

Date of Hearing: July 12, 2023

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Ash Kalra, Chair

SB 864 (Smallwood-Cuevas) – As Amended July 3, 2023

SENATE VOTE: 33-7

SUBJECT: Workforce development: workplace rights curriculum

SUMMARY: Requires the California Workforce Development Board (CWDB) to partner with the Labor Commissioner (LC) and other subject matter experts to develop workplace rights curriculum as the basis for a training by local workforce development boards to individuals accessing services through the state's workforce system.

Specifically, **this bill:**

- 1) Requires the CWDB to assist the Governor with partnering with the LC and other subject matter experts to develop workplace rights curriculum, including, but not limited to, training about a worker's rights and wage theft protections, sexual harassment, discrimination, right to organize, and health and safety, to be provided to all individuals receiving individualized career services, supportive services, or training services through the California workforce system, as specified.
- 2) Provides that the curriculum developed in 1) above shall specify all of the following:
 - a) The timeline for the delivery of the training.
 - b) The length of the training.
 - c) The required qualifications for the training instructors.
 - d) Where participants should direct legal questions.
 - e) The process for maintaining a record of training attendees.
- 3) Requires the CWDB to assist the Governor with partnering with the Employment Development Department and the Labor and Workforce Development Agency to ensure that local workforce development boards and one-stop career center providers are complying with the requirement to provide workplace rights training.
- 4) Requires each local workforce development board to ensure the provision of workplace rights training consistent with the curriculum developed pursuant to 1) above.
- 5) Provides that the comprehensive four-year local plan of each local workforce development plan shall include a description of how the board plans to comply with the requirement in 3) above.
- 6) Adds that the intent of the Legislature to provide career services includes, as part of any short-term prevocational services or workforce preparation activities, workplace rights training consistent with the curriculum in 1) above for all individuals receiving

individualized career services, supportive services, or training services through the one-stop system.

EXISTING STATE LAW:

- 1) Establishes the CWDB within the Labor and Workforce Development Agency (LWDA) as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. Unemp. Ins. Code, § 14010 et seq.
- 2) Requires the CWDB to assist the Governor in a number of areas of workforce development, including, among other things, the development and continuous improvement of the one-stop delivery system in local areas, strategies for technological improvements to facilitate access to one-stops, and the dissemination of best practices for effective training programs that respond to real-time labor market analysis. Unemp. Ins. Code, § 14013 et. seq.
- 3) Requires local workforce development boards to develop and submit to the Governor a comprehensive four-year local plan, in partnership with the chief elected official for the local involved, that includes strategic planning elements, as specified, and a description of coordination activities with various entities such as core program providers, employers, and educational institutions. Unemp. Ins. Code. § 14206(a) and § 14221 et seq.

EXISTING FEDERAL LAW:

Establishes the Workforce Innovation and Opportunity Act (WIOA) of 2014 in order to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with skilled workers. WIOA coordinates employment and training services for adults, dislocated workers, and youth through grants to states that are implemented at the state and local level. (29 U.S.C. § 3101 et seq.)

FISCAL EFFECT: According to the Senate Appropriations Committee,

- CWDB, EDD, and LWDA indicate that administrative costs would be minor and absorbable.
- By requiring local workforce development boards to perform specified duties, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service, counties could claim reimbursement of those costs (General Fund). The magnitude of these costs is unknown, but potentially in excess of \$50,000 per year (General Fund).

COMMENTS: The state's workforce development system is guided by the Governor and the CWDB and is comprised of 49 Local Workforce Development Areas, each with its own business-led Local Workforce Development Board. In 2021, the workforce system provided career services to nearly 37,000 individuals and training services to another 15,000 individuals.¹ System participants were fairly evenly split among males and females. The largest number of

¹ California Workforce Development Board. "Results Achieved Under the Workforce Innovation and Opportunity Act (WIOA) in 2021," p. 35 available at: [Results Achieved Under the Workforce Innovation and Opportunity Act \(WIOA\) Program Year 2021 \(ca.gov\)](https://www.cwdb.ca.gov/Results-Achieved-Under-the-Workforce-Innovation-and-Opportunity-Act-WIOA-Program-Year-2021).

participants served were between the ages of 25-44 years.² In addition, Hispanics/Latinos represented the largest ethnic group receiving services, with around 17,000 entering the system that year.³

According to the author, “SB 864 which would empower California’s workforce by allowing job seekers who visit career centers in search of advancing their employment opportunities to be educated about their rights as employees. This curriculum will include information pertaining to wage theft, sexual harassment, discrimination, the right to organize, and on-the-job worker health and safety protections. This education is critical to ensuring job seekers have the necessary tools to better protect themselves and their communities from job loss, unpaid wages, and financial insecurity.”

The author further points out that the bill promotes equity because “Due to the structure of eligibility requirements for services under the nation’s workforce laws, many of the jobseekers served through the state’s career centers are individuals from marginalized communities. In other words, the program participants of federal workforce programs addressed in this bill tend to be individuals from marginalized communities. This bill ensures the relevant individuals receiving the specified career, training, and supportive services also are made aware of specified workplace rights.”

Committee Comments

The author may want to subsequently amend the bill to specify that the workplace rights curriculum will be made available in other languages commonly spoken by individuals receiving services through the state’s workforce system.

Arguments in Support

The California Labor Federation is in support and states, “The Legislature has made great strides to strengthen workplace rights and protections for millions of working Californians. Despite this, many workers still face the exact workplace abuses and violations that these laws are intended to prevent. A report from the Wage Claims Adjudication Unit of the Labor Commissioner’s office found that in 2021 there were over 18,000 claims filed, and nearly 61,000 alleged violations regarding unpaid minimum wages, unpaid overtime, meal and rest break violations, failure to provide sick leave, and many others. One cost-effective strategy to combat rampant labor violations is to provide workers with information on their workplace rights, as well as what they can do when employers violate those rights.

SB 864 addresses this problem by ensuring that workers accessing state and local workforce board services receive training on their workplace rights. SB 864 requires the California Workforce Development Board to coordinate with the Governor, Labor Commissioner, and subject matter experts to develop trainings on workplace rights that will be provided to all individuals who receive career, supportive, or training services through the California Workforce system. The creation and delivery of these trainings is essential to adequately prepare workers for the realities they will face on the job.”

² *Ibid.*

³ *Ibid* at 36.

Arguments in Opposition

None on file.

Related Legislation

AB 800 (Ortega) of 2023 would require, among other things, any minor seeking the signature of a verifying authority on a Statement of Intent to Employ a Minor and Request for a Work Permit-Certificate of Age to be issued a document clearly explaining basic labor rights extended to workers, as provided. The bill is pending a hearing in the Senate Education Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Immigrant Policy Center
California Labor Federation
California Workforce Association

Opposition

None on file.

Analysis Prepared by: Megan Lane / L. & E. / , Megan Lane / L. & E. /