

OCEA LEGISLATIVE BILL SUMMARY REPORT

JULY 2024

AB 1214 (MAIENSCHIN - D) COURTS: REMOTE TECHNOLOGY.

SUMMARY: Current law allows the use of technology by trial courts for attorneys, parties, and witnesses to appear remotely for specified criminal court proceedings, subject to specified limitations, until January 1, 2024. Current law, beginning January 1, 2024, allows a defendant in a case charged with only a misdemeanor to appear by counsel, except as specified, and if the defendant agrees, to conduct the initial court appearance, arraignment, and plea by video, as specified. Existing law requires an individual accused of a felony to be personally present at all proceedings unless with leave of the court, the individual executes a written waiver of their right to be personally present, or as otherwise specified. Current law, beginning January 1, 2024, allows a defendant in a felony matter, if the defendant agrees, to conduct the initial court appearance, arraignment, and plea by video, as specified. This bill would, until January 1, 2026, instead allow, if the defendant agrees and the court consents, a defendant in a misdemeanor matter to appear through remote technology, as defined, for any noncritical portion of a proceeding when no sworn testimony is taken. The bill would additionally allow a defendant in a felony matter to participate, upon their request and with leave of the court, in the initial court appearance, arraignment, entry of plea, bail hearings, resentencing hearings, and motion hearings and conferences when no sworn testimony is taken, through remote technology, as specified.

POSITION:

SUPPORT

AB 2135 (SHIAVO - D) PUBLIC WORKS CONTRACTS: WAGE AND PENALTY ASSESSMENT.

SUMMARY: Current law requires the Labor Commissioner to issue a civil wage and penalty assessment to a contractor or subcontractor, or both, if, after an investigation, the commissioner determines there has been a violation of the laws regulating public works contracts, including the payment of prevailing wages. Current law requires the assessment to be served not later than 18 months after the filing of a valid notice of completion in the office of the county recorder in each county in which the public work or some part thereof was performed, or not later than 18 months after acceptance of the public work, whichever occurs last. This bill would extend the above-described time period to 24 months, and would authorize an extension for good cause, including ongoing investigation and assessment by the Labor Commissioner or their designee.

POSITION:

SUPPORT

AB 2404 (LEE - D) STATE AND LOCAL PUBLIC EMPLOYEES: LABOR RELATIONS: STRIKES.

SUMMARY: The Meyers-Milias-Brown Act and the Ralph C. Dills Act regulate the labor relations of employees and employers of local public agencies and the state, respectively. The acts grant specified employees of local public agencies and the state the right to form, join, and participate in the activities of employee organizations of their choosing. This bill would provide, except as specified, that it is not unlawful or a cause for discipline or other adverse action against a public employee for that public employee to refuse to enter property that is the site of a primary strike, perform work for a public employer involved in a primary strike, or go through or work behind a primary strike line. The bill would prohibit a public employer from directing a public employee to take those actions. The bill would authorize a recognized employee organization to inform employees of these rights and encourage them to exercise those rights.

POSITION:

SUPPORT

FAILED DUE TO DEADLINE

AB 2421 (LOW - R) EMPLOYER-EMPLOYEE RELATIONS: CONFIDENTIAL COMMUNICATIONS.

SUMMARY: Current law that governs the labor relations of public employees and employers, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, provisions relating to public schools, provisions relating to higher education, and provisions relating to the the San Francisco Bay Area Rapid Transit District, prohibits employers from taking certain actions relating to employee organization, including imposing or threatening to impose reprisals on employees, discriminating or threatening to discriminate against employees, or otherwise interfering with, restraining, or coercing employees because of their exercise of their guaranteed rights. This bill would also prohibit a local public agency employer, a state employer, a public school employer, a higher education employer, or the district from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized employee organization’s representation.

POSITION:	SUPPORT
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AB 2557 (ORTEGA - D) LOCAL AGENCIES: CONTRACTS FOR SPECIAL SERVICES AND TEMPORARY HELP: PERFORMANCE REPORTS.

SUMMARY: Increases transparency and accountability when local governments contract out services by requiring that contractors submit performance reports with deliverables along with data on the contractors workforce.

POSITION:	SUPPORT
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AB 2561 (MCKINNOR - D) LOCAL PUBLIC EMPLOYEES: VACANT POSITIONS.

SUMMARY: Would require each public agency with bargaining unit vacancy rates exceeding 10% for more than 90 days within the past 180 days to meet and confer with a representative of the recognized employee organization to produce, publish, and implement a plan consisting of specified components to fill all vacant positions within the subsequent 180 days. The bill would require the public agency to present this plan during a public hearing to the governing legislative body and to publish the plan on its internet website for public review for at least one year. By imposing new duties on local public agencies, the bill would impose a state-mandated local program. The bill would also include findings that changes proposed by this bill address a matter of statewide concern.

POSITION:	SUPPORT
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AB 2602 (KALRA - D) CONTRACTS AGAINST PUBLIC POLICY: PERSONAL OR PROFESSIONAL SERVICES: DIGITAL REPLICAS.

SUMMARY: Current law prohibits an employer from requiring an employee or applicant for employment to agree, in writing, to any term or condition that is known by the employer to be illegal. Current law provides that certain contractual agreements between an employer and employee are against public policy, including specified provisions affecting an employee’s membership in a labor organization and the protection of state law in employment. Under existing law, enforcement of state labor laws is generally committed to the Division of Labor Standards Enforcement within the Department of Industrial Relations, under the direction of the Labor Commissioner. This bill would provide that a provision in an agreement between an individual and any other person for the performance of personal or professional services is contrary to public policy and deemed unconscionable if the provision meets specified conditions relating to the use of a digital replica of the voice or likeness of an individual in lieu of the work of the individual or to train a generative artificial intelligence system. The bill would provide that it shall apply retroactively.

