LCW 2022

NONPROFIT LEGISLATIVE ROUNDUP

The Nonprofit Legislative Roundup is a compilation of bills, presented by subject, which were signed into law and have an impact on the employment and nonprofit related issues of our clients. Unless the bills were considered urgency legislation (which means they went into effect the day they were signed into law), bills are effective on January 1, 2023, unless otherwise noted. Urgency legislation will be identified as such. Several of the bills summarized below apply directly to nonprofits. Bills that do not directly apply to nonprofits are presented either because they indirectly apply, may set new standards that apply or would generally be of interest to our nonprofit clients.

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EMPLOYEES

PAY TRANSPARENCY

SB 1162 –Requires Inclusion Of Pay Scale On Job Postings, Requires Employers To Provide Pay Scale Information Upon Request, And Revises Pay Data Reporting Requirements For Private Employers.

Senate Bill 1162 (SB 1162) imposes new obligations on employers, including sharing pay scale information in job postings and with current employees and revising private employers' pay data reporting requirements. SB 1162 takes effect on January 1, 2023.

SB 1162 Amends Labor Code Section 432.3 Regarding Salary and Wage Disclosures

Labor Code Section 432.3 applies to all private employers with 15 or more employees. Current law requires an employer, upon reasonable request, to provide a position's pay scale to an applicant applying for employment. SB 1162 expands existing law to require an employer upon request, to provide to an employee the pay scale for the position in which the employee is currently employed. SB 1162 further requires employers to include a position's pay scale in any job posting the employer posts directly or through a third party. Non-profit organizations are considered private employers. "Pay scale" means the salary or hourly wage range that the employer reasonably expects to pay for the position.

SB 1162 further requires employers to maintain records of the job title and wage rate history for each employee for the entire duration of the employee's employment plus three years after the employee's employment ends. The records must be open to inspection by the Labor Commissioner. If an employer fails to keep these records and an employee brings a claim that the employer violated Labor Code Section 432.3, the employer's failure creates a rebuttable presumption in favor of the employee's claim.

Any claim filed by an employee or applicant, must be filed with the Labor Commissioner within one year after the date the applicant or employee learned of the violation. The Labor Commissioner has authority to investigate the claims. If the Labor Commissioner finds that the employer violated Labor Code Section 432.3, the Labor Commissioner may order the employer to pay a civil penalty of between $100 and $10,000 per violation. Employees may also bring a civil action for injunctive relief or other relief, as the court deems appropriate.

SB 1162 Amends Section 12999 of the Government Code Regarding Pay Data Reporting

SB 1162 also modifies the pay data reporting obligations under existing law. Current law requires a private employer that has 100 or more employees and is required to file an annual Employer Information Report (EEO-1) pursuant to federal law, to submit a California pay data report to the California Civil Rights Department ("CRD"), formerly called the Department of Fair Employment and Housing, by March 31 of each year. Certain entities are exempt from EEO-1 reporting, such as institutions of higher education.

SB 1162 instead requires any private employer that has 100 or more employees, regardless of whether it is required to file an annual EEO-1, to submit a pay data report to the CRD. SB 1162 also revises the deadline for submission of the pay data report to be before the second Wednesday of May of each year beginning in 2023.

Private employers with 100 or more employees hired through labor contractors, must submit a separate pay data report to the CRD for those employees by the same deadline. For purposes of SB 1162, a "labor contractor" means an individual or entity that supplies, either with or without a contract, a client employer with workers to perform labor within the client employer's usual course of business.

SB 1162 eliminates the requirement that employers with multiple locations submit a consolidated report that includes all employees, and instead requires employees to file one report for each establishment.

SB 1162 also expands the type of information an employer must include in the pay data report. Existing law requires that the pay data report include the number of employees by race, ethnicity, and sex in specified job categories within specific pay bands. SB 1162 requires the pay data report to include the median and mean hourly rate for each combination of race, ethnicity, and sex within each job category.

SB 1162 further eliminates an employer's option to submit an EEO-1 to the CRD in lieu of filing the California pay data reporting. As such, for 2023, covered private employers must complete both the EEO-1 and the California pay data report.

SB 1162 imposes new civil penalties on an employer who fails to file the pay data report. A court may impose a civil penalty not to exceed $100 per employee for an employer's first failure to file the report, and a civil penalty not to exceed $200 per employee for a subsequent failure to file the report. Under SB 1162, the CRD remains able to obtain an order requiring

an employer to comply with these provisions and to recover the costs associated with seeking the order for compliance.

(SB 1162 amends Section 12999 of the Government Code, and amends Section 432.3 of the Labor Code.)

FAMILY & MEDICAL CARE LEAVE & PAID SICK LEAVE

AB 1041 – Expands CFRAA And Healthy Workplaces, Healthy Families Act Of 2014 To Cover Leave Taken To Care For Non-Family Members.

Assembly Bill 1041 (AB 1041) expands leave under the California Family Rights Act (CFRA) and the Healthy Workplaces, Healthy Families Act of 2014 to permit eligible employees of covered employers to take leave to care for individuals who are not family members. AB 1041 takes effect on January 1, 2023.

Leave Under CFRA to Care for Designated Person

The CFRA makes it an unlawful employment practice for a California private employer with five (5) or more employees to refuse to grant a request from an employee who meets specified requirements to take up to a total of 12 workweeks in any 12-month period for family care and medical leave. One of the qualifying reasons for an employee to take CFRA leave is for the employee to care for certain family members, including a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, who have a serious health condition.

AB 1041 expands the group of people for whom an employee may take leave to care for to include a "designated person." A designated person means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period for CFRA leave.

Leave Under the Healthy Workplaces, Healthy Families Act of 2014 to Care for Designated Person

The Healthy Workplaces, Healthy Families Act of 2014, generally entitles an employee who works in California for the same employer for 30 or more days within a year to a certain amount of paid sick days. Employees may use the paid sick days for preventive care or the diagnosis, care, or treatment of an existing health condition of an employee or an employee's family member, which means an employee's child, parent, spouse, registered domestic partner, grandparent, grandchild, and sibling.

AB 1041 expands the definition of the term "family member" to include a designated person, which means a person identified by the employee at the time the employee requests paid sick days. An employer may limit an employee to one designated person per 12-month period for paid sick days.

(AB 1041 amends Section 12945.2 of the Government Code, and amends Section 245.5 of the Labor Code.)

BEREAVEMENT LEAVE

AB 1949 – Entitles Eligible Employees To Five Days Of Bereavement Leave Upon The Death Of A Family Member And Expands Small Employer Family Leave Mediation Pilot Program.

