

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1125

Introduced by Senator Nguyen

February 17, 2016

An act to ~~amend Section 1171 of~~ *add Section 2810.8* to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1125, as amended, Nguyen. ~~Employees: regulation and supervision.~~ *Employment relations: nail care salons: labor law compliance.*

The Barbering and Cosmetology Act provides for the licensure and regulation of barbers, cosmetologists, estheticians, manicurists, electrologists, and apprentices by the State Board of Barbering and Cosmetology. The act requires the licensure of any person, firm, or corporation operating an establishment engaged in a practice regulated by the board, as specified. Existing law imposes various duties on employers with respect to employment relations, including requiring the employer to, at the time of hiring, provide each employee with a written notice containing specified information about the terms of employment and the rights of the employee.

In the case of an establishment offering or proposing to offer nail care services, this bill would require the board to require an application for an establishment license to include a signed acknowledgment that the applicant understands that the applicant is responsible for compliance with any applicable labor laws of the state and the informational materials that the board selects or develops on basic labor laws, as specified.

~~Existing law regulates the wages, hours, and working conditions of employees with specified exceptions. Under existing law, these provisions apply to and include men, women, and minors employed in any occupation, trade, or industry, except as provided.~~

~~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. Section 2810.8 is added to the Labor Code, to
2 read:

3 2810.8. The State Board of Barbering and Cosmetology shall
4 require, as part of a complete application for an establishment
5 license made pursuant to Section 7347 of the Business and
6 Professions Code by an establishment providing or proposing to
7 provide nail care services, that the applicant include a signed
8 acknowledgment that the applicant understands both of the
9 following:

10 (a) That establishments are responsible for compliance with
11 any applicable labor laws of the state.

12 (b) Those informational materials on the basic labor laws of
13 the state that the State Board of Barbering and Cosmetology shall
14 select or develop. As used in this subdivision, “basic labor laws”
15 shall include, but not be limited to, the following:

16 (1) Key differences between the legal rights, benefits, and
17 obligations of an employee and an independent contractor.

18 (2) Wage and hour rights for hourly employees.

19 (3) Antidiscrimination laws relating to the use of a particular
20 language in the workplace.

21 (4) Antiretaliation laws relating to a worker’s right to file
22 complaints with the Department of Industrial Relations.

23 (5) How to obtain more information about labor law from the
24 Department of Industrial Relations.

25 ~~SECTION 1. Section 1171 of the Labor Code is amended to~~
26 read:

27 ~~1171. The provisions of this chapter shall apply to and include~~
28 ~~men, women, and minors employed in any occupation, trade, or~~
29 ~~industry, whether compensation is measured by time, piece, or~~
30 ~~otherwise, but shall not include an individual employed as an~~

1 ~~outside salesperson or an individual participating in a national~~
2 ~~service program carried out using assistance provided under Section~~
3 ~~12571 of Title 42 of the United States Code.~~

4 ~~An individual participating in a national service program~~
5 ~~pursuant to Section 12571 of Title 42 of the United States Code~~
6 ~~shall be informed by the nonprofit, educational institution or other~~
7 ~~entity using his or her service, prior to the commencement of~~
8 ~~service of the requirement, if any, to work hours in excess of eight~~
9 ~~hours per day, or 40 hours per week, or both, and shall have the~~
10 ~~opportunity to opt out of that national service program at that time.~~
11 ~~Individuals participating in a national service program pursuant~~
12 ~~to Section 12571 of Title 42 of the United States Code shall not~~
13 ~~be discriminated against or be denied continued participation in~~
14 ~~the program for refusing to work overtime for a legitimate reason.~~