POSITION:	SUPPORT
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AB 3013 (MAIENSCHIN - D) COURTS: REMOTE COURT REPORTING.

SUMMARY: Current law authorizes a superior court to appoint official court reporters and specifies the fees for court reporting services. Current law prohibits courts from using remote court reporting, as defined, to produce the record of any court proceedings and from expending any funds to purchase equipment or software to facilitate the use of remote court reporting. This bill would, notwithstanding these provisions, authorize, beginning July 1, 2025, the Superior Courts of the Counties of Alameda, Los Angeles, Mendocino, Monterey, Orange, San Diego, San Joaquin, San Mateo, Santa Clara, Tulare, and Ventura to conduct pilot projects to study the potential use of remote court reporting to make the verbatim record of certain court proceedings. The bill would require, if the superior court elects to conduct a pilot project, the remote court reporting to be performed only by official reporters who meet specified qualifications and conditions. The bill would authorize, after 6 months of meaningful remote court reporting testing, the exclusive representations of the official reports of the participating superior courts to agree to include additional offsite locations to test remote court reporting and to agree on the equipment needed for these locations, and how the participating courts will provide that equipment. The bill would require this agreement to be reached by January 1, 2026.

POSITION:

SUPPORT

SB 99 (UMBERG - D) COURTS: REMOTE PROCEEDINGS FOR CRIMINAL CASES.

SUMMARY: Current law prohibits, until January 1, 2024, a trial court from retaliating against an official court reporter or official court reporter pro tempore for notifying a judicial officer that technology or audibility issues are interfering with the creation of the verbatim record for a remote criminal proceeding. This bill would extend this provision until January 1, 2028.

POSITION:

OPPOSE

SB 399 (WAHAB - D) EMPLOYER COMMUNICATIONS: INTIMIDATION.

SUMMARY: Would, except as specified, prohibit an employer from subjecting, or threatening to subject, an employee to discharge, discrimination, retaliation, or any other adverse action because the employee declines to attend an employer-sponsored meeting or affirmatively declines to participate in, receive, or listen to any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious or political matters.

POSITION:

SUPPORT

FAILED DUE TO DEADLINE

SB 915 (CORTESE - D) LOCAL GOVERNMENT: AUTONOMOUS VEHICLES.

SUMMARY: Would prohibit an autonomous vehicle service, which has received approval to conduct commercial passenger service or engage in commercial activity using driverless vehicles by the Department of Motor Vehicles, the Public Utilities Commission, or another state agency, from commencing operation within a local jurisdiction until authorized by a local ordinance enacted pursuant to the bill's provisions. The bill would authorize each city, county, or city and county in which an autonomous vehicle has received authorization to operate, to protect the public health, safety, and welfare by adopting an ordinance or resolution in regard to autonomous vehicle services within that jurisdiction. The bill would require each city, county, or city and county that adopts an ordinance or resolution to include certain provisions within that ordinance or resolution. These would include a policy for entry into the business of providing autonomous vehicle services including a permitting program, the establishment of reasonable vehicle caps and hours of service restrictions, and the establishment of an interoperability or override system accessible by first responders in case of an emergency.

POSITION:

SUPPORT

SB 1116 (PORTANTINO - D) UNEMPLOYMENT INSURANCE: TRADE DISPUTES: ELIGIBILITY FOR BENEFITS.

SUMMARY: Current law provides for the payment of unemployment compensation benefits and extended benefits to eligible individuals who meet specified requirements. Under current law, unemployment benefits are paid from the Unemployment Fund, which is continuously appropriated for these purposes. Current law makes an employee ineligible for benefits if the employee left work because of a trade dispute and specifies that the employee remains ineligible for the duration of the trade dispute. Existing case law holds that employees who left work due to a lockout by the employer, even if it was in anticipation of a trade dispute, are eligible for benefits. This bill would restore eligibility after the first 2 weeks for an employee who left work because of a trade dispute.

POSITION:

SUPPORT

FAILED IN COMMITTEE

SB 1220 (LIMÓN - D) PUBLIC BENEFITS CONTRACTS: PHONE OPERATOR JOBS.

SUMMARY: Existing law prohibits, with specified exceptions, a state agency authorized to enter into contracts relating to public benefit programs from contracting for services provided by a call center that directly serves applicants for, recipients of, or enrollees in, those public benefit programs with a contractor or subcontractor unless that contractor or subcontractor certifies in its bid for the contract that the contract, and any subcontract performed under that contract, will be performed solely with workers employed in California. Existing law provides an exception for contracts between a state agency and a health care service plan or a specialized health care service plan regulated by the Department of Managed Health Care and for contracts between a state agency and a disability insurer or specialized health insurer regulated by the Department of Insurance. Existing law also authorizes the state to terminate a contract relating to services provided by a call center if the contractor or subcontractor performs services with workers not employed in California. This bill would delete the above-described exception for contracts between a state agency and a health care service plan or a specialized health care service plan regulated by the Department of Managed Health Care and for contracts between a state agency and a disability insurer or specialized health insurer regulated by the Department of Insurance. This bill contains other related provisions and other existing laws.

POSITION:

SUPPORT