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**SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT**

**Senator Dave Cortese, Chair**

**2021 - 2022 Regular**

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<b>Bill No:</b>	AB 1031	<b>Hearing Date:</b>	June 28, 2021
<b>Author:</b>	Villapudua		
<b>Version:</b>	June 14, 2021		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Glenn Miles		

**SUBJECT:** State agencies: interns and student assistants: hiring preference

**KEY ISSUE**

Should the Legislature require state agencies give preference, as defined, to qualified applicants who have been a victim of human trafficking when hiring for internships and student assistant positions?

**ANALYSIS**

**Existing law:**

- 1) Requires state agencies, when hiring for internships and student assistant positions, to give preference, as defined, to qualified applicants who are, or have been, dependent children in foster care, homeless youth, or formerly incarcerated youth. (Government Code §18220)
- 2) Requires the agencies to grant the preference to applicants up to 26 years of age. (GC § 18220 (a))
- 3) Defines “Preference” to mean priority over similarly qualified applicants for placement in the position. (GC § 118220 (c) (1) )
- 4) Requires under the constitution that the civil service includes every state officer and employee, except as otherwise provided in the constitution, and that the state make permanent appointments to and promotions in the civil service under a general system based on merit ascertained by competitive examination. (CA CONST. art. VII, § 1)
- 5) Authorizes the Legislature to provide preferences for hiring in the state civil service for veterans and their surviving spouses under the state constitution. (CA CONST. art. VII, § 6)

**This bill:**

1. Requires state agencies, when hiring for internships and student assistant positions, to give preference, as defined, to qualified applicants who have been a victim of human trafficking.
2. Defines “Human trafficking” to mean a violation of Section 236.1 of the Penal Code.<sup>1</sup>

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<sup>1</sup> Penal Code § 236.1 provides that a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or for effecting or maintaining other specified felonies, is guilty of the crime of human trafficking.

3. Defines “Preference” to mean priority over similarly qualified applicants for placement in the position.

**COMMENTS**

**1. Need for this bill?**

According to the San Joaquin County District Attorney,

For many trafficking individuals it is difficult to change their circumstance. Many do not seek help due to fear or do not have the resources and support needed to seek employment opportunities that may change their lives and help them from falling back into human trafficking. With the passage of this bill, we can heal the past and provide hope for the future.

Committee Comments

State agencies generally must hire permanent employees under the civil service process, which includes examinations and the development of job classification lists. Once the applicant qualifies under that process, the state places the individual on a list and the applicant is eligible for that position classification in various state agencies. According to the State Personnel Board, the state establishes a preference in hiring for veterans. Specifically, veterans receive additional points on their examinations. To the extent that internships and student assistant positions do not establish permanent state employment, existing state policy has not subjected these positions to civil servant requirements and as such, individual state agencies are responsible for hiring for these positions.

The state originally adopted a limited hiring preference for internships and student assistant positions for foster youth upon the rationale that foster youth were wards of the state and the state had a specific compelling state interest in transitioning foster youth into adulthood. Recently, the Legislature extended that rationale to homeless and formerly incarcerated youth.

Recommended Amendments

This bill sets up a new preference requirement for state agencies for hiring interns and student assistants and sets it apart in a separate government code section rather than including it in existing code section for existing preference requirements. This may result in a statutory interpretation that, as the most recently enacted of the two sections, the Legislature intends victims of human trafficking to receive preference over existing categories of applicants (i.e., foster youth, homeless youth, and formerly incarcerated youth). To clarify that this is not the Legislature’s intent but rather the bill only establishes another category of applicants who shall receive a hiring preference, the committee recommends amendments that merge this provision into the existing provision.

**2. Proponent Arguments**

According to the San Joaquin County Family Justice Center,

AB 1031 will help survivors of human trafficking seek employment and it is a step toward ending human trafficking.

**3. Opponent Arguments:**

None received.

**4. Prior Legislation:**

SB 1225 (Atkins), 2020, declared that it is the intent of the Legislature to enact legislation to address the need for services and supports for victims of human trafficking. The bill died in Senate Rules Committee.

AB 1840 (Gipson), Chapter 404, Statutes of 2016, requires state agencies when hiring for internships and student assistant positions, to give preference to qualified applicants who are, or have been, homeless youth and formerly incarcerated youth.

SB 84 (Committee on Budget and Fiscal Review), Chapter 25, Statutes of 2015, establishes the Human Trafficking Victims Assistance Fund in the State Treasury and requires money in the fund to be used by the Office of Emergency Services for grants to qualified nonprofit organizations providing services to victims of human trafficking.

AB 735 (Mitchell), Chapter 464, Statutes of 2011, requires agencies when hiring for internships and student assistant positions, to give preference to qualified applicants who are, or have been, dependent children in foster care.

**SUPPORT**

Children's Home of Stockton  
Child Abuse Prevention Council  
San Joaquin County District Attorney's Office  
San Joaquin County Family Justice Center

**OPPOSITION**

None on file.

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