

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 1859 (Ortega)  
Version: May 18, 2026  
Hearing Date: June 30, 2026  
Fiscal: Yes  
Urgency: No  
ID

**SUBJECT**

Public works

**DIGEST**

This bill requires that a joint labor-management committee be granted reasonable access, as defined, to a public works worksite to monitor compliance with prevailing wages law, as specified, and permits a joint labor-management committee to bring a suit for a civil penalty of up to \$1,000 for a willful violation of this requirement.

**EXECUTIVE SUMMARY**

When a state or local agency completes any construction or similar work through the use of public funds, it is considered a “public works” project. Under state law, when a public agency contracts for a public works project, all workers employed by a contractor or subcontractor must be paid a prevailing wage for the locality. The Labor Commissioner (Commissioner) may investigate a claim that a contractor or subcontractor failed to pay an employee the prevailing wage, and if the Commissioner determines there was a violation, they must issue an assessment for the wages and penalties. However, the Commissioner’s ability to enforce the prevailing wage law is limited. AB 1859 requires an awarding body or owner of a public works jobsite to provide reasonable access to the jobsite to a representative of a joint labor-management committee (JLMC) for the purposes of monitoring compliance with prevailing wage laws. AB 1859 places a number of limitations on this requirement, and permits the JLMC to bring a lawsuit for a willful denial of reasonable access, as specified.

AB 1859 is sponsored by the California-Nevada Conference of Electrical Engineers, and is supported by the Association of California Cities - Orange County and a number of unions and trade associations. It is opposed by the League of California Cities, Rural County Representatives of California, the California Special District Association, and a number of other entities. It previously passed out of the Senate Labor, Public Employment and Retirement Committee by a vote of 4 to 1.

## PROPOSED CHANGES TO THE LAW

Existing federal law authorizes the creation of joint labor management committees (JLMCs) organized jointly by employers and labor organizations representing employees in the plant, area, or industry for the purpose of improving labor-management relationships, job security, and organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs, as specified. (29 U.S.C. § 175a.)

Existing state law:

- 1) Establishes the Labor Commissioner (Commissioner) within the Department of Industrial Relations (DIR), to enforce, among other things, wage and hour law, anti-retaliation provisions, and employer notice requirements. (Lab. Code §§ 79 et seq.)
- 2) Defines a “public work” as construction, alteration, demolition, installation, or repair work done under contract and paid in part or in whole out of public funds, except for work done directly by a public utility company pursuant to the Public Utilities Commission or other public authority. Includes work done for irrigation, utility, reclamation, and improvement districts and other similar districts, street, sewer, or other improvement work, laying of carpet in specified circumstances, tree removal work, and public transportation demonstration projects. (Lab. Code § 1720.)
- 3) Requires that, when a public agency contracts for a public works project, except for public works projects of \$1,000 or less, all workers on the public works project must be paid at least a prevailing rate of per diem wages for work of a similar character in the locality in which the public project is performed, including the prevailing rate for any holiday or overtime work. (Lab. Code § 1771.)
- 4) Requires the Director of DIR (Director) to determine the general prevailing rate of per diem wages, as specified, and specifies that the Director’s determination shall be final, except as specified. (Lab. Code § 1770.)
- 5) Requires an awarding agency of a public works project to “take cognizance” of violations of the prevailing wage laws, and permits the awarding agency to withhold contract payments for such violations. (Lab. Code § 1726.)
- 6) Specifies, before an awarding agency makes payments to a contractor of the money due under a public works contract, that the agency withhold and retain all amounts required to satisfy any civil wage and penalty assessment issued by the Commissioner for a prevailing wage violation. (Lab. Code § 1727.)
- 7) Requires the Commissioner to, with reasonable promptness, issue a civil wage and penalty assessment to the contractor or subcontractor, or both, if the Commissioner

or their designee determines after an investigation that there has been a violation of public works laws. Specifies that interest shall accrue for any due and unpaid wages from the time the wages were due and payable. (Lab. Code § 1741 (a).)

- 8) Provides that a JLMC, as established under federal law, may bring an action against an employer for a failure to pay a prevailing wage to its employees within 18 months after the filing of a valid notice of completion, or within 18 months after the acceptance of the public work, whichever occurs last. A court must award restitution to an employee for unpaid wages, plus interest, and liquidated damages equal to the amount of unpaid wages owed, and may impose civil penalties, injunctive relief, or any other appropriate form of equitable relief. (Lab. Code § 1771.2.)