Assembly Bill 1949 (AB 1949) amends the California Fair Employment and Housing Act (FEHA) to entitle eligible employees to take up to five (5) days of bereavement leave upon the death of a covered family member, and to make it an unlawful employment practice for an employer to refuse to grant a request by an eligible employee to take such bereavement leave. AB 1949 takes effect on January 1, 2023.

AB 1949 applies to private employers with five (5) or more employees. Employees are eligible for bereavement leave if they have been employed for at least 30 days before the leave commences. Bereavement leave may be taken for the death of a family member, which means a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. AB 1949 requires that the bereavement leave be completed within three (3) months of the date of death, and specifies that the bereavement leave need not be taken consecutively.

Employers with existing bereavement leave policies that provide employees less than five (5) days of **paid** bereavement leave, must continue to give employees the number of paid days employees are entitled to under the bereavement leave policies. The remainder of the five (5) days of bereavement leave may be unpaid, but employers must allow employees to use any paid vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.

Employers with existing bereavement leave policies that provide employees less than five (5) days of **unpaid** bereavement leave must give employees five (5) days of

unpaid bereavement leave and allow employees to use any paid vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.

Employers that have no existing bereavement leave policies must give employees five (5) days of unpaid bereavement leave and allow employees to use any paid vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.

Employers may require employees to provide documentation of the death of the family member within 30 days of the first day of the leave. Documentation includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. AB 1949 obligates employers to maintain the confidentiality of any employee requesting bereavement, as well as the documentation the employee provides, except to internal personnel or legal counsel, as necessary, or as required by law.

AB 1949 makes it an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, an employee's right to take bereavement leave. AB 1949 also makes it an unlawful employment practice for an employer to refuse to hire, or to discharge, demote, fine, suspend, expel, or discriminate against, an individual because of either of the following:

1. An individual's exercise of the right to bereavement leave; or
2. An individual's giving information or testimony as to their own bereavement leave, or another person's bereavement leave, in an inquiry or proceeding related to the right to take bereavement leave.

AB 1949 does not apply to an employee who is covered by a valid collective bargaining agreement if the agreement expressly provides for bereavement leave equivalent to that required under AB 1949.

AB 1949 also requires the Civil Rights Department (CRD) to expand the small employer family leave mediation pilot program (Pilot Program) to include mediation for alleged violations of the new bereavement leave entitlement. The Pilot Program is only in effect until January 1, 2024, and as of that date is repealed.

(AB 1949 amends Sections 12945.21 and 19859.3 of, and adds Section 12945.7 to, the Government Code.)

COVID-19 SUPPLEMENTAL PAID SICK LEAVE

AB 152 – Extended COVID-19 Supplemental Paid Sick Leave Through December 31, 2022 And Established The California Small Business And Non-Profit COVID-19 Relief Grant Program To Offset SPSL Costs.

Assembly Bill 152 (AB 152) amends the Labor Code, making several important changes to how COVID-19 Supplemental Paid Sick Leave (SPSL) is administered and sets up a grant relief fund for small non-profits and other businesses with between 26-49 employees. AB 152 extended the time employees could use SPSL from September 30, 2022, when it was set to expire, to December 31, 2022. Governor Newsom signed AB 152 on September 30, 2022, and the law took effect immediately.

Revisions to SPSL

AB 152 amends SPSL in two significant ways.

First, AB 152 extended the deadline for employees who had not exhausted their SPSL allotments.

Importantly, AB 152 does not provide employees with any additional SPSL, but merely extends the period during which employees who have not exhausted their SPSL may use such leave. As a result, employers should continue to allow employees who have not exhausted their SPSL entitlements to use such leave for any qualifying reasons through December 31, 2022.

Second, AB 152 also provides employers the ability to require that employees who have tested positive for COVID-19 to submit to COVID-19 testing twice in order to end their isolation periods and return to work.

Currently, SPSL authorizes employers to require that an employee who tested positive for COVID-19 submit to a follow-up COVID-19 test on or after the fifth (5th) day following the initial positive test in order to expedite an end to the employee's isolation and their return to work. Employers are also authorized to require that employees provide documentation of the result from such follow-up test, and to deny the employee the use of SPSL if they refuse to provide such documentation.

AB 152 provides employers authority to require that an employee submit to a second follow-up test in the event that the first follow-up test produces a positive test result. The amended language authorizes employers to require that an employee who tests positive on or after the fifth (5th) day to submit to a second follow-up test within 24 hours of the first test.

AB 152 provides that, if the employee refuses to submit to either follow-up test or provide documentation of the results from such tests, the employer may lawfully deny the employee SPSL.

Because of these amendments, employers should advise their employees that they may be subject to an additional follow-up COVID-19 test in the event that they request SPSL for a COVID-19 case and that, in order to receive SPSL for such reason, employees will need to provide documentation of such test results.

The California Small Business and Non-profit COVID-19 SPSL Relief Grant Program

AB 152 also establishes the Small Business and Non-profit COVID-19 Supplemental Paid Sick Leave Relief Grant Program (Program). The Program provides grant relief to qualified non-profits in order to defray the costs associated with their provision of SPSL to employees. A qualified non-profit may receive grant-funding equal to the actual costs that the organization incurred related to their provision of SPSL between January 1 and December 31, 2022, up to a limit of $50,000. The Program will be administered by the California Office of the Small Business Advocate.

In order to qualify for a grant under this Program, a non-profit must satisfy each of the following criteria:

1. Be currently active and operating;
2. Have been operating prior to June 1, 2021;
3. Employ between 26 and 49 employees and provides payroll data and an affidavit attesting to that fact;
4. Have been providing SPSL to eligible employees, as required by law; and
5. Provide organizing documents, including a 2020 or 2021 tax return or Form 990, and a copy of official filing with the Secretary of State or with the local municipality, as applicable, including, but not limited to, Articles of Incorporation, Certificate of Organization, Fictitious Name of Registration, or Government-Issued Business License.

Several exceptions to AB 152 render certain entities ineligible for the grant funding. These exceptions include "[b]usinesses that restrict patronage for any reason other than capacity." It is unclear at this time whether this restriction might apply to private schools.

(Adds and repeals 12100.96 through 12100.985 to the Government Code, amends Sections 248.6 and 248.7 of the Labor Code, amends Sections 17158 and 24312 of, and adds and repeals Section 19295.1 and 19295.2 of the Revenue and Taxation Code.)

