

AMENDED IN SENATE FEBRUARY 10, 2016

AMENDED IN SENATE JULY 7, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1050**

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**Introduced by Assembly Member Low**  
(Coauthor: Senator Leno)

February 26, 2015

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An act to amend Section ~~13923~~ of the Government Code, *143.1* of the Labor Code, relating to ~~state employees~~; *employment safety*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1050, as amended, Low. ~~State employees: charitable deductions. Occupational safety and health: permanent variances.~~

*Existing law establishes the Occupational Safety and Health Standards Board in the Department of Industrial Relations and authorizes the board to adopt, amend, or repeal employment safety and health standards and orders. Existing law authorizes the board, upon the application of an employer, to grant a permanent variance from an occupational standard or order after specified notice and hearing requirements regarding employees or employee representatives are met.*

*This bill would, when the request for a permanent variance pertains to a conveyance covered by the elevator safety orders, require the applicant to provide the required notice regarding the hearing to the local union representing elevator workers and to those workers who will be performing the tasks pursuant to the proposed variance, or their authorized representative. The bill would grant party status at the*

hearing to those workers or their authorized representative upon their request to the board.

~~Existing law authorizes the California Victim Compensation and Government Claims Board to approve plans for payroll deduction from the salaries or wages of state officers and employees for charitable contributions to the agency handling the principal combined fund drive in any area. Existing law also authorizes the board to approve requests of charitable organizations to receive designated deductions if the charitable organization qualifies as an exempt organization under both state and federal income tax laws. Existing law requires a charitable organization approved by the board to certify under penalty of perjury that it is in compliance with the Fair Employment and Housing Act.~~

~~This bill would additionally require the charitable organization to certify under penalty of perjury that it is in compliance with the Unruh Civil Rights Act. The bill would require the charitable organization to provide the board, in electronic format, a written nondiscrimination policy or statement that it does not have one, but otherwise complies with the Unruh Civil Rights Act. By expanding the definition of a crime, this 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-no*.

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

- 1     SECTION 1. Section 143.1 of the Labor Code is amended to
- 2     read:
- 3     143.1. (a) The board shall conduct hearings on such requests
- 4     for a permanent variance after employees or employee
- 5     representatives are properly notified and given an opportunity to
- 6     appear. ~~At~~
- 7     (b) *If a request for a permanent variance pertains to a*
- 8     *conveyance covered by the elevator safety orders, the applicant*
- 9     *shall notify the union representing elevator workers in the region*
- 10    *where the building is being constructed or modified and to those*
- 11    *workers who will be performing the tasks pursuant to the proposed*

1 *variance, or their authorized representative, pursuant to the*  
2 *requirements of subdivision (a). These workers, or their authorized*  
3 *representative, shall be granted party status upon request to the*  
4 *board.*

5 (c) All board decisions on permanent variance requests shall be  
6 final except for any rehearing or judicial review provided for by  
7 law.

8 ~~SECTION 1. Section 13923 of the Government Code is~~  
9 ~~amended to read:~~

10 ~~13923. (a) The board may approve plans for payroll deduction~~  
11 ~~from the salaries or wages of state officers and employees under~~  
12 ~~subdivision (f) of Section 1151 for charitable contributions to the~~  
13 ~~agency handling the principal combined fund drive in any area.~~  
14 ~~The board shall establish necessary rules and regulations, including~~  
15 ~~the following:~~

16 ~~(1) Standards for establishing what constitutes the principal~~  
17 ~~combined fund drive in an area.~~

18 ~~(2) A requirement that the agency to receive these contributions~~  
19 ~~shall pay, for deposit in the General Fund, the additional cost to~~  
20 ~~the state of making these deductions and remitting the proceeds,~~  
21 ~~as determined by the Controller.~~

22 ~~(3) A requirement that the agency to receive these contributions~~  
23 ~~shall pay, for deposit in the General Fund, the board's cost to~~  
24 ~~administer the annual charitable campaign fund drive. This amount~~  
25 ~~shall be determined by the board and may be appropriated in~~  
26 ~~support of the board as reimbursements to Item 8700-001-0001 of~~  
27 ~~the annual Budget Act.~~