This bill:

- 1) Requires an awarding body or owner to allow representatives of a JLMC 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) Specifies that an awarding body, owner, contractor, or subcontractor is not liable for any violations of safety standards caused by a representative of a JLMC. Specifies that, if a JLMC representative is injured on a jobsite while performing duties under this bill, the JLMC’s workers’ compensation or liability insurance shall be the exclusive remedy to the representative, and that the awarding body, owner, contractor, or subcontractor shall not have any liability.
- 4) Permits an awarding body, owner, contractor, or subcontractor to deny or revoke access to a JLMC representative that fails or refuses to comply with applicable jobsite safety requirements, including the use of required personal protective equipment.
- 5) Requires a JLMC to provide proof of general liability insurance and workers’ compensation coverage upon request, if applicable, prior to being granted access to a jobsite.
- 6) Requires a JLMC, as a condition of access to a jobsite, 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 representative on the jobsite.

- 7) Permits 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 in violation of these provisions, and provides that the JLMC must bring such a suit within six months of the denial.
- 8) Permits a court to award a prevailing JLMC a civil penalty of no more than \$1,000 for each occasion that reasonable access was willfully denied, and requires the court to award reasonable attorney's fees and costs, including expert witness fees, to the prevailing party in any action brought pursuant to the bill.
- 9) Exempts from its provisions public works jobsites for public school entities that are required to comply with Education Code Sections 45122.1, 45125, and 45125.1.

### COMMENTS

#### 1. Author's statement

In support of this measure, the author states:

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.

#### 2. California's protections for workers' wages and equity in public works projects

Many of California's labor laws aim to protect the state's workers and ensure they are paid fairly and adequately for their work. These laws are of significant importance, as they ensure that workers can meet their basic needs and protect their right to just compensation for their labor. However, wage theft, in which an employer does not pay a worker the amount the worker is due, or does not pay the worker for all of their

working hours, is the largest form of theft in the nation.<sup>1</sup> Reports state that workers lost at least 338 million dollars to wage theft in 2021, and one of the top industries for wage theft was construction.<sup>2</sup> The Labor Commissioner (Commissioner), who is charged with investigating complaints of violations of prevailing wage and apprenticeship laws that protect the wages of workers on public works projects, opened 1,964 cases of prevailing wage violation and assessed over \$10.6 million prevailing wages and another \$12.6 million in penalties against employers for violations.<sup>3</sup>

### 3. Public works projects and their labor protections

When a state or local agency completes any construction, demolition, installation, alteration, or repair work, or work on any irrigation, utility, or street, sewer, public transportation, or other infrastructure project through the use of public funds, it is considered a “public works” project. (Lab. Code § 1720.) When a California state or local agency initiates a public works project, the agency often lacks the staff and expertise to carry out the project itself. Instead, it turns to contractors to which it awards funds and a contract to complete the project for the agency.

Under state law, when a public agency contracts for a public works project, all workers employed on the public works project must be paid a prevailing wage for the locality, as determined by the Director of DIR. (Lab. Code § 1771.) Furthermore, in any call for bids for a public works contract, as well as in the final contract for the contracted-for work, the agency must specify the prevailing wage rate for each type of worker needed for the project, or otherwise make the rate available upon request. (Lab. Code § 1773.2.) The prevailing wage is based on the standard wages for a particular work or position, and is often based on the rate in local collective bargaining agreements. The function of prevailing wage laws is to ensure that a contractor’s ability to obtain a public works contract is not based on paying lower wage rates than competing bidders. Thus, all bidders on a public works project are required to use the same wage rates when bidding for a public works project, and contractors cannot squeeze their employees or rely on non-unionized workers in order to outbid another contractor for the project.

However, for such a public works project, ensuring compliance with the prevailing wages law requires a variety of mechanisms as well as enforcement from the Commissioner. An awarding agency is supposed to “take cognizance” of a violation of the prevailing wage and public works laws and promptly report any suspected

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<sup>1</sup> Brady Meixell & Ross Eisenbrey, Wage theft is a much bigger problem than other forms of theft – but workers remain mostly unprotected, Economic Policy Institute (Sept. 18, 2014), available at <https://www.epi.org/publication/wage-theft-bigger-problem-forms-theft-workers/>.