EMERGENCY SITUATIONS & RETALIATION

AB 1655 And AB 2596 – Designate Juneteenth (June 19), The Lunar New Year, And Genocide Remembrance Day, As State Holidays.

AB 1655 and AB 2596 together add three dates to the list of holidays officially recognized by the state of California.

AB 1655 adds June 19, known as "Juneteenth." AB 2596 adds the Lunar New Year and Genocide Remembrance Day. The Lunar New Year is defined as the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene. Genocide Remembrance Day is April 24.

These bills do not directly affect employers other than the state, unless an employer has existing policies or labor agreements that incorporate the list of state holidays by reference.

(AB 1655 amends Sections 37220, 45203, 79020, and 88203 of the Education Code, and amends Sections 6700, 19853, and 19853.1 of the Government Code.)

SB 1044 – Prevents Employers From Taking Or Threatening Adverse Action Against An Employee And From Preventing An Employee From Accessing A Communications Device During An Emergency Condition.

Senate Bill 1044 (SB 1044) adds a new chapter to the Labor Code entitled Workers' Rights in Emergencies. SB 1044 takes effect on January 1, 2023.

SB 1044 prevents employers from taking or threatening adverse action against any employee because the employee refused to report to or left a workplace or worksite within an area affected by an emergency condition because the employee has a reasonable belief that the workplace or worksite is unsafe. SB 1044 requires employees to notify their employers, when feasible, of the emergency condition requiring the employee to leave or refuse to report to the workplace or worksite prior to leaving or refusing to report. When prior notice is not feasible, employees are required to notify their employer as soon as possible of the emergency condition that required the employee to leave or refuse to report to the workplace or worksite after leaving or refusing to report.

An "emergency condition," means either "conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by

natural forces or a criminal act" and "an order to evacuate a workplace, a worksite, a worker's home, or the school of a worker's child due to natural disaster or a criminal act." An "emergency condition" does not include a health pandemic. "A reasonable belief that the workplace or worksite is unsafe" means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises.

This prohibition does not apply to certain categories of employees, such as an employee required by law to render aid or remain on the premises in case of an emergency or an employee of an entity that contracts with the state or any public entity for purposes of providing or aiding in emergency services.

SB 1044 also prohibits employers from preventing any employee from accessing the employee's mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety during an emergency condition.

SB 1044 does not apply when emergency conditions that pose an imminent and ongoing risk of harm to the workplace, the worksite, the worker, or the worker's home have ceased.

(SB 1044 adds Section 1139 to the Labor Code.)

DISCRIMINATION IN EMPLOYMENT FOR OUTSIDE OF WORK CANNABIS USE

AB 2188 – Prohibits Discrimination In Employment Against Employee Or Applicant For Out-Of-Work Cannabis Use.

Assembly Bill 2188 (AB 2188) amends the California Fair Employment and Housing Act (FEHA) to generally prohibit an employer from discriminating against an employee or applicant because of the employee's or applicant's cannabis use off the job and away from work. The change to the law is significant. AB 2188 applies to an employer with five (5) or more persons, but does not apply to non-profit religious associations and non-profit religious corporations. A non-profit religious corporation must state that it is organized for religious purposes in its articles of organization. AB 2188 becomes operative on January 1, 2024.

AB 2188 makes it unlawful for a covered employer to discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalizing a person, if the discrimination is based upon any of the following:

- The person's use of cannabis off the job and away from the workplace; or
- An employer-required drug-screening test that has found the person to have non-psychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids.

AB 2188 does not permit an employee to possess, to be impaired by, or to use cannabis on the job. As such, it appears covered employers may continue to enforce any policies they may have prohibiting employees from possessing, being impaired by, or using cannabis while working. Presumably, if an employee smokes or consumes cannabis out of work, and arrives to work impaired, that conduct would not be protected by AB 2188.

AB 2188 also does not affect the rights or obligations of an employer to maintain a drug- and alcohol-free workplace under California Health and Safety Code Section 11362.45, or by federal law or regulation.

AB 2188 does not preempt state or federal laws and regulations requiring applicants or employees to be tested for controlled substances as a condition of employment, for the employer to receive federal funding or federal licensing-related benefits, or to be able to enter into a federal contract.

AB 2188 also expressly allows employers to make employment-related decisions based on tests that apply to current impairment, in particular scientifically valid pre-employment drug screening conducted through methods that do not screen for non-psychoactive cannabis metabolites, such as those that test for tetrahydrocannabinol (THC).

(Adds Section 12954 to the Government Code.)

WORKERS' COMPENSATION

AB 1751 – Extends Workers' Compensation Benefits For Illness Or Death Resulting From COVID-19 Until January 1, 2024.

Current law, enacted during the COVID-19 pandemic, sets out several specific provisions governing workers' compensation claims and state disability benefits relating to employees who contract COVID-19. It creates a rebuttable presumption for purposes of California's workers' compensation system for employees who contract COVID-19 after an outbreak at their worksite. These presumptions extend 14 days after the last day of employment with a particular employer.

Under current law, these presumptions are scheduled to sunset automatically on January 1, 2023. Assembly Bill 1751 (AB 1751) extends the expiration date for the presumption to January 1, 2024.

(AB 1751 amends Sections 3212.86, 3212.87, and 3212.88 of the Labor Code.)

SB 1002 – Extends The Scope Of Workers' Compensation Benefits To Include Services By A Licensed Clinical Social Worker.

Under existing law, California's workers' compensation system requires employers, usually through insurance, to provide medical, surgical, chiropractic, acupuncture, and hospital treatment reasonably required to treat injuries or illness an employee incurs in the course of their employment.

Senate Bill 1002 (SB 1002) expands the meaning of medical treatment for workers' compensation purposes to include services provided by a licensed clinical social worker (LCSW). As such, SB 1002 authorizes employers to include LCSW services in the treatments for employee workplace injuries or illnesses, and authorizes employers to provide employees with access to an LCSW acting within the scope of their practice.

SB 1002 also authorizes medical provider networks to add LCSWs to a physician providers listing. However, SB 1002 only authorizes an LCSW to treat or evaluate an injured worker upon referral from a physician, and prohibits an LCSW from making a determination of whether an employee is disabled.

(SB 1002 amends Sections 3209.5, 4600, 4600.3, and 4616 of, and adds Section 3209.11 to, the Labor Code.)

WORKPLACE SAFETY

AB 2693 – Extends And Modifies CalOSHA's Enforcement Powers Regarding COVID-19 Workplace Exposures And Revises Workplace Exposure Notification Requirements.

