

Case No. S246711

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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

SUPREME COURT  
**FILED**

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ZB, N.A. and ZIONS BANCORPORATION,

Petitioners,

v.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
FOR THE COUNTY OF SAN DIEGO,

Respondent;

KALETHIA LAWSON,

Real Party in Interest.

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SEP 06 2018

Jorge Navarrete Clerk

Deputy

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After a Decision by the Court of Appeal  
Fourth Appellate District, Division One

Case Nos. D071279 & D071376 (Consolidated)

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**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF *AMICUS CURIAE* BRIEF  
IN SUPPORT OF REAL PARTY IN INTEREST; PROPOSED ORDER  
GRANTING**

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BRYAN SCHWARTZ LAW

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Attorneys for Amicus Curiae **California Employment Lawyers Association**

**RECEIVED**

**AUG 29 2018**

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Attorneys for Amicus Curiae **California Employment Lawyers Association**

**TO THE HONORABLE TANI G. CANTIL-SAKAUYE, CHIEF JUSTICE OF  
THE SUPREME COURT OF THE STATE OF CALIFORNIA, AND THE  
ASSOCIATE JUSTICES**

Pursuant to Evidence Code sections 451, 452, 453, and 459, and rule 8.252 of the California Rules of Court, Amicus Curiae California Employment Lawyers Association hereby moves the Court to take judicial notice of the following documents in support of the Amicus Curie Brief in Support of Real Party of Interest, Respondent Kalethia Lawson:

1. The “State of California Department of Industrial Relations (DIR) 1998-1999 Biennial Report,” published to the DIR website <http://www.dir.ca.gov/od%5Fpub/biennial.htm> (last visited August 29, 2018) (“1998-1999 DIR Biennial Report”), a true and correct copy of which is submitted herewith as **Exhibit A**.

2. The Enrolled Bill Memorandum to the California Governor, dated July 15, 1999 (“AB 60 Bill Memo”), regarding Senate Bill Number 60 found in the Governor’s Chaptered Bill File, obtained from the California Secretary of State-State Archives stored on microfiche at the University of California, Berkeley, School of Law (July 30, 2018), a true and correct copy of which is submitted herewith as **Exhibit B**.

3. The letter from State Senator Joseph Dunn to Governor Gray Davis, dated Sept. 16, 2003 (“Dunn Letter”), regarding Senate Bill Number 796 found in the Governor’s Chaptered Bill File, obtained from the California Secretary of State-State Archives stored on microfiche at the University of California, Berkeley, School of Law (July 30, 2018), a true and correct copy of which is submitted herewith as **Exhibit C**.

4. The report by Limor Bar-Cohen and Deana Milam Carillo titled “Labor Law Enforcement in California, 1970-2000,” an excerpt of a *The State of California Labor*, a text edited by Paul M. Ong and James R. Lincoln as part of research conducted by the Institutes of Industrial Relations at University of California, Los Angeles and Berkeley, published by University of California Institute for Labor and Employment at

<https://escholarship.org/uc/item/59c025gh> on November 1, 2002 (“Institute of Industrial Relations Report”), a true and correct copy of which is submitted herewith as **Exhibit D**.

5. The DIR Memorandum from Miles E. Locker, Chief Counsel for the Labor Commissioner and Marcy V. Saunders, State Labor Commissioner, to All Department of Labor Standards Enforcement (DLSE) Professional Staff, Andrew Baron, Industrial Welfare Committee (IWC) Executive Secretary, subject titled “Understanding AB 60: An In Depth Look at the Provisions of the ‘Eight Hour Day Restoration and Workplace Flexibility Act of 1999,’” dated December 23, 1999 published on the DIR website, <https://www.dir.ca.gov/dlse/ab60update.htm> (last visited August 29, 2018) (“1999 Labor Commissioner Memo”), a true and correct copy of which is submitted herewith as **Exhibit E**.

6. The Labor Commissioner’s “2015–2016 Fiscal Year Report on the Effectiveness of the Bureau of Field Enforcement (BOFE) to the Governor,” published on the DIR website [https://www.dir.ca.gov/dlse/BOFE\\_LegReport2016.pdf](https://www.dir.ca.gov/dlse/BOFE_LegReport2016.pdf) (last visited August 29, 2018) (“2016-2017 BOFE Report”), a true and correct copy of which is submitted herewith as **Exhibit F**.

7. The Assembly Republican Bill Analysis, dated Sept. 2, 2003, regarding Senate Bill 796, found in the Governor’s Chaptered Bill File regarding Senate Bill Number 796, obtained from the California Secretary of State-State Archives stored on microfiche at the University of California, Berkeley, School of Law (July 30, 2018), a true and correct copy of which is submitted herewith as **Exhibit G**.

