



STATE CAPITOL
P.O. BOX 942849
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Assembly
California Legislature
Committee on Rules

RICHARD S. GORDON
CHAIR

VICE CHAIR
LING LING CHANG

MEMBERS
AUTUMN R. BURKE
NORA CAMPOS
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MARIE WALDRON
JIM WOOD

PATTY LOPEZ (D-ALT.)
JAY OBERNOLTE (R-ALT.)

Friday, September 04, 2015
8:50 AM
State Capitol, Room 3162

CONSENT AGENDA

Referrals

1. Consent Bill Referrals

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Resolutions

2. ACR 103 (McCarty) Relative to Court Adoption and Permanency Month.

[Page 4](#)

Request to Add Urgency Clause

3. SB 327 (Hernandez) Relative to Private employment. (pending adoption of floor amd. R.....)
Second Extraordinary Session

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Bill Referrals

4. Consent Bill Referrals

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REFERRAL OF BILLS TO COMMITTEE

09/04/2015

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACR 105</u>	RLS.
<u>ACR 106</u>	RLS.
<u>ACR 107</u>	TRANS.
<u>SCR 86</u>	RLS.
<u>SCR 87</u>	RLS.
<u>SCR 88</u>	RLS.
<u>SCR 89</u>	RLS.
<u>SJR 18</u>	P. & C.P.



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Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 9/3/2015
Re: Consent Bill Referrals

Since you received the preliminary list of bill referrals, there have been no changes.



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Assembly Concurrent Resolution

No. 103

Introduced by Assembly Member McCarty

August 26, 2015

Assembly Concurrent Resolution No. 103—Relative to adoption.

LEGISLATIVE COUNSEL'S DIGEST

ACR 103, as introduced, McCarty. Court Adoption and Permanency Month.

This measure would designate November 2015 as Court Adoption and Permanency Month and would encourage the courts and their local communities to join in activities to expedite permanency for children.

Fiscal committee: no.

1 WHEREAS, Consistent with its commitment to support practices
2 and procedures that promote access to justice and improved case
3 outcomes for California's children and families, the Judicial
4 Council has recognized November as Court Adoption and
5 Permanency Month every year since 1999; and

6 WHEREAS, Nearly half a million incidents of child abuse and
7 neglect are reported each year in California, and about 23,400
8 children enter child welfare-supervised foster care for the first
9 time each year; and

10 WHEREAS, Nearly 62,900 children in California live apart
11 from their families in child welfare-supervised out-of-home care;
12 and

13 WHEREAS, Thirty-eight percent of the children in foster care
14 in California have lived apart from their families for two or more
15 years; and

1 WHEREAS, Twenty-four percent of the youth in care are
2 transitional-age youth between 16 and 20 years of age, inclusive;
3 and

4 WHEREAS, Of the more than 26,000 California children who
5 left foster care in 2014, approximately 57 percent were reunited
6 with their families, 22 percent were adopted, and 6 percent exited
7 foster care without reunifying or obtaining a permanent home by
8 the time they reached the age of majority; and

9 WHEREAS, Local courts and communities throughout
10 California have created programs promoting permanency that have
11 resulted in a reduction in the number of children waiting to live in
12 safe, stable, and permanent homes; and

13 WHEREAS, The Judicial Council has endeavored to support
14 these programs by creating resources, including children’s activity
15 books, orientation videos, and written materials for parents, to
16 encourage parents and children in the dependency process; and

17 WHEREAS, The Judicial Council remains committed to working
18 with the Governor, the Legislature, and local courts and
19 communities to ensure that every abused or neglected child finds
20 a safe, stable, and permanent home with a loving family as quickly
21 as possible; and

22 WHEREAS, The Assembly and Senate are committed to
23 working together to improve outcomes for children in the child
24 welfare system; now, therefore, be it

25 *Resolved by the Assembly of the State of California, the Senate*
26 *thereof concurring,* That the Legislature hereby designates
27 November 2015 as Court Adoption and Permanency Month, during
28 which the courts and their local communities are encouraged to
29 join in activities to expedite permanency for children; and be it
30 further

31 *Resolved,* That the Chief Clerk of the Assembly transmit copies
32 of this resolution to the author for appropriate distribution.

O

Date of Hearing: September 4, 2015

ASSEMBLY COMMITTEE ON RULES
Richard Gordon, Chair
ACR 103 (McCarty) – As Introduced August 26, 2015

SUBJECT: Court Adoption and Permanency Month.