Under current law, the Division of Occupational Safety and Health (Cal/OSHA) has authority to prohibit any operation or process at a workplace, or prohibit entry to the workplace, if there exists a risk of exposure to COVID-19 that constitutes an imminent hazard to employees. Existing law also requires the employer to post a notice of the prohibition at a conspicuous location; violating the prohibition or removing the notice is a crime. This COVID-19 specific law was set to expire on January 1, 2023. Assembly Bill 2693 (AB 2693) extends those provisions until January 1, 2024.

Existing law also imposes specific obligations on employers regarding reporting and notices of COVID-19 exposures and outbreaks. AB 2693 amends those requirements.

First, current law requires employers to provide a specified notice to the local public health agency in its jurisdiction if the number of reported workplace cases of COVID-19 amount to an "outbreak." Current law also requires the Department of Public Health to publicize workplace industry information received from local public health departments on its website. AB 2693 deletes those provision.

Second, current law requires an employer who receives notice of a potential exposure on its worksite to provide all employees who were on the premises with written notice that they may have been exposed to COVID-19. Under AB 2693, employers are only required to post a prominently-displayed notice in each worksite or on an electronic employee portal stating (a) the dates on which an employee or subcontractor with a confirmed case of COVID-19 was on the premises, (b) the location of the exposure, including the department, floor, building, or other area, and (c) the contact information for employees to receive information regarding COVID-19 related benefits. The notice must be posted within one (1) business day, must remain posted for no less than 15 calendar days, and must be in English and the language understood by the majority of employees. Employers may, but are not required to, provide direct written notice to each employee instead.

Employers must also provide written notice to the exclusive labor representative, if any, of confirmed cases and employees who had close contact with those confirmed cases, within one business day.

(AB 2693 amends Sections 6325 and 6409.6 of the Labor Code.)

AB 2068 – Requires Employers To Post Cal/OSHA Citations And Orders In Multiple Languages.

Under current law, if the Division of Occupational Safety and Health (Cal/OSHA) makes a finding that an employer violated health and safety standards or regulations, Cal/OSHA can issue a citation, which the employer is required to post at or near each place where the violation occurred, or in a place readily seen by all employees. However, current law does not require the employer to post translations of these notices even if the majority of the worksite speaks a language other than English.

Assembly Bill 2068 (AB 2068) aims to close this language gap. It requires that any time a citation or special order or action is required to be posted, the employer must also post an employee notification prepared by Cal/OSHA in multiple languages. AB 2068 requires Cal/OSHA to prepare these notifications in English and the top seven non-English languages used by limited-English-proficient adults in California, as determined by the US Census Bureau's American Community Census, as well as Punjabi (if not already included). AB 2068 allows Cal/OSHA to enforce this posting requirement by citations and civil penalties.

(AB 2068 amends Sections 6318 and 6431 of the Labor Code.)

UNEMPLOYMENT INSURANCE

AB 1854 – Deletes Sunset Date On Electronic Submission Of Work-Sharing Plan Applications.

The Employment Development Department (EDD) administers an Unemployment Insurance Work Sharing program available to employers who are facing an economic downturn, as a temporary alternative to traditional layoffs. The work-sharing program allows an employer to reduce an employee's hours in lieu of layoff and allows the employee to receive partial unemployment benefits, even if the reduction of hours and compensation would not otherwise make them eligible for such benefits.

In 2020, responding to the economic uncertainty caused by the COVID-19 pandemic, and recognizing that the EDD program was not frequently used due to the burdensome application process, the Legislature enacted a temporary law to streamline the application process. The temporary law required the EDD to set up an online application portal and to automatically treat any work-sharing plan application submitted by eligible employers as approved for one year unless the employer requested a shorter plan. Originally, the streamlined process was limited to applications submitted between September 15, 2020, and September 1, 2023, and the statute itself would expire January 1, 2024.

Assembly Bill 1854 (AB 1854) removes the time limitation and sunset date, meaning the new streamlined process is now operative indefinitely. AB 1854 also requires the EDD to accept electronic signatures on all work sharing plan application documents.

(AB 1854 amends Section 1279.7 of the Unemployment Insurance Code.)

PARKING CASH-OUT PROGRAMS

AB 2206 – Parking Cash-Out Programs Are Required For Employers With 50 Or More Employees Who Offer Employees Parking Subsidies.

The California Health & Safety Code requires that the State Air Resources Board classify each air basin according to its pollution level. The State Air Recourses Board classifies each air basin as in attainment, in non-attainment or unclassified for any state ambient air quality standard based on a pollutant-by-pollutant basis.

Current law requires employers that meet the following criteria to provide a parking cash-out program: (1) located in the an air basin designated as non-attainment by the State Air Resources Board; (2) have 50 or more employees; (3) provide a parking subsidy to employees.

Assembly Bill 2206 (AB 2206) adds a distinct definition of "employer" and revises the definitions of "parking cash-out program," and "parking subsidy." Under AB 2206, the Legislature intends that the parking cash-out program is only applicable to an employer that provides a parking subsidy to employees that can reduce, without penalty, the number of paid parking spaces it maintains for its employees by providing employees with a cash-out option.

A parking subsidy, under this section, is now defined as the difference between the price, if any, charged to an employee for the use of a parking spaces not owned by the employer and made available to that employee by the employer and the market rate cost of parking. A parking cash-out program means a program wherein the employer offers to provide eligible employees a cash allowance equal to or greater than the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. AB 2206 also defines

market rate cost of parking as an amount that is no less than if the parking were to be obtained by an individual unaffiliated with the property on which parking is provided or by the employer through a transaction with no special rate due to a property lease for the closest publicly available parking within one-quarter mile of the employee's workplace or $350, whichever is less. If the employer cannot established the market rate cost of parking, the rate shall be the monthly price of the lowest priced transit serving within one-quarter mile of the site or fifty dollars ($50) per month, whichever is higher. The employer is required to maintain evidence of their effort to establish the market rate cost of parking for at least four years.

AB 2206 also adds a requirement for employers to inform employees who receive a parking subsidy of their right to receive the cash equivalent of the parking subsidy and maintain records of that communication.

AB 2206 authorizes the State Air Resources Board to impose the civil penalty not to exceed thirty-seven thousand five hundred dollars ($37,500) for a violation of this section. Additionally, a city, county, or air district may also adopt, by ordinance or resolution, a penalty or other mechanism to ensure that employers within their jurisdictions comply with this section of the Health & Safety Code. An employer cannot be subject to penalties by both the State Air Resources Board and a city, county, or air district. Only penalties by the State Air Resources Board are applicable if two agencies impose a penalty on an employer.

