

Date of Hearing: March 18, 2026

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Liz Ortega, Chair

AB 1859 (Ortega) – As Introduced February 11, 2026

SUBJECT: Public works

SUMMARY: Requires an awarding body or owner to allow representatives of a joint labor-management committee (JLMC) to have reasonable access to active public works job sites to monitor compliance with prevailing wage and apprenticeship requirements. Specifically, **this bill:**

- 1) Requires an awarding body or owner to allow representatives of a JLMC as specified, to have reasonable access to active public works job sites to monitor compliance with prevailing wage and apprenticeship requirements.
- 2) Defines “reasonable access” to mean access that is consistent with job site safety and security requirements, including the use of personal protective equipment, that does not disrupt performance of work. Reasonable access includes access to workers during nonwork time.
- 3) Provides that an awarding body, owner, contractor, or subcontractor is not liable for any violations of safety standards caused by a representative of a JLMC.
- 4) States that if a representative of a JLMC is injured on a job site while performing duties pursuant to the above, the committee’s workers’ compensation or liability insurance policy, or both, shall be the exclusive remedy of the representative, and the awarding body, owner, contractor, or subcontractor, shall not have any liability.
- 5) Authorizes a JLMC as referenced in 1) above to bring an action in any court of competent jurisdiction against an awarding body, contractor, or subcontractor that willfully denies the committee’s representative reasonable access in violation of this section. The action shall be brought within six months after the denial of access.
- 6) Requires a court as referenced in 5) above to award a prevailing JLMC a civil penalty of one thousand dollars (\$1,000) for each occasion that reasonable access was denied. It shall also award a prevailing JLMC its reasonable attorney’s fees and costs incurred in maintaining the action, including expert witness fees.
- 7) States that the above requirements do not apply to public works job sites for entities that are required to comply with specified sections of the Education Code that require criminal background checks for school personnel.
- 8) States that no reimbursement is required pursuant to Section 6 of Article XIII B of the California Constitution.

EXISTING LAW:**State Law**

- 1) Establishes the Division of Labor Standards Enforcement (DLSE), under the direction of the Labor Commissioner (LC), within the Department of Industrial Relations (DIR), and authorizes the LC to investigate employee complaints and enforce labor laws, as specified. Labor Code § 79 et seq.
- 2) Defines “public works,” for the purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for, in whole or in part, out of public funds. Labor Code § 1720(a).
- 3) Requires that not less than the general prevailing rate of per diem wages be paid to all workers employed on a "public works" project costing over \$1,000 dollars and imposes misdemeanor penalties for violation of this requirement. Labor Code § 1771.
- 4) Requires contractors and subcontractors, while performing public works, to furnish specified payroll records at least once a month directly to the LC, in an electronic format, in the manner prescribed by the LC, on the department’s internet website. Labor Code § 1771.4(a)(3).
- 5) Requires each contractor and subcontractor on a public works project to keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the contractor or subcontractor in connection with the public work. Labor Code § 1776(a).
- 6) Defines “graduate of an apprenticeship program” to mean either of the following:
 - a) An individual that has been issued a certificate of completion under the authority of the California Apprenticeship Council for completing an apprenticeship program approved by the chief.
 - b) An individual that has completed an apprenticeship program located outside California and approved for federal purposes pursuant to the apprenticeship regulations adopted by the federal Secretary of Labor. Public Contract Code § 2601(c).
- 7) Provides that when the use of a skilled and trained workforce to complete a contract or project is required, the public entity shall include in all bid documents and construction contracts a notice that the project is subject to the skilled and trained workforce requirement. Public Contract Code § 2600(c).

Federal Law

- 1) Establishes joint labor-management committees pursuant to the federal Labor Management Cooperation Act of 1978. 29 U.S.C. § 175a.

FISCAL EFFECT: Unknown.

COMMENTS: This bill is double referred to the Assembly Judiciary Committee upon passage from this Committee.

JLMCs were first established under the federal Labor Management Cooperation Act of 1978. The act defines JLMCs as bodies “organized jointly by employers and labor organizations representing employees in that plant, area, or industry; and are established for the purpose of improving labor management relationships, job security, organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.”¹ In California, JLMCs promote equitable contracting on public works projects and ensure compliance with applicable state and federal labor laws governing the construction industry.

According to the author’s background materials, “California faces a severe enforcement gap when it comes to wage and hour laws. A 2024 report by the C[alifornia] State Auditor highlighted a massive backlog of over 40,000 wage theft claims at the Division of Labor Standards Enforcement (DLSE), with resolution timelines stretching months or years beyond statutory mandates.² The auditor noted that the DLSE lacks the staff to address this backlog effectively.” In 2021, in public works alone, the field enforcement unit of the DLSE found nearly \$11 million in stolen wages.³

JLMCs can help the DLSE in monitoring and enforcing public works laws. JLMCs already assist in enforcement by requesting payroll records to verify compliance at no cost to the state. JLMCs may also bring an action in court against employers who fail to pay their employees’ prevailing wage or submit certified payroll records.

