

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee:	Labor and Employment	Vote:	7 - 0
	Judiciary		9 - 3

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill provides a joint-labor management committee (JLMC) reasonable access to a public works project job site.

Specifically, this bill:

- 1) Requires an awarding body or owner of a public works project to give representatives of a JLMC reasonable access to active job sites to monitor compliance with prevailing wage and apprenticeship requirements.
- 2) Allows a JLMC to bring a court action against an awarding body, contractor, or subcontractor that willfully denies the JLMC reasonable access to a job site and requires the court to award a prevailing JLMC a civil penalty of \$1,000 for each occasion reasonable access was denied, as well as attorney’s fees and costs.

FISCAL EFFECT:

- 1) Ongoing cost pressures of an unknown amount, potentially up to \$150,000, to the courts in additional workload by authorizing a new civil action against certain entities that willfully deny a JLMC reasonable access to a public works job site (General Fund (GF) or Trial Court Trust Fund (TCTF)). It is unclear how many civil actions may be filed statewide and how much court time may be needed to resolve each case, but it generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on staff and the TCTF may create a demand for increased court funding from the GF. The state budget provides annual GF backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in fiscal year 2025-26.
- 2) Potential costs of an unknown amount across state agencies executing public works projects, to the extent such agencies are subject to and do not prevail in a court action brought by a JLMC or public works contractors increase bid prices due to higher risk premiums (GF and special fund). Similarly, potential increase in local government project costs (non-reimbursable).
- 3) No direct costs to the Division of Labor Standards Enforcement (DLSE), as enforcement of the reasonable access requirement would occur through court action only. However, DLSE may incur cost pressures to the extent this bill increases the number of prevailing wage and apprenticeship compliance investigations referred to DLSE by JLMCs (special fund).

The Legislative Analyst's Office recently warned of GF structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

COMMENTS:

1) **Purpose.** According to the author:

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.

2) **Background. Public Works Projects.** Existing law requires payment of prevailing wage to all workers employed on a public works project valued over \$1,000, such as publicly funded construction, alteration, demolition, installation, maintenance, or repair work done under contract. Requiring an across-the-board rate ensures a bidder is not awarded a public works contract by virtue of paying low wages and undercutting competitors who provide higher compensation. A project valued over \$30,000 must also meet apprenticeship requirements.

JLMCs. JLMCs are authorized by federal law “for the purpose of improving labor management relationships, job security, organization effectiveness, enhancing economic development or involving workers in decisions affecting their jobs” and are comprised of both employer and labor representatives. For example, certain JLMCs are established to ensure labor law compliance for a public works project. Existing state law authorizes a JLMC to bring an action against an employer on a public works project that fails to pay employees prevailing wage or fails to provide requested payroll records. The Department of Industrial Relations has also established an electronic certified payroll record database specifically for multi-employer Taft-Hartley trust funds (THTFs) and JLMCs, through which these entities can gain easier access to detailed records to determine whether the correct wage is paid. This bill facilitates the efforts of a compliance JLMC by requiring an awarding body or owner of a public works project to give a JLMC reasonable access to active job sites to monitor compliance with prevailing wage and apprenticeship laws, and allowing a JLMC to bring a court action against an awarding body, contractor, or subcontractor that willfully denies the JLMC such access.

3) **Support and Opposition.** This bill is sponsored by the California-Nevada Conference of Operating Engineers, District Council of Ironworkers, and the California State Building and Construction Trades Council, which argue “clarifying that [JLMCs] are authorized to have ‘reasonable access’ to public works jobsites in order to monitor for violations of public works laws” will “assist in streamlining investigations for [DLSE] while requiring no additional funding from the State.” This bill is also supported by other labor organizations.

This bill is opposed by a coalition of local agency associations, led by the League of California Cities, which cites “immediate legal and operational concerns” and argues this bill “risks increasing the overall cost and complexity of delivering public works projects. Public entities may need to revise contract documents, develop new compliance protocols, and

dedicate additional staff time to manage access requests and potential disputes.” This bill is also opposed by construction industry associations.

- 4) **Related Legislation.** AB 963 (Petrie-Norris) requires an owner or developer undertaking a project subject to prevailing wage requirements to provide, upon request, certain records to DLSE, THTFs, or JLMCs. AB 963 was vetoed by Governor Newsom, who stated:

Given [DLSE’s] limited capacity, the proposed record request process is not a prudent use of department resources. I encourage the author to introduce a bill in 2026 that takes a less burdensome and more streamlined approach to ensuring compliance with prevailing wage laws.

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