<sup>2</sup> Alejandro Lazo et al, When employers steal wages from workers, CalMatters (Jul. 25, 2022), available at <https://calmatters.org/explainers/when-employers-steal-wages-from-workers/?series=unpaid-wages-california-workers>.

<sup>3</sup> Cal. Labor Commissioner’s Office, 2020-2021 *The Bureau of Field Enforcement Fiscal Year Report*, Dept. of Industrial Relations (2021), available at <https://www.dir.ca.gov/dlse/DLSEReports.htm>.

violations to the Commissioner. (Lab. Code § 1726.) The awarding agency is empowered to withhold contract payments until the violations are resolved when the contractor has not paid a prevailing wage. (Lab. Code §§ 1726, 1771.6.) The Commissioner will investigate and determine whether there has been a violation of the prevailing wage laws, whether by notification of a suspected violation from the awarding agency or from a worker. If the Commissioner's investigation determines there has been a violation, the Commissioner must with reasonable promptness issue an assessment of the wages and civil penalty stating the wages, penalties, and forfeitures due. (Lab. Code § 1741.) The law provides the Commissioner 18 months from the completion of the public works project (when a notice of completion for the project is recorded, or upon acceptance by the awarding agency of the public work) to serve the assessment on the project's contractor or subcontractor. (Lab. Code § 1741.)

A joint labor-management committee (JLMC) is an organization jointly organized by management and labor organizations representing employees in the area for the purpose of improving labor-management relationships, job security, organizational effectiveness, and economic opportunity pursuant to Title 29 of the United States Code, Section 175a. A JLMC also may enforce the prevailing wage requirements for public projects by bringing a civil action against the contractor that failed to pay the required prevailing wage. (Lab. Code § 1771.2.) A JLMC also may request certified payroll records to confirm whether the employer is paying prevailing wages. (Lab. Code § 1776.)

#### 4. AB 2182 (Haney)

In 2024, this Committee heard, and the Legislature passed, AB 2182 (Haney, 2024). AB 2182 would have made a number of changes related to prevailing wages enforcement for public works projects, including the changes largely made by this bill. Those changes would have required that JLMCs be provided reasonable access to active public works worksites in order to monitor compliance with the prevailing wage requirements. It specified that reasonable access includes access to workers during non-work time. If the JLMC was denied reasonable access, AB 2182 would have permitted the JLMC to bring a civil action against the entity within six months of the denial, be it the awarding agency, the contractor, or a subcontractor, that willfully denied the JLMC reasonable access. AB 2182 would have permitted a prevailing JLMC to recover reasonable attorney's fees and a civil penalty of \$1,000 for each occasion access was denied. AB 2182 did include a number of limits on access to the public works jobsite to ensure jobsite safety and security and that ongoing work would not be disrupted.

While AB 2182 passed the Legislature, it was vetoed by the Governor. In his veto message, Governor Newsom pointed to uncertainty in the cost of public works projects and significant cost pressures on the state budget as the reason for his veto. However, AB 2182 included a number of provisions other than the ones providing JLMCs reasonable access to public works job sites, including provisions that applied semi-

annual adjustments to the prevailing wage to pending projects that have already been approved under the prevailing wage at the time of bidding. While not entirely clear from the Governor's veto message, it is likely that this other provision was the main source of concern relating to creating uncertainty in the cost of public works projects. AB 1859 does not include those provisions relating to prevailing wage adjustments.

5. AB 1859 proposes a similar requirement that JLMCs be provided with reasonable access to a public works project jobsite

AB 1859 proposes similar provisions as those in AB 2182 relating to a JLMC's access to a public works jobsite. It requires the awarding body or owner to allow JLMC representatives reasonable access to active public works jobsites in order to monitor compliance with the prevailing wage and apprenticeship requirements of the public works law. Reasonable access under its provisions means 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, and includes access to workers during nonwork time. It also permits an awarding body, owner, contractor, or subcontractor to deny or revoke access to a JLMC representative that fails or refuses to comply with applicable jobsite safety requirements, including the use of required personal protective equipment.

