

Senate Bill No. 702

CHAPTER 775

An act to amend Section 1393.5 of the Labor Code, relating to employment.

[Approved by Governor September 28, 2016. Filed with
Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 702, McGuire. Employment of minors: agricultural packing plants.

Existing law prescribes limits on the hours of employment of minors, but authorizes the Labor Commissioner to grant an exemption to employers operating agricultural packing plants for the employment of minors 16 and 17 years of age for up to 10 hours on days when school is not in session, during the peak harvest season.

Existing law provides an exception to those provisions for the County of Lake by limiting the employer exemption that may be issued by the Labor Commissioner to the employment of minors, 16 or 17 years of age, who reside in the County of Lake, and only on days when school is not in session, for up to 10 hours a day, as well as for more than 48 hours but not more than 60 hours in a week, upon prior written approval of the Lake County Office of Education.

Existing law also requires the Labor Commissioner, prior to issuing the County of Lake exemption or renewing an exemption, to inspect an affected agricultural packing plant. Existing law requires the Labor Commissioner to file a written report with the Legislature on or before November 1, 2016, describing the general working conditions of minors employed in the agricultural packing industry during the period from March 1, 2011, to October 1, 2016, inclusive, as specified. Existing law further requires an affected employer, on or before March 1 of each year, as a condition of receiving that exemption or a renewal of that exemption, to file a written report to the Labor Commissioner, as specified. These provisions are set to expire on January 1, 2017.

This bill would extend the operation of the exception pertaining to the employment of minors in the County of Lake until January 1, 2022. It would additionally require the Labor Commissioner to report to the Legislature on or before November 1, 2020, on the working conditions for the period from October 1, 2016, to October 1, 2020, inclusive.

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

SECTION 1. Section 1393.5 of the Labor Code is amended to read:

1393.5. (a) Notwithstanding any other provision of this article or Article 2 (commencing with Section 49110) of Chapter 7 of Part 27 of Division 4 of Title 2 of the Education Code, an exemption issued pursuant to Section 1393 may authorize the employment during the peak harvest season of a minor, 16 or 17 years of age who resides in the County of Lake during any day in which school is not in session for up to 10 hours per day and more than 48 hours but not more than 60 hours in any one week, only upon the prior written approval of the Lake County Office of Education.

(b) Each year, the Labor Commissioner, prior to issuing or renewing an exemption under this section, shall inspect the affected agricultural packing plant.

(c) As a condition of receiving an exemption or a renewal of an exemption under this section, an affected employer shall, on or before October 1 of each year, file a written report to the Labor Commissioner that contains the following employment information regarding the employer's payroll for the same year up to September 15:

(1) The number of minors employed by that employer.

(2) A list of the age and hours worked on a weekly basis of each minor employed.

(d) Notwithstanding Chapter 24 (commencing with Section 7550) of Division 7 of Title 1 of the Government Code, the Labor Commissioner shall submit a written report to the Legislature, on or before November 1, 2016, that describes the general working conditions of minors employed in the agricultural packing industry during the period from March 1, 2011, to October 1, 2016, inclusive, and that includes all of the following information:

(1) The number of minors employed in the agricultural packing industry.

(2) The number of exemptions issued, renewed, or denied pursuant to this section.

(3) A summary of the inspections conducted by the Labor Commissioner pursuant to this section.

(4) The number of workplace injuries that occurred to minors at agricultural packing plants.

(5) The number of violations of labor laws and regulations that occurred at agricultural packing plants.

(e) (1) Notwithstanding Chapter 24 (commencing with Section 7550) of Division 7 of Title 1 of the Government Code, the Labor Commissioner shall submit a written report to the Legislature, on or before November 1, 2020, that describes the general working conditions of minors employed in the agricultural packing industry during the period from October 1, 2016, to October 1, 2020, inclusive, and that includes for this period all the information described in paragraphs (1) to (5), inclusive, of subdivision (d).

(2) A report submitted pursuant to paragraph (1) shall be provided in compliance with Section 9795 of the Government Code.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.