

ASSEMBLY THIRD READING

AB 1859 (Ortega)

As Amended May 18, 2026

Majority vote

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.

Major Provisions

- 1) Requires, except as provided in 5), below, 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 (PPE), 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 an awarding body, owner, contractor, or subcontractor to deny or revoke access to a representative of a JLMC that fails or refuses to comply with applicable job site safety requirements, including the use of required PPE.
- 6) Requires a JLMC to, upon request, provide proof of general liability insurance and workers' compensation coverage, if applicable, prior to being granted access to a job site pursuant to 1) above.
- 7) Requires, as a condition for access to a job site pursuant to 1) above, a JLMC to indemnify and hold harmless the awarding body, owner, contractor, and subcontractors from and against claims, damages, or liabilities to the extent caused by the negligent acts or omissions or willful misconduct of the JLMC or its representatives while on the job site.
- 8) 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.
- 9) Authorizes a court to award a prevailing JLMC a civil penalty not to exceed one thousand dollars (\$1,000) for each occasion that reasonable access was willfully denied. It shall also award reasonable attorney's fees and costs, including expert witness fees, to the prevailing party in any action brought pursuant to the above.

- 10) 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.
- 11) States that no reimbursement is required pursuant to Section 6 of Article XIII B of the California Constitution.

COMMENTS

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.¹ 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.² 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

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."

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

¹ <https://www.auditor.ca.gov/reports/2023-104/>.

² https://www.dir.ca.gov/dlse/BOFE_LegReport2021.pdf.

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."

FISCAL COMMENTS

According to the Assembly Appropriations Committee,

- 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).

VOTES

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Alanis, Chen, Elhawary, Kalra, Lee, Arambula

ASM JUDICIARY: 9-3-0

YES: Kalra, Lee, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

ASM APPROPRIATIONS: 11-3-1

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Tangipa

ABS, ABST OR NV: Ta

UPDATED

VERSION: May 18, 2026

CONSULTANT: Megan Lane / L. & E. / (916) 319-2091

FN: 0002839