

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1508

Introduced by ~~Committee on Labor and Employment~~
~~Assembly Member Roger Hernández~~ ~~Assembly Members Roger Hernández~~
~~(Chair), Chu, Low, McCarty, and Thurmond)~~

March 4, 2015

An act to amend Section 554 of the Labor Code, relating to working hours: to add Article 3.5 (commencing with Section 12035) of Chapter 1 of Part 2 of Division 3 of Title 2 of, and to repeal the heading of Article 3.5 (commencing with Section 12035) of Chapter 1 of Part 2 of Division 3 of Title 2 of, the Government Code, relating to the underground economy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1508, as amended, ~~Committee on Labor and Employment~~ Assembly Member Roger Hernández. ~~Working hours. Underground economy: policy adviser.~~

The Joint Enforcement Strike Force on the Underground Economy, created pursuant to executive order, includes the Employment Development Department, the Department of Consumer Affairs, the Department of Industrial Relations, the Department of Insurance, and the Office of Criminal Justice Planning. Existing law prescribes the duties of the strike force, which include facilitating and encourage the development and sharing of information by the participating agencies necessary to combat the underground economy.

This bill would require the Governor to designate an independent chief policy adviser for the underground economy. The bill would prescribe the adviser's duties, which would include monitoring the

state’s existing underground economy task forces and interagency partnerships to ensure that they are organized efficiently and evaluating whether any task forces and partnerships should be eliminated or restructured to improve effectiveness. The bill would require the adviser, on or before January 1, 2017, to submit a report to the Governor and the Legislature that summarizes the adviser’s findings and recommendations, with a focus on recommended administrative or legislative changes.

~~Existing law generally entitles employees to one day’s rest in 7 and prohibits an employer from causing his or her employees to work more than 6 days in 7. Existing law prescribes exceptions from these restrictions, including in a case of emergency and when work is performed in the protection of life or property from loss or destruction. Existing law also permits an accumulation of days of rest if the employment reasonably requires that the employee work 7 or more consecutive days.~~

~~This bill would make nonsubstantive changes to these provisions.~~

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. *The heading of Article 3.5 (commencing with*
2 *Section 12035) of Chapter 1 of Part 2 of Division 3 of Title 2 of*
3 *the Government Code is repealed.*

4
5 ~~Article 3.5. Intergovernmental Cooperation~~

6
7 SEC. 2. *Article 3.5 (commencing with Section 12035) is added*
8 *to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government*
9 *Code, to read:*

10
11 *Article 3.5. The Underground Economy*

12
13 12035. (a) *The Governor shall designate an independent chief*
14 *policy adviser for the underground economy.*

15 (b) *The adviser’s responsibilities shall include, but not be limited*
16 *to, the following:*

1 (1) Monitoring the state's existing underground economy task
2 forces and interagency partnerships to ensure that they are
3 organized efficiently.

4 (2) Evaluating whether any task forces and partnerships should
5 be eliminated or restructured to improve effectiveness.

6 (3) Evaluating whether existing task forces and partnerships
7 have sufficient resources and whether gaps or overlaps exist in
8 combating the underground economy.

9 (4) Reviewing enforcement staffing and funding levels and
10 developing recommendations to adequately fund enforcement.

11 (5) Developing recommendations to eliminate barriers that
12 prevent task forces and partnerships from being fully effective.

13 (6) Leading a strategic planning process to develop performance
14 outcomes for combating the underground economy.

15 (c) (1) On or before than January 1, 2017, the adviser shall
16 submit a report to the Governor and the Legislature that
17 summarizes the adviser's findings and recommendations, with a
18 particular emphasis on any recommended administrative or
19 legislative changes.

20 (2) The report to be submitted pursuant to paragraph (1) shall
21 be submitted in compliance with Section 9795.

22 SECTION 1. Section 554 of the Labor Code is amended to
23 read:

24 ~~554. (a) Sections 551 and 552 do not apply to a case of~~
25 ~~emergency nor to work performed in the protection of life or~~
26 ~~property from loss or destruction, nor to a common carrier engaged~~
27 ~~in, or connected with, the movement of trains. This chapter, with~~
28 ~~the exception of Section 558, does not apply to a person employed~~
29 ~~in an agricultural occupation, as defined in Order No. 14-80~~
30 ~~(operative January 1, 1998) of the Industrial Welfare Commission.~~
31 ~~This chapter shall not be construed to prevent an accumulation of~~
32 ~~days of rest when the nature of the employment reasonably requires~~
33 ~~that the employee work seven or more consecutive days, if in each~~
34 ~~calendar month the employee receives days of rest equivalent to~~
35 ~~one day's rest in seven. The requirement respecting the equivalent~~
36 ~~of one day's rest in seven shall apply, notwithstanding the other~~
37 ~~provisions of this chapter relating to collective bargaining~~
38 ~~agreements, if the employer and a labor organization representing~~
39 ~~employees of the employer have entered into a valid collective~~

1 ~~bargaining agreement respecting the hours of work of the~~
2 ~~employees, unless the agreement expressly provides otherwise.~~
3 ~~(b) In addition to the exceptions specified in subdivision (a),~~
4 ~~the Chief of the Division of Labor Standards Enforcement may,~~
5 ~~when in his or her judgment hardship will result, exempt an~~
6 ~~employer or employee from Sections 551 and 552.~~