Like AB 2182, AB 1859 includes a number of provisions that limit the liability for the owner or awarding body when a JLMC representative accesses a jobsite. It specifies that an awarding body, owner, contractor, or subcontractor is not liable for any violations of safety standards caused by the JLMC representative. It also requires the JLMC to indemnify and hold harmless the awarding body, owner, contractor, or subcontractor against all claims, damages, or liabilities caused by the negligent conduct of the JLMC or its representative in order to access to the jobsite. If a JLMC representative is injured on a jobsite while monitoring prevailing wage compliance, the JLMC's worker's compensation or liability insurance must be the only remedy for the representative. The awarding body or owner can require the JLMC to provide proof of workers' compensation or general liability insurance in order to be granted access to the jobsite.

AB 1857 also provides a cause of action for a violation of this requirement that an awarding body or owner provide a JLMC reasonable access to the jobsite. This cause of action is only for the willful denial of reasonable access, and must be brought within six months of the denial of access. A prevailing JLMC may be awarded a civil penalty of up to \$1,000 for each denial of reasonable access, and a prevailing party in such a suit must be awarded reasonable attorney's fees and costs.

6. Considerations

The author asserts this is necessary because of current prevailing wage enforcement gaps. They assert that one of DLSE's primary enforcement tools is random on-site visits;

however, DLSE has a large backlog of wage theft claims and is unable to complete many of these visits. AB 1859 would provide JLMCs the ability to step in where DLSE cannot do on-site compliance monitoring. To address concerns related to the liability and safety or security risks of having JLMC representatives on a jobsite, AB 1859 includes numerous limitations both on liability and on access unless safety and security precautions are taken. These provisions shield the awarding body and the owner or any contractor or subcontractor from liability for any injuries that occur because of the JLMC representative's presence on the jobsite. While claims could otherwise potentially arise out of conditions on the jobsite that endanger and injure the representative, for which the owner of the jobsite or a contractor that caused the hazardous condition would be liable, AB 1859 forecloses that liability. Instead, the liability is placed squarely on the representative, who is the entity requesting access. Limiting liability in this way may prevent a JLMC representative who is injured from recovering for their injuries, even when the owner or awarding body is at fault, but considering the bill is requiring that the awarding body or owner provide access to a third party, limiting liability in this way makes some policy sense.

AB 1859 also provides an enforcement mechanism that would allow a JLMC to ensure that the right provided by the bill actually exists. However, this cause of action is limited in a number of ways. Firstly, it requires that the violation be a willful one, thus requiring that the owner or awarding body willfully denied reasonable access. Moreover, it provides for the prevailing party to recoup attorney's fees and costs. This may help dissuade an JLMC from bringing suits in cases where it is less clear that the JLMC will win, as it would be on the hook for the awarding body or owner's attorney's fees and costs if it loses.

Lastly, AB 1859's use of the term "reasonable access" provides flexibility to the parties of any dispute to either deny or allow certain access. Rather than complete access, AB 1859 only requires reasonable access, which permits the owner or awarding body to deny more access than they may otherwise be able to, or to limit access in certain, reasonable ways for a whole host of reasons. This provides the owner and awarding body added flexibility. However, it may also lead to some disputes, as a JLMC representative may find that an awarding body or owner has overly restricted access or has done so in unreasonable ways. Thus, there likely will arise some disputes between parties regarding what exactly constitutes reasonable access. The contours of that term will ultimately be determined in court.

## 7. Constitutional questions

While not raised by the opposition to AB 1859, opposition to AB 2182 argued that requiring a property owner to provide a JLMC access to the worksite is unconstitutional under recent Supreme Court precedent in *Cedar Point Nursery v. Hassid*. In that case, a nursery asserted that a California regulation that granted union organizers access to the nursery's property for three hours a day for four months a year for organizing activities

constituted a taking per se under the Fifth and Fourteenth Amendments. (*Cedar Point Nursery v. Hassid*, (2021) 594 S. Ct. 139.) The Supreme Court agreed with the nursery on the reasoning that the regulation was not a regulatory taking restraining the grower's use of their property, but rather a per se taking because it amounted to a right to invade and appropriated the grower's right to exclude. (*Id.* at p. 162.) However, the provisions of AB 1859 can be distinguished from those at issue in *Cedar Point Nursery*, as AB 1859 does not grant a complete right of access, like in *Cedar Point Nursery*, but rather a limited access subject to reasonableness. It also does not mandate access for a certain number of hours or days per year, as did the regulation at issue in *Cedar Point Nursery*. Moreover, AB 1859 relates to public works projects, which are constructed on behalf of the government, not a private party. Thus, a property owner under AB 1859 still has a right to exclude based on reasonableness, and the bill does not mandate any specific amount of access other than that to which the JLMC is entitled.