(AB 2206 amends 43845 of the Health and Safety Code.)

MASS LAYOFFS

AB 1601 – Amends The Cal/WARN Act To Grant Authority To Labor Commissioner To Enforce And Investigate Violations.

The California Worker Adjustment and Retraining Act (Cal/WARN Act) prohibits an employer from ordering a mass layoff, relocation, or termination of employees at any industrial or commercial facility that employs, or has employed within the preceding 12 months, 75 or more persons, without giving a written notice of the order to certain parties and entities, including the employees, the Employment Development Department, and specified local officials.

Assembly Bill 1061 (AB 1601) modifies the Cal/WARN Act to, among other things, authorize the Labor Commissioner to enforce the Cal/WARN Act's notice requirements concerning a mass layoff, relocation, or termination of employees, to investigate an alleged violation, and to order appropriate temporary relief to mitigate the violation pending the completion of a full investigation or hearing, including by issuing a citation against the employer who violated the Cal/WARN Act.

AB 1601 takes effect on January 1, 2023.

(AB 1601 amends, renumbers, and/or adds Sections 1400 through 1413 of the Labor Code.)

CRIMINAL BACKGROUND CHECKS

SB 731 – Excludes Certain Convictions For Possession Of Specified Controlled Substances From The Criminal Background Information That May Be Shared With Schools.

Current law requires the Department of Justice (DOJ) to maintain state summary criminal history information, as defined, and to furnish this information to school districts, county offices of education, charter schools, private schools, state special schools for the blind and deaf, or any other entity, including a nonprofit, whose contract requires a fingerprint-based criminal history background check. Senate Bill 731 (SB 731) prohibits the DOJ from disseminating to these entities, information of a conviction for possession of specified controlled substances if that conviction is more than 5 years old and relief has been granted.

(SB 731 amends Sections 44242.5 and 44346 of the Education Code, and amends Sections 1203.41 and 11105 of, and amends, repeals, and adds Sections 851.93 and 1203.425 of, the Penal Code.)

SB 1093 And AB 1720 - Revises Criminal Background Check Requirements For Community Care Facilities.

Senate Bill 1093 (SB 1093) and Assembly Bill 1720 (AB 1720) are companion bills that collectively revise the criminal background check requirements for community care facilities.

Under current law, the California Department of Social Services (CDSS) regulates the licensure and operation of community care facilities, residential care facilities for persons with chronic, life-threatening illness, residential care facilities for the elderly, childcare centers, and home care services. As part of these duties, CDSS is required to obtain a criminal history record for all applicants for licenses for these facilities and specified individuals connected with these facilities, including employees,

volunteers, and officers. Persons with certain criminal convictions are prohibited from obtaining a license. Specified individuals are also prohibited from being present in childcare facilities before obtaining either a criminal record clearance or a criminal record exemption from CDSS.

AB 1720 authorizes CDSS to grant a simplified criminal record exemption to an applicant for a license or special permit to operate or manage these facilities and the specified individuals connected with these facilities, if the following criterion is met:

1. The individual has not been convicted of a violent crime.
2. The individual has not been convicted of a crime within the last five years.
3. The individual has not been convicted of a felony within the last 10 years.
4. The individual has five or fewer misdemeanor convictions.
5. The individual has no more than one felony conviction.
6. The individual has not been convicted of a crime for which the department is prohibited from granting an exemption.

CDSS has the discretion to require an individual who is otherwise eligible for a simplified criminal record exemption to complete the standard exemption process if CDSS determines completing the standard exemption process will protect the health and safety of any person at the facility. Being granted a simplified criminal record exemption does not relieve the person from compliance with other applicable background check requirements.

Both SB 1093 and AB 1720 remove the requirement that specified individuals connected with the facilities sign a declaration under penalty of perjury regarding any prior criminal convictions, and prohibits CDSS from requiring an applicant for a license to disclose their criminal history information prior to receipt of live scan results.

SB 1093 revises current law, which permits an individual to transfer a current criminal record clearance from one facility to another following a written request to CDSS that accompanies verification of the individual's identity, such as a valid photo identification. SB 1093 instead requires individuals to request a transfer of a criminal record clearance and verify their identity by completing and submitting a form provided by CDSS or via CDSS's secure online portal.

(AB 1720 amends Sections 1522, 1568.09, 1569.17, 1596.871, 1796.19, 1796.23, 1796.24, 1796.25, and 1796.26 of, and adds Section 1522.7 to, the Health and Safety Code.)

YOUTH

SEXUAL ASSAULT STATUTE OF LIMITATIONS

AB 2777 – Extends The Statute Of Limitations For Civil Actions Alleging Sexual Assault Occurring On Or After A Victim's 18th Birthday.

Under existing law, the statute of limitations for filing a civil action to recover damages suffered as a result of sexual assault, as defined, that occurred on or after the victim's 18th birthday is the later of within 10 years from the date of the last act, attempted act, or assault with the intent to commit an act of sexual assault against the individual or within three (3) years from the date the individual discovers or reasonably should have discovered that an injury or illness resulted from those acts. Under existing law, this provision applies to any action that is commenced on or after January 1, 2019.

Assembly Bill 2777 (AB 2777) enacts the Sexual Abuse and Cover Up Accountability Act (Act), which revives, until December 31, 2026, claims seeking to recover damages suffered as a result of a sexual assault that occurred on or after January 1, 2009 that would otherwise be barred solely because the statute of limitations has or had expired. These claims may now be commenced until December 31, 2026. A civil action may also be brought against persons or entities other than the person alleged to have committed the sexual assault.

AB 2777 also revives any claim seeking to recover damages suffered as a result of a sexual assault (and any related claims, such as wrongful termination or sexual harassment arising out of the sexual assault) that occurred on or after the individual's 18th birthday that would otherwise be barred before January 1, 2023, solely because the applicable statute of limitations has or had expired. These claims may now be brought between January 1, 2023, and December 31, 2023, or, if already pending in court as of January 1, 2023, may proceed. However, the following factors must be met:

1. The individual was sexually assaulted;
2. One or more entities (i.e., sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity) are legally responsible for damages arising out of the sexual assault. "Legally responsible" means that the entity

or entities are liable under any theory of liability established by statute or common law, including, but not limited to, negligence, intentional torts, and vicarious liability; and

3. The entity or entities, including, but not limited to, their officers, directors, representatives, employees, or agents, engaged in a cover up or attempted a cover up of a previous instance or allegations of sexual assault by an alleged perpetrator of such abuse. A "cover up" means a concerted effort to hide evidence relating to a sexual assault that incentivizes individuals to remain silent or prevents information relating to a sexual assault from becoming public or being disclosed to the plaintiff, including, but not limited to, the use of nondisclosure agreements or confidentiality agreements.

