

Introduced by Senator Mendoza

February 27, 2015

An act to amend Section 1071 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as introduced, Mendoza. Employment: public transit service contracts.

Existing law requires a local government agency to give a 10% preference to any bidder on a service contract to provide public transit services who agrees to retain employees of the prior contractor or subcontractor for a period of not less than 90 days, as specified.

This bill would expand these provisions to require a state agency to also give a 10% preference to any bidder under these provisions.

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

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

- 1 SECTION 1. Section 1071 of the Labor Code is amended to
2 read:
3 1071. The following definitions apply throughout this chapter:
4 (a) "Awarding authority" means any *state or* local government
5 agency, ~~including~~ *including, but not limited to,* any city, county,
6 special district, transit district, joint powers authority, or nonprofit
7 corporation that awards or otherwise enters into contracts for public
8 transit services performed within the ~~State of California.~~ *state.*
9 (b) "Bidder" means any person who submits a bid to an
10 awarding agency for a public transit service contract or subcontract.

- 1 (c) “Contractor” means any person who enters into a public
2 transit service contract with an awarding authority.
- 3 (d) “Employee” means any person who works for a contractor
4 or subcontractor under a contract. “Employee” does not include
5 an executive, administrative, or professional employee exempt
6 from the payment of overtime compensation within the meaning
7 of subdivision (a) of Section 515 or any person who is not an
8 “employee” as defined under Section 2(3) of the *federal* National
9 Labor Relations Act (29 U.S.C. Sec. 152(3)).
- 10 (e) “Person” means any individual, proprietorship, partnership,
11 joint venture, corporation, limited liability company, trust,
12 association, or other entity that may employ individuals or enter
13 into contracts.
- 14 (f) “Public transit services” means the provision of passenger
15 transportation services to the general public, including paratransit
16 service.
- 17 (g) “Service contract” means any contract the principal purpose
18 of which is to provide public transit services through the use of
19 service employees.
- 20 (h) “Subcontractor” means any person who is not an employee
21 who enters into a contract with a contractor to assist the contractor
22 in performing a service contract.