#### 8. Arguments in support

According to the California-Nevada Conference of Operating Engineers, which is the sponsor of AB 1859:

The value that JLMCs provide in ensuring that tax payer 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 affect of significantly streamlining State investigations while not costing the State any additional resources.

The LCO is responsible for enforcing labor laws and ensuring fair wages are paid to workers. Unfortunately, the office has faced severe challenges in enforcing regulations due to a lack of funding and staff capacity. For example, according to the LCOs data, there were 47,000 backlogged claims at the end of fiscal year 2022-23 and in November 2023, the LCO had a backlog of nearly 33,000 claims that had been part of a continuous backlog issue for at least three years. In addition, a 2024 report by the California State Auditor found that the DLSE has accumulated a substantial backlog of wage theft claims, with many cases taking months – or even years – longer than the timelines required by statute to reach resolution.

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 caused by a representative of a joint labor-management committee during a site visit.

9. Arguments in opposition

According to the League of California Cities and coalition of other groups in opposition:

Our opposition to AB 1859 is grounded in the bill's structure, which would grant any third-party JLMCs a statutory right of access to public works job sites, coupled with a private right of action, civil penalties, and attorney fees against public agencies for alleged denial of access. This framework raises significant operational, legal, and fiscal concerns for public entities serving as awarding bodies.

First, AB 1859 creates a new and ambiguous access mandate that public entities would be responsible for administering and enforcing on active public works job sites. We appreciate that "reasonable access" includes compliance with safety guidelines and personal protective equipment. We also want to recognize that the JLMC will carry responsibility for any insurance or workers compensation claims, however this does not fully assuage our safety concerns. This definition of "reasonable access" does not contemplate public works projects that occur on private lands or are only accessible through private property, which our members have reported being problematic. They are especially concerned about granting access to lands they do not control and how this bill will impact fire mitigation and flood prevention work that is often done on private lands. In addition, "reasonable access" does not contemplate that counties operate high-security facilities such as jails, juvenile facilities, hospitals, locked behavioral health facilities, treasuries, and facilities where minors may be present, where security protocols are necessary. Allowing unvetted individuals onto these construction sites, which would have access to information on the layout of secure facilities or where individuals within the county's custody are present, could jeopardize the safety and security of these sites. While schools may be excluded from the bill, there are numerous programs through parks and community centers for minors that also require fingerprinting and additional security protocols.

Public works sites are dynamic environments governed by strict Cal/OSHA requirements, contractor safety plans, and, in many cases, project labor agreements that already regulate site entry and oversight. Requiring public entities to accommodate third-party access risks interfering with contractor-controlled operations and could disrupt project timelines, increase safety risks, and create confusion over who has ultimate authority at the site, regardless of whether or not it is reasonable. Public owners often turn oversight of the project and job site over to the contractor, both legally and functionally, yet under AB 1859 the owners would

be subject to civil penalties for failure to provide “reasonable access” to JLMC members – something the owner would likely not be actively managing on a day-to-day basis.

Another significant concern is that the bill requires granting “reasonable access” to any JLMC to job sites, rather than those who have members on our sites. By allowing any JLMC access this puts public entities and contractors in the middle of multiple unions on our sites. This is a dispute we have no interest in, nor do we feel this is appropriate. Additionally, there is no guarantee these JLMC members would have any expertise in construction or any qualifications to be on an active job site.

Moreover, public entities would be placed in the untenable position of mediating disputes between contractors and third-party entities regarding access rights, without clear statutory guidance. Even with language intended to limit liability, public entities remain exposed to disagreements over what constitutes “reasonable” versus “denied” access, creating ongoing administrative burdens for project managers, inspectors, and legal staff. [...]

AB 1859 would effectively deputize external entities with statutory access rights and legal standing to monitor compliance, creating a duplicative and potentially conflicting oversight structure. These risks undermine the uniformity of enforcement, introducing inconsistent interpretations of labor standards, and complicating compliance efforts for public entities and contractors alike. The bill does not clearly delineate how these third-party activities would be coordinated with DIR enforcement, raising the potential for overlapping investigations, conflicting directives, and increased project delays.

