be owed or due or the
24 equivalent thereof.

25 (7) Admitted insurers and agents and insurance brokers licensed
26 by the state, performing duties in connection with insurance
27 transacted by them.

28 (8) A bank subject to the jurisdiction of the Commissioner of
29 Financial Institutions of the State of California under Division 1
30 (commencing with Section 99) of the Financial Code or the
31 Comptroller of Currency of the United States.

32 (9) A person engaged solely in the business of securing
33 information about persons or property from public records.

34 (10) A peace officer of this state or a political subdivision
35 thereof while the peace officer is employed by a private employer
36 to engage in off-duty employment in accordance with Section 1126
37 of the Government Code. However, nothing herein shall exempt
38 such a peace officer who either contracts for his or her services
39 or the services of others as a private patrol operator or contracts
40 for his or her services as or is employed as an armed private

1 security officer. For purposes of this subdivision, “armed security
2 officer” means an individual who carries or uses a firearm in the
3 course and scope of that contract or employment.

4 (11) A retired peace officer of the state or political subdivision
5 thereof when the retired peace officer is employed by a private
6 employer in employment approved by the chief law enforcement
7 officer of the jurisdiction where the employment takes place,
8 provided that the retired officer is in a uniform of a public law
9 enforcement agency, has registered with the bureau on a form
10 approved by the director, and has met any training requirements
11 or their equivalent as established for security personnel under
12 Section 7583.5. This officer may not carry an unloaded and
13 exposed handgun unless he or she is exempted under the provisions
14 of Article 2 (commencing with Section 26361) of Chapter 6 of
15 Division 5 of Title 4 of Part 6 of the Penal Code, may not carry
16 an unloaded firearm that is not a handgun unless he or she is
17 exempted under the provisions of Article 2 (commencing with
18 Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of
19 the Penal Code, and may not carry a loaded or concealed firearm
20 unless he or she is exempted under the provisions of Sections 25450
21 to 25475, inclusive, of the Penal Code or Sections 25900 to 25910,
22 inclusive, of the Penal Code or has met the requirements set forth
23 in subdivision (d) of Section 26030 of the Penal Code. However,
24 nothing herein shall exempt the retired peace officer who contracts
25 for his or her services or the services of others as a private patrol
26 operator.

27 (12) A licensed insurance adjuster in performing his or her
28 duties within the scope of his or her license as an insurance
29 adjuster.

30 (13) A savings association subject to the jurisdiction of the
31 Commissioner of Financial Institutions or the Office of Thrift
32 Supervision.

33 (14) A secured creditor engaged in the repossession of the
34 creditor’s collateral and a lessor engaged in the repossession of
35 leased property in which it claims an interest.

36 (15) A peace officer in his or her official police uniform acting
37 in accordance with subdivisions (c) and (d) of Section 70 of the
38 Penal Code.

39 (16) An unarmed, uniformed security person employed
40 exclusively and regularly by a motion picture studio facility

1 *employer who does not provide contract security services for other*
2 *entities or persons in connection with the affairs of that employer*
3 *only and where there exists an employer-employee relationship if*
4 *that person at no time carries or uses a deadly weapon, as defined*
5 *in subdivision (a) of Section 7582.2, in the performance of his or*
6 *her duties, which may include, but are not limited to, the following*
7 *business purposes:*

8 *(A) The screening and monitoring access of employees of the*
9 *same employer.*

10 *(B) The screening and monitoring access of prearranged and*
11 *preauthorized invited guests.*

12 *(C) The screening and monitoring of vendors and suppliers.*

13 *(D) Patrolling the private property facilities for the safety and*
14 *welfare of all who have been legitimately authorized to have access*
15 *to the facility.*

16 *(17) An armored contract carrier operating armored vehicles*
17 *pursuant to the authority of the Department of the California*
18 *Highway Patrol or the Public Utilities Commission, or an armored*
19 *vehicle guard employed by an armored contract carrier.*

20 *(18) An unarmed, plain clothed person employed by a retail*
21 *store to exclusively report or prevent theft from the retail store.*

22 *(b) This section shall become operative on January 1, 2017.*

23 ~~SEC. 2.~~

24 ~~SEC. 6.~~ Section 201.3 of the Labor Code is amended to read:

25 201.3. (a) For purposes of this section, the following
26 definitions apply:

27 (1) "Temporary services employer" means an employing unit
28 that contracts with clients or customers to supply workers to
29 perform services for the clients or customers and that performs all
30 of the following functions:

31 (A) Negotiates with clients and customers for matters such as
32 the time and place where the services are to be provided, the type
33 of work, the working conditions, and the quality and price of the
34 services.