AB 2777 does not, however, revive the following claims:

1. A claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2023; or
2. A claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2023.

There need not be a criminal conviction or adjudication, or even a criminal prosecution or other proceeding with regard to the sexual assault in order for an individual to file a civil action pursuant to AB 2777.

(AB 2777 amends Section 340.16 of the Code of Civil Procedure.)

S.3103 - The Eliminating Limits To Justice For Child Sex Abuse Victims Act Of 2022 Eliminates The Statute Of Limitations For Filing Certain Federal Human Trafficking And Sex Offenses.

On September 16, 2022, President Biden signed federal legislation entitled The Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022. The Act eliminates the statute of limitations for a minor victim of the following federal human trafficking or sex offenses to file a civil action in United States District Court to recover damages under Section 2255 of Title 18 of the United States Code:

- Forced labor (18 U.S.C. § 1589);
- Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor (18 U.S.C. § 1590);
- Sex trafficking of children or by force, fraud, or coercion affecting interstate or foreign commerce (18 U.S.C. § 1591);
- Aggravated sexual abuse of children, which crosses state lines (18 U.S.C. § 2241);
- Sexual abuse occurring on federal land or property (18 U.S.C. § 2242);
- Sexual abuse of a minor or ward in federal custody (18 U.S.C. § 2243);
- Sexual exploitation of children affecting interstate or foreign commerce (18 U.S.C. § 2251);
- Sale of a child by their parent or legal guardian (18 U.S.C. § 2243);
- Certain activities relating to material involving the sexual exploitation of minors affecting interstate or foreign commerce (18 U.S.C. §§ 2252 & 2252A);
- Production of sexually explicit depictions of a minor for importation into the United States (18 U.S.C. § 2260);
- Transportation of a person in interstate or foreign commerce to engage in prostitution or sexual activity (18 U.S.C. § 2421);
- Coercion and enticement of a person to travel in interstate or foreign commerce to engage in prostitution or sexual activity (18 U.S.C. § 2422); and
- Transportation of minors in interstate or foreign commerce to engage in certain sexual activities (18 U.S.C. § 2423).

The Act does not affect state law.

Under prior law, the statute of limitations for these claims was no later than 10 years after the date on which the plaintiff reasonably discovers the violation or injury, whichever occurs later, that forms the basis for the claim, or no later than 10 years after the date on which the victim reaches 18 years of age. While the Act took effect on September 16, 2022, it does not revive claims that would have already been barred as of September 15, 2022 by the prior statute of limitations. The Act only applies to claims or actions not previously barred that arise after September 16, 2022.

A person who suffers a personal injury related to one of the included federal human trafficking or sex offenses and brings a claim under Section 2255 may recover the person's actual damages or liquidated damages in the amount of $150,000, reasonable attorney's fees and other litigation costs, punitive damages, and any preliminary and equitable relief the court deems appropriate.

(The Act amended Section 2255 of Title 18 of the United States Code.)

MANDATED REPORTING

AB 2669 – Modifies Certain Child Abuse And Neglect Prevention Obligations For Youth Service Organizations.

On January 1, 2022, Assembly Bill 506 (AB 506) took effect, which requires youth service organizations to train its administrators, employees, and regular volunteers in child abuse and neglect identification and reporting, to adopt certain child abuse and neglect policies, to conduct criminal background checks of all administrators, employees, and regular volunteers, and to exclude any persons with a history of child abuse. Also, youth service organizations are to require, to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees, or volunteers are in contact with, or supervising, children.

A "youth service organization" is an organization that employs or utilizes the services of administrators or employees of a private youth center, youth recreation program, or youth organization who are mandated reporters. A "regular volunteer" is a volunteer who is 18 years of age or older and who has direct contact with, or supervision of, children for more than 16 hours per month or 32 hours per year through their volunteer work with the youth service organization.

Assembly Bill 2669 (AB 2669) modifies AB 506 in the following ways:

1. Excludes, until January 1, 2024, from the background check requirement youth service organizations that, prior to January 1, 2022, did not require administrators, employees, or regular volunteers to undergo background checks.

2. Excludes an organization that provides one-to-one mentoring to youth that has adopted and implemented policies to ensure reporting of suspected incidents of child abuse to outside persons or entities, comprehensive screening of volunteers, training of volunteers and parents or guardians, and regular contact with volunteers and parents or guardians from the requirement that, to the greatest extent possible, at least two mandated reporters be present whenever administrators, employees, or volunteers are in contact with, or supervising, children.

AB 2669 was passed with urgency and took effect on September 6, 2022.

(AB 2669 amends Section 18975 of the Business and Professions Code.)

AB 2085 – Revises Definition Of General Neglect Under CANRA.

The Child Abuse and Neglect Reporting Act (CANRA) establishes procedures for the reporting and investigation of suspected child abuse or neglect. CANRA requires certain professionals, known as "mandated reporters," to report known or reasonably suspected child abuse or neglect to a local law enforcement agency or a county welfare or probation department, within certain timeframes. Under existing law, CANRA defines "general neglect" as the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

Assembly Bill 2085 (AB 2085), which takes effect on January 1, 2023, revises the definition of general neglect by narrowing it to circumstances in which the child is at substantial risk of suffering serious physical harm or illness. AB 2085 further provides that general neglect does not include a parent's economic disadvantage.

(AB 2085 amends Sections 11165.2, 11166, and 11167 of the Penal Code.)

AB 2274 – Revises Statute Of Limitations For Misdemeanor Failure To File Mandated Report.

The Child Abuse and Neglect Reporting Act (CANRA) establishes procedures for the reporting and investigation of suspected child abuse or neglect. CANRA requires certain professionals, known as "mandated reporters," to report whenever the mandated reporter, in their professional capacity or within the scope of their employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Under existing law, a mandated reporter's failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. Under existing law, prosecution of a misdemeanor for failure to report an incident known or reasonably suspected by the mandated reporter to be sexual assault may be filed at any time within five (5) years from the date of occurrence of the offense.

