

Senate Bill No. 599

Passed the Senate June 1, 2015

Secretary of the Senate

Passed the Assembly September 1, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 599, 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.

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

SECTION 1. Section 1071 of the Labor Code is amended to read:

1071. The following definitions apply throughout this chapter:

(a) "Awarding authority" means any state or local government agency, including, but not limited to, any city, county, special district, transit district, joint powers authority, or nonprofit corporation that awards or otherwise enters into contracts for public transit services performed within the state.

(b) "Bidder" means any person who submits a bid to an awarding agency for a public transit service contract or subcontract.

(c) "Contractor" means any person who enters into a public transit service contract with an awarding authority.

(d) "Employee" means any person who works for a contractor or subcontractor under a contract. "Employee" does not include an executive, administrative, or professional employee exempt from the payment of overtime compensation within the meaning of subdivision (a) of Section 515 or any person who is not an "employee" as defined under Section 2(3) of the federal National Labor Relations Act (29 U.S.C. Sec. 152(3)).

(e) "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust,

association, or other entity that may employ individuals or enter into contracts.

(f) “Public transit services” means the provision of passenger transportation services to the general public, including paratransit service.

(g) “Service contract” means any contract the principal purpose of which is to provide public transit services through the use of service employees.

(h) “Subcontractor” means any person who is not an employee who enters into a contract with a contractor to assist the contractor in performing a service contract.

Approved _____, 2015

Governor