The bill significantly expands litigation risk for cities by authorizing JLMCs, entities that are not parties to the construction contract, to bring legal action against awarding bodies for alleged denial of access. The inclusion of mandatory civil penalties and attorney’s fees for prevailing plaintiffs creates a strong incentive for litigation, regardless of the underlying merits of a claim. Public entities could face frequent legal challenges stemming from routine job site access disputes, including those arising from safety related restrictions or contractor-controlled entry protocols.

The six-month statute of limitations, combined with per-incident penalties, further compounds this risk by enabling multiple claims across a single project or portfolio of projects. Even minor or inadvertent misunderstandings could expose public entities to cumulative financial liability, diverting limited public resources away from critical infrastructure and community services. Smaller cities may lack the staffing and legal capacity to manage this increased exposure.

Beyond the immediate legal and operational concerns, AB 1859 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. Contractors, facing uncertainty around site control and increased third-party presence, may incorporate higher risk premiums into bids, ultimately raising project costs for taxpayers and reducing the extent and quality of infrastructure that can be completed with limited public dollars. Fewer road safety improvements, water system extensions, and critical upgrades to emergency and public safety facilities will occur as a result of AB 1859.

### **SUPPORT**

California-Nevada Conference of Electrical Engineers (sponsor)  
Association of California Cities - Orange County (ACC-OC)  
California Federation of Labor Unions, AFL-CIO  
California State Association of Electrical Workers  
California State Pipe Trades Council  
Teamsters California  
Western States Council Sheet Metal, Air, Rail and Transportation

### **OPPOSITION**

Association of California Healthcare Districts (ACHD)  
Associated General Contractors, California Chapters  
California Association of Recreation & Park Districts  
California Special Districts Association  
California State Association of Counties  
California State Council of Laborers  
City of Corona  
Community College Facility Coalition  
El Dorado Irrigation District  
League of California Cities  
Rural County Representatives of California (RCRC)  
Western Electrical Contractors Association

### **RELATED LEGISLATION**

Pending Legislation: SB 909 (Smallwood-Cuevas, 2026) permits the Director of the Department of Industrial Relations to establish and annually adjust based upon the change in the consumer price index the registration and renewal fee for a contractor or subcontractor conducting work on a public works project, increases various penalties for violations of rules relating to workers on public works projects, and specifies that 50 percent of penalties collected by the Labor Commissioner be deposited in the State Public Works Enforcement Fund, as specified. SB 909 is currently pending in the Assembly Appropriations Committee.

Prior Legislation:

AB 963 (Petrie-Norris, 2025) would have required an owner or developer, as defined, undertaking any work, subject to the prevailing wage requirements, to make specified records available upon request to the DLSE, to multiemployer Taft-Hartley trust funds, and to JLMCs, as specified. AB 963 was vetoed by the Governor, who stated: “this bill creates redundant processes that could undermine other enforcement priorities. Current law already grants parties the ability to request relevant payroll records from contractors, and the public may access such records through the [Labor Commissioner’s Office] or the awarding entity. Moreover, this measure generates a significant new workload for the [Labor Commissioner’s Office].”

AB 2182 (Haney, 2024) *see Comment 4.*

AB 1336 (Frazier, Ch. 792, Stats. 2013) increased timeline for when the Labor Commissioner must serve a civil wage and penalty assessment upon a contractor or subcontractor of a prevailing wage violation from 180 days to 18 months after the later of the filing of a valid notice of completion or the acceptance of the public work.

AB 1140 (Daly, 2013) would have provided that if the Director determines, within a semiannual period, that there is a change in any prevailing rate of per diem wages in a locality, that determination applies to any public works contract that is awarded or for which notice to bidders is published on or after January 1, 2014. This bill was vetoed by Governor Brown.

AB 1646 (Committee on Labor and Employment, Ch. 954, Stats. 2000) established the authority of the Labor Commissioner to assess a civil wage and penalty against a contractor or subcontractor who fails to pay the prevailing wage.

**PRIOR VOTES:**

Senate Labor, Public Employment and Retirement Committee (Ayes 4, Noes 1)

Assembly Floor (Ayes 60, Noes 14)

Assembly Appropriations Committee (Ayes 11, Noes 3)

Assembly Judiciary Committee (Ayes 9, Noes 3)

Assembly Labor and Employment Committee (Ayes 7, Noes 0)

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