Under Assembly Bill 2274 (AB 2274), the timeframe for prosecution of a failure to report reasonably suspected sexual assault case remains within five (5) years from the date of occurrence of the offense, while the timeframe for prosecution of failure to report any other child abuse or severe neglect to be within one year of the discovery of the offense, but in no case later than four (4) years after the commission of the offense.

(AB 2274 amends Section 801.6 of, and adds Section 801.8 to, the Penal Code.)

BUSINESS, FACILITIES, & GOVERNANCE

CAPITAL FUNDING FOR EDUCATIONAL FACILITIES

AB 2272 – Expansion Of The California Educational Facilities Authority Act For Institutions Of Higher Education.

California Educational Facilities Authority Act establishes the California Educational Facility Authority. The California Educational Facility Authority can provide California private institutions of higher education with an additional means by which to expand, enlarge, and establish dormitory, academic, and related facilities, finance those facilities, and refinance existing facilities. The California Educational Facility Authority can also enter into agreements with specified non-profit entities to develop student, faculty, and staff housing for the benefit of students enrolled at or faculty working at the University of California, the California Community Colleges, or a participating private college.

Assembly Bill 2272 (AB 2272) amends California Educational Facilities Authority Act to authorize California Educational Facilities Authority to finance working capital loans to private colleges that do not restrict the student admissions on the student's race or ethnicity. The private colleges must use the working capital for maintenance or operation expenses in connection with the ownership or operation of an educational facility, faculty or staff housing, and student housing.

(AB 2272 amends Sections 94110, 94140, 94146, 94150, 94151, and 94191 of the Education Code.)

NON-PROFIT SECURITY GRANTS

AB 1664 - Expands The California State Non-Profit Security Grant Program.

In 2019, Legislature enacted AB 1548 establishing the Non-Profit Security Grant Program. AB 1548 authorized the Non-Profit Security Grant Program to provide grants up to $200,000 to non-profit organizations that are at a high risk for violent attacks and hate crimes due to ideology, beliefs, or mission to improve their physical security. The non-profit organizations can use the grant funds for security guards, reinforced doors and gates, high-intensity lighting and alarms, and any other security enhancement consistent with the purpose of the California State Non-Profit Security Grant Program. Assembly Bill 1664 (AB 1664) expands the program by adding an additional approved use of the grant funds and increasing the award limit.

Under AB 1664, the Non-Profit Security Grant Program can now distribute funds to the grant recipients to use for security training. Additionally, the grant recipients may use 5% of the grant funds awarded for paying staff, third-party contractors or consultants to assist with management and administration of the grant funds. Grant recipients may not spend more than $100,000 of the grant funds on construction or renovation activities done in support of the target hardening activities related to security. However, AB 1664 allows the Non-Profit Security Grant Program to now grant up to $500,000 per recipient.

AB 1664 does not amend the existing sunset date for the Non-Profit Security Grant Program, which will expire automatically on January 1, 2025.

(AB 1664 amend Section 8588.9 of the Government Code.)

PROPERTY TAX EXEMPTION & SOLAR

SB 1340 – Extension Of Property Tax Exemption For The Construction Or Addition Of Any Active Solar Energy System.

Existing property tax law excludes the construction or addition of any active solar energy system from the definition of "newly constructed" for the purposes of appraising the value of real property. This exclusion was set to expire after the 2023-2024 fiscal year.

Senate Bill 1340 (SB 1340) extends the property tax exemption for the construction or addition of any active solar energy system. SB 1340 extends the exclusion construction or addition of any active solar energy system from the definition of "newly constructed" for the purposes of appraising the value of real property through the end of the 2025-2026 fiscal year. This exclusion remains in effect only until there is a subsequent change in ownership, but an active solar energy system that qualifies for the exclusion before January 1, 2027, will continue to receive the exclusion until there is a subsequent change in ownership.

(SB 1340 amends Section 73 of the Revenue and Taxation Code.)

CORPORATE GOVERNANCE

SB 218- Authorizes The Superior Court To Ratify Certain Lawful Corporate Actions.

Senate Bill 218 (SB 218) authorizes the Superior Court to validate or ratify otherwise lawful corporate actions not in compliance, or purportedly not in compliance, with the General Corporation Law, the articles, bylaws, or a plan or agreement to which the corporation is a party in effect at the time of a corporate action, if the requirements outlined in the bill are met.

If the corporate action is not related to the election of the initial directors, the Board must ratify the corporate action by resolutions that set forth: (1) each action to be ratified, (2) the date the action took place and the date the action is effective, if different; (3) the nature of the noncompliance or purposed noncompliance of each action; and (4) a statement that the ratification of each action is approved. If the corporate action is related to the election of the initial directors, the resolution must set forth: (1) the name of the person or persons who first took action in the name of corporation as the initial directors; (2) the earlier date of which such person took action or were purported to have been elected as initial directors and the date the persons shall be deemed to become the initial directors; and (3) a statement that the ratification of each election is approved.

The corporation must file a certificate of ratification with the Secretary of State if the ratified corporate action would have required filing or any document previously filed becomes inaccurate or incomplete after giving effect to the ratification. The code sets forth the required provisions that must be included in the certificate of ratification.

If the Secretary of State refuses to file the certificate of ratification because it would render prior filings inaccurate, ambiguous, or unintelligible, an authorized person may file a Petition with the superior court to determine the validity with the corporate action. An "authorized person" is defined as the corporation, any successor entity to the corporation, any director, or any other person that claims to be substantially and adversely affected by the ratification of a corporate action. The petition must be filed in the superior court in the county where the principal office of the corporation is located. The authorized person must serve the petition on the corporation's registered agent and does not need to join any other party. The code sets forth the required provisions that must be included in the petition.

The corporation must file a certificate of validation with the Secretary of State if the corporate action validated by the Superior Court would have required filing or any document previously filed becomes inaccurate or incomplete after giving effect to the validation. The code sets forth the required provisions that must be included in the certificate of validation.

(SB 218 amends Section 110 of, and adds Section 119 to, the Corporations Code.)

SB 1202 – Extends Timeframe For Secretary Of State To Provide Notice Of Failed Payment Upon Filing.

Senate Bill 1202 (SB 1202) provides additional time for the Secretary of State to give written notice of cancellation of the articles of incorporation if it receives a form of payment that it cannot honor for the filing fee or franchise tax. The Secretary of State must give notice within 90 days, extended from 70 days, of receiving written notification that it cannot honor the form of payment and the date of cancellation of the articles of incorporation. The cancellation date for the articles of incorporation cannot be less than 20 days from the mailing of the notice.

