

AMENDED IN SENATE MARCH 14, 2016

**SENATE BILL**

**No. 978**

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**Introduced by Senator Vidak**  
*(Principal coauthor: Senator Fuller)*

February 10, 2016

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~~An act to amend Section 1170 of the Labor Code, relating to public works.~~ *An act to add and repeal Section 1393.6 of the Labor Code, relating to employment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 978, as amended, Vidak. ~~Public works: prevailing wage.~~ *Employment of minors: agricultural packing plants.*

*Existing law prescribes limits on the hours of employment of minors but authorizes the Labor Commissioner to issue 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.*

*Under existing law, the Labor Commissioner may, under the above-described exemption, authorize 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, before issuing or renewing a Lake County exemption, to inspect an affected agricultural packing plant and requires the Labor Commissioner to file a written report with the Legislature on or before November 1, 2016, pertaining to the working conditions of minors employed in the agricultural packing industry, as specified. Existing law also requires an affected employer,*

as a condition of receiving that exemption or renewal of that exemption, to file a written report to the Labor Commissioner, as provided. Under existing law, the provisions pertaining to Lake County expire on January 1, 2017.

This bill would apply statewide provisions like those relating to Lake County and would require the Labor Commissioner to report to the Legislature on or before November 1, 2025. These provisions would be repealed on January 1, 2027.

~~Existing law requires the body awarding any contract for public work, or otherwise undertaking any public work, to obtain the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality in which the public work is to be performed for each craft, classification, or type of worker needed to execute the contract from the Director of Industrial Relations. Existing law requires the director to determine the general prevailing rate of per diem wages in accordance with specified standards.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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. Section 1393.6 is added to the Labor Code, to
- 2     read:
- 3     1393.6. (a) Notwithstanding any other provision of this article
- 4     or Article 2 (commencing with Section 49110) of Chapter 7 of Part
- 5     27 of Division 4 of Title 2 of the Education Code, an exemption
- 6     issued pursuant to Section 1393 may authorize the employment
- 7     during the peak harvest season of a minor 16 or 17 years of age,
- 8     during any day in which school is not in session for up to 10 hours
- 9     per day and more than 48 hours but not more than 60 hours in
- 10    any one week, only upon the prior written approval of the local
- 11    county office of education.
- 12    (b) Each year, the Labor Commissioner, prior to issuing or
- 13    renewing an exemption under this section, shall inspect the affected
- 14    agricultural packing plant.
- 15    (c) As a condition of receiving an exemption or a renewal of an
- 16    exemption under this section, an affected employer shall, on or
- 17    before October 1 of each year, file a written report to the Labor

1 *Commissioner that contains the following employment information*  
2 *regarding the employer’s payroll for the same year up to September*  
3 *15:*

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

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

7 *(d) Notwithstanding Chapter 24 (commencing with Section*  
8 *7550) of Division 7 of Title 1 of the Government Code, the Labor*  
9 *Commissioner shall submit a written report to the Legislature*  
10 *pursuant to Section 9795 of the Government Code, on or before*  
11 *November 1, 2025, that describes the general working conditions*  
12 *of minors employed in the agricultural packing industry during*  
13 *the period from January 1, 2017, to October 1, 2025, inclusive,*  
14 *and that includes all of the following information:*

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

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

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

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

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

25 *(e) This section shall remain in effect only until January 1, 2027,*  
26 *and as of that date is repealed.*

27 ~~SECTION 1. Section 1770 of the Labor Code is amended to~~  
28 ~~read:~~

29 ~~1770. The Director of Industrial Relations shall determine the~~  
30 ~~general prevailing rate of per diem wages in accordance with the~~  
31 ~~standards set forth in Section 1773. The director’s determination~~  
32 ~~in the matter shall be final except as provided in Section 1773.4~~  
33 ~~.However, this article shall not prohibit the payment of more than~~  
34 ~~the general prevailing rate of wages to any worker employed on~~  
35 ~~public work. This act shall not permit any overtime work in~~  
36 ~~violation of Article 3 (commencing with Section 1810).~~