

CONCURRENCE IN SENATE AMENDMENTS

AB 1963 (Chu)

As Amended June 25, 2020

Majority vote

SUMMARY:

Makes a human resource employee of a business that employs five or more employees and, also, employs minors a mandated reporter of child abuse or neglect, and a person whose duties require direct contact with and supervision of minors in the performance of the minors duties in the workplace a mandated reporter of sexual abuse for the purpose of the Child Abuse and Neglect Reporting Act (CANRA).

The Senate Amendments:

- 1) Limits the mandated reporting requirement to businesses with five or more employees.
- 2) Requires that employers, that employ minors, provide their employees that are mandated reporters with training in their child abuse and neglect reporting duties.

COMMENTS:**According to the Author:**

According to the author, "AB 1963 is a commonsense measure in this era of "Times Up" and "Me Too," to designate human resource employees of any business which employs minors and those supervisors whose duties require direct contact and supervision of minors in the workplace as mandated reporters and direct them to the existing free training in the duties of mandated reporters.

"California has millions of minors who are in the workforce. Sadly, the workplace is also an environment where sexual harassment and other forms of employee abuse can take place. As noted in the 2017 Report of the Co-Chairs of the Equal Employment Opportunity Commission (EEOC) Select Task Force on the Study of Harassment in the Workplace, almost one third of the approximately 90,000 charges received by EEOC in fiscal year 2015 included an allegation of workplace harassment. In addition, the report noted a series of factors that put employees at a higher risk of experiencing harassment in the workplace, including a young workforce.

"When the employee is a minor, the same conduct that violates an employer's sexual harassment policies may also be child abuse, which must be immediately reported to authorities for investigation. Unlike the children who report child abuse in a school setting for instance, where teachers, administrators and other employees are trained mandated reporters, the sexual harassment prevention training mandated for children who are employees is governed under the Government Code provisions for employment protections, which sends any sexual harassment complaints to the Human Resources Department, and to the Department of Fair Employment and Housing, where a lengthy legal process is available. AB 1963 is needed to assure that when a report of sexual harassment in the workplace is brought forward by a minor or on behalf of a minor, the complaint will be made to a trained mandated reporter so that all of their rights under law will be protected."

Arguments in Support:

According to the California Federation of Teachers, "The California Federation of Teachers (CFT) supports Assembly Bill 1963 which would add a human resource employee of a business with 5 more employees that employs minors to the list of individuals who are mandated reporters under the Child Abuse and Neglect Reporting Act. In addition, the bill would add, for the purposes of reporting sexual abused, an adult whose duties require direct contact and supervision of minors in the performance of the minors" duties in the workplace to the list of individuals who are mandated reporters. Finally, AB 1963 would require those employers to provide their employees who are mandated reporters with training on identification and reporting of child abuse and neglect."

Arguments in Opposition:

None on file.

FISCAL COMMENTS:

According to the Senate Appropriations Committee, unknown, potentially-significant workload cost pressures to the courts to adjudicate charges brought against new mandated reporters who do not report known or suspected child abuse or neglect. While the superior courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. For example, the Budget Act of 2020 appropriated \$273.8 million from the General Fund to backfill continued reduction in fine and fee revenue for trial court operations. (General Fund*)

*Trial Court Trust Fund

VOTES:**ASM PUBLIC SAFETY: 6-0-2**

YES: Jones-Sawyer, Bauer-Kahan, Diep, Kamlager, Gabriel, Santiago

ABS, ABST OR NV: Lackey, Wicks

ASM APPROPRIATIONS: 18-0-0

YES: Gonzalez, Bigelow, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Petrie-Norris, McCarty, Robert Rivas, Voepel

ASSEMBLY FLOOR: 76-0-3

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, O'Donnell, Obernolte, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Low, Muratsuchi, Quirk

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Jones

UPDATED:

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