(SB 1202 amends Section 23405.4 of the Business and Professions Code, amends Section 6760 of the Civil Code, amends Sections 109.5, 110.5, 177, 201, 202, 213, 301.5, 312, 402, 423, 509, 600, 601, 707, 709, 910, 1001, 1101, 1101.1, 1201, 1400, 1500, 1501, 1503, 1508, 1600, 1601, 1602, 1702, 2101, 2103, 2105, 2106, 2107, 2112, 2115, 2318, 2502.06, 2601, 3502, 5008.5, 5039.5, 5120, 5122, 5213, 5214, 5224, 5510, 5511, 5615, 5817, 6013, 6210, 7122, 7213, 7214, 7224, 7413, 7510, 7511, 7614, 7813.5, 8013, 8210, 9122, 9213, 9214, 9224, 9411, 9926, 12214.5, 12228.5, 12302, 12353, 12354, 12364, 12460, 12461, 12483, 12504, 12534, 12570, 12702, 15901.02, 15901.08, 15901.11, 15902.01, 15902.09, 15903.04, 15904.07, 15908.02, 15908.07, 15909.02, 15909.05, 15909.06, 15911.03, 15911.06, 16105, 16106, 16303, 16309, 16310, 16403, 16905, 16906, 16908, 16914, 16915, 16953, 16954, 16959, 16960, 16962, 17701.02, 17701.13, 17701.14, 17701.15, 17702.01, 17702.02, 17708.02, 17708.05, 17708.06, 17709.02, 17710.06, 18200, 21303, and 25211 of the Corporations Code, and amends Section 23331 of the Revenue and Taxation Code.)

PRIVATE SECURITY

AB 2515 – Additional Requirements For Organizations That Directly Employ Security.

Any organization that employees its own security personnel must comply with the Proprietary Security Services Act or the Private Security Services Act,

depending on the type of security hired, and must ensure that the security personnel also comply with the Acts.

The Proprietary Security Services Act governs the following officers, defined as "proprietary private security officers":

- Security officers who work exclusively for a proprietary private security employer;
- Are unarmed;
- With the primary duty to provide security service;
- Wears a distinctive uniform clearly identifying the individual as a security officer; and
- Is likely to interact with the public while performing duties.

The Private Security Services Act requires proprietary private security officers and their employers to register with the Department of Consumer Affairs. Assembly Bill 2515 (AB 2515) amends the Proprietary Security Services Act to add additional requirements for proprietary private security employers and proprietary private security officers. AB 2515 requires that the employers include a designated responsible person on the registration application.

Existing law requires an employer to maintain accurate records for each proprietary private security officer it hires, including the name, address, dates of employment, position and training. AB 2515 requires that the employer make these records available to the Bureau of Security and Investigative Services upon demand.

The Private Security Services Act requires proprietary private security officers to carry on their person a valid and current proprietary private security officer's registration card and a valid driver's license or identification card while on duty. AB 2515 requires that the proprietary private security officers present this registration card to any peace officer or Bureau of Security and Investigative Services representative upon demand.

Existing law authorizes the Director of Consumer Affairs to suspend or revoke a proprietary private security officer's registration if the individual has committed any act or crime constituting grounds for suspension or revocation. AB 2515 automatically suspends the proprietary private security officer's registration if the individual is convicted of any crime that is substantially related to the functions, duties, and responsibilities of a proprietary private security officer, subject to certain notice and hearing requirements.

The Private Security Services Act authorizes the Director of Consumer Affairs to issue citations for a violation of the Proprietary Security Services Act. AB 2515 requires employers to deliver a written report to the Director of Consumer Affairs within seven (7) business days after any physical altercation between a member of the public and a proprietary private security officer if the officer was on duty and acting within the course and scope of the officer's employment. Employers that fail to timely submit the report are subject to a $2,500 fine for failing to deliver that report. AB 2515 subjects employers to specified fines if they fail to properly maintain records, fail to certify proof of current valid registration, fail to administer certain training requirements or permit employees to carry firearms or other deadly weapons.

AB 2515 subjects proprietary private security officers to specified fines if they fail to carry their registration, carry firearms or other deadly weapons or fail to report any physical altercation between a member of public the while on duty and acting within the course and scope of employment.

AB 2515 makes the commission of specified acts by a person required to be registered as a proprietary private security officer subject to specified fines, including carrying a firearm or other deadly weapon. AB 2515 authorizes the Director of Consumer Affairs to deny, suspend, or revoke a license issued under the act if the Director of Consumer Affairs determines the proprietary private security employer, responsible person of the proprietary private security employer, or registered proprietary private security officer has engaged in specified acts, including making any false statement or giving any false information in connection with an application for a license.

(AB 2515 amends Sections 7574.13, 7574.18, 7574.21, 7574.22, 7574.30, 7583.2, 7583.5, 7583.6, 7583.7, 7583.10, 7585, 7585.6, 7587.1, 7596, 7596.3, 7598.1, 7598.2, 7598.3, 7599.37, and 7599.38 of, amends and repeals Sections 7583.33, 7583.34, and 7585.14 of, amends, repeals, and adds Sections 7581.2, 7581.3, 7583.9, 7583.37, 7588, and 7588.6 of, adds Sections 7574.37, 7574.38, 7574.39, and 7574.40 to, adds Article 4.5 (commencing with Section 7584) to Chapter 11.5 of Division 3 of, and repeals and adds Section 7574.31 of, the Business and Professions Code, and amends, repeals, and adds Section 22295 of the Penal Code.)

JOINT POWERS

SB 1226 - Joint Powers Agreements Created For Zero-Emission Transportation Systems Or Facilities May Include A Private, Non-Profit Mutual Benefit Corporation.

Senate Bill 1226 (SB 1226) authorizes a private, non-profit mutual benefit corporation formed for the purposes of providing services to zero-emission transportation systems or facilities to join a joint powers authority or enter into a joint powers agreement with one or more public agencies. The purpose of the joint power authority or agreement must be to facilitate the development, construction, and operation of zero-emission transportation systems or facilities that lower greenhouse gases, reduce vehicle congestion and vehicle miles traveled, and improve public transit connections. A joint powers authority formed under SB 1226 is prohibited from incurring debt.

The participating public agency or agencies must determine the composition of the board of directors. The private, non-profit mutual benefit corporation's representation on the board of directors cannot exceed 50%.

SB 1226 will remain in effect until January 1, 2032.
(SB 1226 adds and repeals Section 6538.5 of the Government Code.)

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