28 ~~(4) Provisions for standard amounts of deductions from which~~  
29 ~~each state officer or employee may select the contribution that he~~  
30 ~~or she desires to make, if any.~~

31 ~~(5) A prohibition upon state officers or employees authorizing~~  
32 ~~more than one payroll deduction for charitable purposes to be in~~  
33 ~~effect at the same time.~~

34 ~~(6) A provision authorizing the Controller to combine in his or~~  
35 ~~her records deductions for employee association dues, if authorized,~~  
36 ~~and charitable deductions, if authorized.~~

37 ~~(b) The board, in addition, may approve requests of any~~  
38 ~~charitable organization qualified as an exempt organization under~~  
39 ~~Section 23701d of the Revenue and Taxation Code, and Section~~  
40 ~~501(e)(3), of the Internal Revenue Code that is not an affiliated~~

1 member beneficiary of the principal combined fund drive to receive  
2 designated deductions from the principal fund drive.

3 ~~(e) (1) The principal combined fund drive agency, any~~  
4 ~~charitable organization that is an affiliated member beneficiary of~~  
5 ~~the principal combined fund drive, and any charitable organization~~  
6 ~~approved by the board to receive designated deductions on the~~  
7 ~~payroll authorization form of the principal fund drive, shall certify~~  
8 ~~under penalty of perjury to the board that it is in compliance with~~  
9 ~~both Section 51 of the Civil Code and the Fair Employment and~~  
10 ~~Housing Act (Part 2.8 (commencing with Section 12900)) as a~~  
11 ~~condition of receiving these designated deductions.~~

12 ~~(2) As part of the certification process, the charitable~~  
13 ~~organization shall provide to the board, in an electronic format,~~  
14 ~~either the written nondiscrimination policy of the organization or~~  
15 ~~a written statement to indicate that the organization does not have~~  
16 ~~a written nondiscrimination policy, but otherwise complies with~~  
17 ~~Section 51 of the Civil Code.~~

18 ~~(d) The principal combined fund drive shall obtain from the~~  
19 ~~board the list of approved nonaffiliated beneficiaries, eligible for~~  
20 ~~designated deductions in its approved drive area, and shall provide~~  
21 ~~this information to each employee at the time of the principal fund~~  
22 ~~drive. The principal combined drive agency shall provide a~~  
23 ~~designation form for the employee to indicate those amounts to~~  
24 ~~be contributed to affiliated and nonaffiliated beneficiaries. The~~  
25 ~~designation form shall consist of a copy for each of the following:~~  
26 ~~(1) the employee, (2) the employee's designated beneficiary~~  
27 ~~agency, and (3) the principal combined fund drive agency. The~~  
28 ~~principal combined fund drive agency shall pay the amount~~  
29 ~~collected for the employee designated beneficiary agency less the~~  
30 ~~amount necessary to reimburse the principal combined fund drive~~  
31 ~~agency for fundraising and administrative expenses. The fee~~  
32 ~~charged for fundraising and administrative cost reimbursement~~  
33 ~~shall be determined by the board, published in campaign literature~~  
34 ~~and made available to the employee during the solicitation process.~~

35 ~~(e) Nothing contained in this section shall preclude a principal~~  
36 ~~fund drive agency from giving a percentage of the undesignated~~  
37 ~~funds to charities that are not members of the agency handling the~~  
38 ~~principal drive, or honoring an employee's designated deduction~~  
39 ~~to any charitable organization.~~

1     ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
2     ~~Section 6 of Article XIII B of the California Constitution because~~  
3     ~~the only costs that may be incurred by a local agency or school~~  
4     ~~district will be incurred because this act creates a new crime or~~  
5     ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
6     ~~for a crime or infraction, within the meaning of Section 17556 of~~  
7     ~~the Government Code, or changes the definition of a crime within~~  
8     ~~the meaning of Section 6 of Article XIII B of the California~~  
9     ~~Constitution.~~

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