35 (B) Determines assignments or reassignments of workers, even
36 if workers retain the right to refuse specific assignments.

37 (C) Retains the authority to assign or reassign a worker to
38 another client or customer when the worker is determined
39 unacceptable by a specific client or customer.

1 (D) Assigns or reassigns workers to perform services for clients
2 or customers.

3 (E) Sets the rate of pay of workers, whether or not through
4 negotiation.

5 (F) Pays workers from its own account or accounts.

6 (G) Retains the right to hire and terminate workers.

7 (2) “Temporary services employer” does not include any of the
8 following:

9 (A) A bona fide nonprofit organization that provides temporary
10 service employees to clients.

11 (B) A farm labor contractor, as defined in subdivision (b) of
12 Section 1682.

13 (C) A garment manufacturing employer, which, for purposes
14 of this section, has the same meaning as “contractor,” as defined
15 in subdivision (d) of Section 2671.

16 (3) “Employing unit” has the same meaning as defined in
17 Section 135 of the Unemployment Insurance Code.

18 (4) “Client” and “customer” means the person with whom a
19 temporary services employer has a contractual relationship to
20 provide the services of one or more individuals employed by the
21 temporary services employer.

22 (b) (1) (A) Except as provided in paragraphs (2) to (5),
23 inclusive, if an employee of a temporary services employer is
24 assigned to work for a client, that employee’s wages are due and
25 payable no less frequently than weekly, regardless of when the
26 assignment ends, and wages for work performed during any
27 calendar week shall be due and payable not later than the regular
28 payday of the following calendar week. A temporary services
29 employer shall be deemed to have timely paid wages upon
30 completion of an assignment if wages are paid in compliance with
31 this subdivision.

32 (B) Except as provided in paragraphs (2) to (5), inclusive, if an
33 employee of a temporary services employer ~~is employed~~ in the
34 security services industry ~~as is~~ a security officer who is ~~registered~~
35 *licensed* pursuant to Chapter 11.5 (commencing with Section 7580)
36 of Division 3 of the Business and Professions Code, is employed
37 by a private patrol operator ~~registered~~ *licensed* pursuant to that
38 chapter, and is assigned to work for a client, that employee’s wages
39 are due and payable no less frequently than weekly, regardless of
40 when the assignment ends, and wages for work performed during

1 any workweek, as defined under Section 500, shall be due and
2 payable not later than the regular payday of the following
3 workweek.

4 (2) If an employee of a temporary services employer is assigned
5 to work for a client on a day-to-day basis, that employee's wages
6 are due and payable at the end of each day, regardless of when the
7 assignment ends, if each of the following occurs:

8 (A) The employee reports to or assembles at the office of the
9 temporary services employer or other location.

10 (B) The employee is dispatched to a client's worksite each day
11 and returns to or reports to the office of the temporary services
12 employer or other location upon completion of the assignment.

13 (C) The employee's work is not executive, administrative, or
14 professional, as defined in the wage orders of the Industrial Welfare
15 Commission, and is not clerical.

16 (3) If an employee of a temporary services employer is assigned
17 to work for a client engaged in a trade dispute, that employee's
18 wages are due and payable at the end of each day, regardless of
19 when the assignment ends.

20 (4) If an employee of a temporary services employer is assigned
21 to work for a client and is discharged by the temporary services
22 employer or leasing employer, wages are due and payable as
23 provided in Section 201.

24 (5) If an employee of a temporary services employer is assigned
25 to work for a client and quits his or her employment with the
26 temporary services employer, wages are due and payable as
27 provided in Section 202.

28 (6) If an employee of a temporary services employer is assigned
29 to work for a client for over 90 consecutive calendar days, this
30 section shall not apply unless the temporary services employer
31 pays the employee weekly in compliance with paragraph (1) of
32 subdivision (b).

33 (c) A temporary services employer who violates this section
34 shall be subject to the civil penalties provided for in Section 203,
35 and to any other penalties available at law.

36 (d) Nothing in this section shall be interpreted to limit any rights
37 or remedies otherwise available under state or federal law.

38 ~~SEC. 3.~~

39 *SEC. 7.* No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

O