According to the author, “California’s prevailing wage and apprenticeship laws are designed to prevent a race to the bottom where contractors win bids by cutting corners on wages or safety. When contractors comply with these laws, public projects are built by a local, skilled, and highly trained workforce. One of the main tools utilized by DLSE investigators to ensure compliance with public works laws is random on-site visits. Despite these powers, the DLSE faces an enforcement gap and has a massive backlog of wage theft claims. Authorizing JLMC investigators with similar in-person access to public works job sites would significantly enhance our enforcement capabilities without straining DLSE resources. Crucially, AB 1859 balances access with protections for contractors by ensuring that site visits do not disrupt work. This bill would protect law-abiding contractors from being undercut by those who violate the law, while helping ensure California’s infrastructure is built safely and to the highest standards.”

¹ 29 U.S.C. § 175a.

² <https://www.auditor.ca.gov/reports/2023-104/>.

³ https://www.dir.ca.gov/dlse/BOFE_LegReport2021.pdf.

The author states that the bill will maximize benefits for underserved and marginalized communities because currently “companies or individuals in companies can exploit undocumented workers by refusing to pay them the wages they deserve and threatening to retaliate against them if they report violations. AB 1859 would help address that issue by allowing JLMCs to enforce prevailing wage laws that undocumented persons can benefit from. The DLSE, when evaluating these cases, do(es) not look at whether a person is undocumented or not. Their focus is on whether the employer committed a wage and hour violation regardless of immigration status. Therefore, this bill is incredibly helpful in addressing the equity of fair wages that are entitled to both undocumented and documented workers on public works projects.”

Arguments in Support

The California-Nevada Conference of Operating Engineers, co-sponsor of the bill, states, “The value that JLMCs provide in ensuring that taxpayer dollars are properly utilized on public works projects is already well established in Statute. These groups are currently given specialized access to certified payroll records to monitor compliance with public works laws, and utilize this access to perform investigations into issues like wage theft, apprenticeship violations, safety violations, and violations of public contract code. JLMCs work hand in hand with the Division of Labor Standards Enforcement (DLSE) by turning over their finalized investigations to the labor commissioner, which can have the effect of significantly streamlining State investigations while not costing the State any additional resources...”

AB 1859 (Ortega) seeks to provide additional resources for the Division of Labor Standards Enforcement by clarifying that Joint Labor Management Committees are authorized to have “reasonable access” to public works jobsites in order to monitor for violations of public works laws. This in return will assist in streamlining investigations for the Division of Labor Standards Enforcement while requiring no additional funding from the State. Importantly, the bill provides critical protections for contractors by making clear that contractors shall not be liable for any violations of safety standards.”

Arguments in Opposition

The California Business Industry Association is in opposition to the bill and states, “Many construction projects contain both public works and private components, particularly in large residential and mixed-use developments where public infrastructure improvements, such as streets, utilities, or other improvements, are constructed alongside private residential or commercial buildings. AB 1859 fails to recognize this common development structure and provides no clear guidance on how access would be limited only to the public works portion of a project. In practice, this would create significant uncertainty and could require property owners to allow JLMC representatives onto areas of a site that are entirely private. Attempting to delineate and enforce boundaries between public and private portions of a construction project in real time would be impractical and could lead to disputes, delays, and inconsistent enforcement.

Additionally, the bill raises significant constitutional and practical concerns. Under the proposal, representatives of a JLMC, who are private parties and not government officials, would be granted access to private property without advance notice and without any clear credentialing requirements. Property owners would have little ability to verify that individuals requesting entry are legitimate representatives rather than individuals seeking unauthorized access to materials or equipment. This raises serious concerns in light of the United States Supreme Court’s decision in

Cedar Point Nursery v. Hassid, which held that government-mandated access to private property by private parties can constitute an unconstitutional taking.”

Prior Legislation

AB 2182 (Haney) of 2024 would have updated the annualization of employer payments in California to align with federal requirements, improve the civil wage and penalty assessment review procedures, allow the LC to request certified payroll backup information, and raise the prevailing wage for existing projects when the prevailing wage for a craft increases. It also would have allowed JLMC representatives reasonable access to public works job sites. This bill was vetoed by Governor Newsom.

REGISTERED SUPPORT / OPPOSITION:

Support

District Council of Iron Workers of the State of California and Vicinity (Sponsor)
International Union of Operating Engineers, California-Nevada Conference (Co-Sponsor)
State Building & Construction Trades Council of California (Co-Sponsor)
California Federation of Labor Unions, AFL-CIO
California State Association of Electrical Workers
California State Pipe Trades Council
District Council 16, International Union of Painters and Allied Trades
Teamsters California
Western States Council Sheet Metal, Air, Rail and Transportation

Opposition

California Building Industry Association
Western Electrical Contractors Association (Oppose Unless Amended)

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