SUMMARY: Designates November 2015 as Court Adoption and Permanency Month and encourages the courts and their local communities to join in activities to expedite permanency for children. Specifically, **this resolution** makes the following legislative findings:

- 1) Consistent with its commitment to support practices and procedures that promote access to justice and improved case outcomes for California's children and families, the Judicial Council has recognized November as Court Adoption and Permanency Month every year since 1999.
- 2) Each year in California nearly half a million incidents of child abuse and neglect are reported and about 23,400 children enter child welfare-supervised foster care for the first time each year; and nearly 62,000 California children live apart from their families in child welfare-supervised out-of-home care.
- 3) Thirty-eight percent of the children in foster care in California have lived apart from their families for two or more years. Twenty-four percent of the youth in care are transitional-age youth between 16 and 20 years of age.
- 4) Of the more than 26,000 California children who left foster care in 2014, approximately 57 percent were reunited with their families, 22 percent were adopted, and 6 percent exited foster care without reunifying or obtaining a permanent home by the time they reached the age of majority.
- 5) Programs promoting permanency have been created by local courts and communities in California that have resulted in a reduction in the number of children waiting to live in safe, stable, and permanent homes.
- 6) The Judicial Council remains committed to working with the Governor, the Legislature, and local courts and communities to ensure that every abused or neglected child finds a safe, stable, and permanent home with a loving family as quickly as possible.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

California State Senate

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ED HERNANDEZ, O.D.
TWENTY-SECOND SENATE DISTRICT

100 S. VINCENT AVENUE
SUITE 401
WEST COVINA, CA 91790
TEL (626) 430-2499
FAX (626) 430-2494

September 2, 2015



Honorable Richard Gordon
Chair, Assembly Committee on Rules
Capitol Room 3016
Sacramento, CA 95814

Dear Chair Gordon,

This bill will clarify that employees in the healthcare industry can waive one of their two unpaid meal periods pursuant to Wage Orders 4 and 5-2001, even when their 12-hour shift exceeds 12 hours to provide necessary patient care. A recent Court of Appeal ruling, *Gerard v. Orange Coast Memorial Medical Center* (2015) 234 Cal.App.4th 285, could jeopardize this option, thereby impacting the continuing availability of health care employees' preferred 12-hour shifts. Immediate clarification that Wage Orders 4 and 5, Section 11(D) has been valid since it was adopted by the Industrial Welfare Commission in June 2000 is necessary to avoid immediate, adverse consequences.

Although the California Supreme Court has granted review of the *Gerard* decision, it is unclear when and how it will resolve the case. In the meantime, hospitals are faced with the dilemma of whether to immediately and significantly change their scheduling practices (which may include extending the shift to 13 hours to accommodate a second unpaid meal period, reverting to 8-hour shifts or taking some other action to minimize potential liability moving forward) or run the risk of increased liability for following the IWC's Wage Order. Moreover, hospitals will likely experience class action litigation lawsuits based on the theory of the *Gerard* case. Finally, given the status of the case before the California Supreme Court, urgency legislation will provide valuable input to the Court as it evaluates the issue.

In order to preserve the *status quo* preferred by both hospitals and their employees for over 20 years, as confirmed by the IWC in 2000, an immediate legislative clarification of existing law is necessary. I respectfully request the addition of an urgency clause to SB 327 when it goes in print.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Hernandez", written over a horizontal line.

ED HERNANDEZ, O.D.
Senator
22nd District

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AMENDMENTS TO SENATE BILL NO. 327
AS AMENDED IN SENATE APRIL 22, 2015

Amendment 1

In the heading, in line 1, strike out "Hall" and insert:

Hernandez

Amendment 2

In the heading, below line 1, insert:

(Principal coauthor: Assembly Member Low)

Amendment 3

In the title, strike out lines 1 to 3, inclusive, and insert:

An act to amend Section 516 of the Labor Code, relating to private employment.

Amendment 4

On page 2, before line 1, insert:

SECTION 1. The Legislature finds and declares the following:

(a) From 1993 through 2000, Industrial Welfare Commission Wage Orders 4 and 5 contained special meal period waiver rules for employees in the health care industry. Employees were allowed to waive voluntarily one of the two meal periods on shifts exceeding 12 hours. On June 30, 2000, the Industrial Welfare Commission adopted regulations allowing those rules to continue in place. Since that time, employees in the health care industry and their employers have relied on those rules to allow employees to waive voluntarily one of their two meal periods on shifts exceeding 12 hours.

(b) Given the uncertainty caused by a recent appellate court decision, *Gerard v. Orange Coast Memorial Medical Center* (2015) 234 Cal.App.4th 285, without immediate clarification, hospitals will alter scheduling practices.

SEC. 2. Section 516 of the Labor Code is amended to read:

516. (a) Except as provided in Section 512, the Industrial Welfare Commission may adopt or amend working condition orders with respect to break periods, meal periods, and days of rest for any workers in California consistent with the health and welfare of those workers.

(b) Notwithstanding subdivision (a), or any other law, including Section 512, the health care employee meal period waiver provisions in Section 11(D) of Industrial Welfare Commission Wage Orders 4 and 5 were valid and enforceable on and after October 1, 2000, and continue to be valid and enforceable. This subdivision is declarative of, and clarifies, existing law.



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Substantive

Amendment 5
On page 2, strike out lines 1 to 23, inclusive, and strike out page 3

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REFERRAL OF BILLS TO COMMITTEE

September 04, 2015

Pursuant to the Assembly Rules, the following bills are scheduled to be referred to committee:

<u>Assembly Bill No.</u>	<u>Committee:</u>
AB18 2X	P.H. & D.S.



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Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 9/3/2015
Re: Consent Bill Referrals - 2ND Extraordinary Session

Since you received the preliminary list of bill referrals, there have been no changes.



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