
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1859 (Ortega) - Public works

Version: May 18, 2026

Policy Vote: L., P.E. & R. 4 - 1, JUD. 10 -
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Urgency: No

Mandate: Yes

Hearing Date: August 3, 2026

Consultant: Robert Ingenito

Bill Summary: AB 1859 would require 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, as specified.

Fiscal Impact:

- The Department of Industrial Relations (DIR) indicates that it would incur first-year costs of \$4.8 million, and \$4.5 million annually thereafter, to implement the provisions of the bill (State Public Works Enforcement Fund, see Staff Comments).
- By authorizing a new civil action against certain entities that willfully deny a JLMC reasonable access to a public works job site, this bill may result in an increased number of civil actions. Consequently, the bill could result in potentially significant cost pressures to the courts; the magnitude is unknown (Trial Court Trust Fund (TCTF)). The specific number of new actions that could be filed under the bill also is unknown; however, it generally costs about \$10,500 per day to operate a courtroom. Courts are not funded on the basis of workload, and increased pressure on TCTF may create a need for increased funding for courts from the General Fund. The enacted 2026-27 budget includes \$70 million in ongoing support from the General Fund to continue to backfill TCTF for revenue declines.
- The bill could result in potential costs of an unknown amount to state agencies that oversee public works projects if JLMCs prevail in court actions against the agencies, or if contractors increase bid prices to account for increased litigation risk (General Fund and special funds).
- The bill could result in increased penalty revenue to the State. The magnitude is unknown, but probably minor.

Background: Current law requires contractors and subcontractors on public works projects to comply with prevailing wage, apprenticeship, and certified payroll requirements to help ensure lawful use of public funds and prevent unfair labor practices. JLMCs, established under federal law, promote labor-management cooperation and, in California, play a significant role in enforcing public works laws. Existing law authorizes JLMCs to bring court actions against employers that fail to pay prevailing wages or provide certified payroll records, and to refer violations to the Labor

Commissioner. JLMC-generated complaints reportedly accounted for approximately 57 percent of the DIR civil wage and penalty assessments issued between 2021 and 2025, resulting in more than \$61 million in assessed wages and penalties. Although JLMCs have access to certified payroll records, they generally do not have statutory authority to enter active job sites unless access is provided through a project labor agreement or other arrangement.

Proposed Law: This bill, among other things, would do the following:

- Require an awarding body or owner to, except as specified, allow representatives of a JLMC established pursuant to the federal Labor Management Cooperation Act of 1978 to have reasonable access to active public works job sites to monitor compliance with the prevailing wage and apprenticeship requirements.
- Provide that an awarding body, owner, contractor, or subcontractor is not liable for any violations of safety standards caused by a representative of a JLMC.
- Provide that if a representative of a JLMC is injured on a job site while performing duties pursuant to these provisions, the JLMC'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.
- Authorize 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 personal protective equipment.
- Require 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.
- Require, as a condition of access to a job site pursuant to these provisions, 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.
- Authorize a JLMC to bring an action in any court of competent jurisdiction against an awarding body, contractor, or subcontractor that willfully denies the JLMC's representative reasonable access. The action shall be brought within six months after the denial of access.
- Authorize a court to award a prevailing JLMC a civil penalty not to exceed \$1,000 for each occasion that reasonable access was willfully denied. A court shall award reasonable attorney's fees and costs, including expert witness fees, to the prevailing party in any action brought pursuant to this subdivision.
- Exempt from these provisions public works job sites that are required to comply with specified provisions of the Education Code.

- Define “reasonable access” as 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.

Related Legislation:

- SB 909 (Smallwood-Cuevas) would increase public works enforcement by (1) authorizing DIR to establish and adjust contractor registration and renewal fees of up to \$1000, as specified, (2) increasing penalties for various public works violations, including prevailing wage violations, and (3) directing 50 percent of penalties recovered through a civil wage and penalty assessment to the State Public Works Enforcement Fund. This bill is currently pending in the Assembly Appropriations Committee.
- SB 1241 (Smallwood-Cuevas) would have, among other things, required the LC to accept complaints from a JLMC alleging that a contractor failed to use a skilled and trained workforce. This bill was ordered to the inactive file on the Senate Floor.
- AB 2182 (Haney, 2024) would have, among other things, required a change in the prevailing rate of per diem wages, as determined by the Director, to apply to any public works contract for which notice to bidders is published after July 1, 2026, and provided representatives of a JLMC access to active public works job sites, as specified. This bill was vetoed by Governor Newsom.
- AB 3231 (Gray, Chapter 682, Statutes of 2018) authorized a JLMC to seek a court order requiring a public works contractor or subcontractor to provide certified payroll records.
- SB 588 (Burton, Chapter 804, Statutes of 2001) granted JLMCs access to certified payroll records and authorized JLMCS to bring an action in any court of competent jurisdiction against an employer that fails to pay the prevailing wage to its employees.

Staff Comments: DIR notes that JLMCs currently submit the vast majority of public works complaints to the Labor Commissioner’s Office (LCO) Public Works Unit for investigation. LCO estimates it receives approximately 2,195 public works complaints annually, of which an average of 1,652 are submitted by JLMCs. Approximately 50 percent of JLMC-generated complaints result in a Civil Wage and Penalty Assessment (CWPA) after investigation. Under the bill, LCO anticipates receiving additional referrals from JLMCs, which would increase workload associated with investigations, issuance of CWPAs, and related appeals. This additional workload would require additional staffing and resources.

Any local government costs resulting from the mandate in this measure are not state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

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