8. The letter from Senator Ellen M. Corbett to Senate Secretary Greg Schmidt, dated Sept. 9, 2011, regarding the intent of Senate Bill 459, published in the Senate Daily Journal for the 2011-2012 Regular Session at 2490-91 (“Corbett Letter”), obtained via WestLaw (secured access) website under “Statutes” content for the search term “California Labor Code s 226.8 Corbett” (last visited August 29, 2018), a true and correct copy of which is submitted herewith as **Exhibit H**.

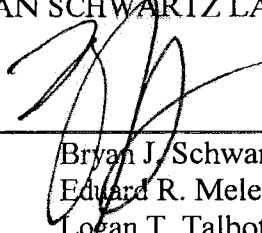
9. The DIR Budget Change Proposal for fiscal year 2017, Budget Request Names 7350-003-BCP-DP-2016-GB & 0559-003-BCP-DP-2016-GB, dated Jan. 7, 2016, for the Division of Administration Program (No. 9900100) and the DLSE Program (No. 6105), regarding the Private Attorneys General Act (PAGA) resources, obtained from the archives of the State of California Department of Finance website at [http://web1a.esd.dof.ca.gov/Documents/bcp/1617/FY1617\\_ORG7350\\_BCP474.pdf](http://web1a.esd.dof.ca.gov/Documents/bcp/1617/FY1617_ORG7350_BCP474.pdf) (last visited on August 29, 2018) (“DIR Budget Change Proposal”), a true and correct copy of which is submitted herewith as **Exhibit I**.

Reference is made to these documents in the Amicus Curie Brief in Support of Respondent and they are relevant to the issues presented for this Court’s consideration. This motion is based on the attached Memorandum of Points and Authorities, Declaration of DeCarol A. Davis, the complete records and files of this Court, and the accompanying proposed order granting this motion.

Dated: August 29, 2018

Respectfully submitted,  
BRYAN SCHWARTZ LAW

By: \_\_\_\_\_



Bryan J. Schwartz  
Edward R. Meleshinsky  
Logan T. Talbot  
DeCarol A. Davis

## MEMORANDUM OF POINTS AND AUTHORITIES

Under Evidence Code section 452(c), a court has discretion to take judicial notice. The underlying theory of judicial notice is that the matter being judicially noticed is a law or fact that is not reasonably subject to dispute. (Cal. Evid. Code, § 451(f); *Post v. Prati* (1979) 90 Cal.App.3d 626, 633.) Among the types of information that may be subject to judicial notice are facts and propositions that are common knowledge within the territorial jurisdiction of the courts. (*See, e.g.*, Cal. Evid. Code § 452(g).) Also, judicially noticeable are facts and propositions that are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. (*See* Cal. Evid. Code § 452(h).)

A reviewing court may accept facts outside the record that are presented by amici if those facts are subject to judicial notice. (*See Pratt v. Coast Trucking, Inc.* (1964) 228 Cal. App. 2d 139, 143-144 (taking judicial notice of proceedings of the Public Utilities Commission); *see also Bily v. Arthur Young & Co.* (1992) 3 Cal. 4th 370, 405, fn. 14 (deciding that an appendix attached to an amicus brief that included several declarations and factual statements outside of the record were subject to judicial notice and facilitated informed judicial considerations).)

The documents to be noticed were not presented to the trial court. Reference is made to these documents in the Amicus Curie Brief in Support of Respondent, and they are relevant to the issues presented for this Court's consideration as all of the documents pertain to the creation and enforcement of Section 558-derived PAGA penalties, the interpretation of which is at issue here.

**A. The Court Should Take Judicial Notice of Exhibits A, E, F, and I Because These Exhibits Are Official, Publicly-Available Agency Reports.**

The Court may take judicial notice of plans, reports, and other specified documents created by government agencies. (*See Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 423 (finding that a regional planning agency's transportation plan, which included some analysis of the transportation plan's

consistency with state's environmental goals reflected in executive order, was judicially noticeable); *Etcheverry v. Tri-Ag Service, Inc.* (2000) 22 Cal.4th 316, 331 (taking judicial notice of a document issued by the Environmental Protection Agency to interpret state registration and labeling processes); *Empire Properties v. County of Los Angeles* (1996) 44 Cal.App.4th 781, 788, fn. 2 (taking notice of the report of a task force commissioned by the Legislature); *San Mateo County Coastal Landowners' Assn. v. County of San Mateo* (1995) 38 Cal.App.4th 523, 552–553 (trial court properly took notice of letter from the Secretary of Resources to the Executive Director of the California Coastal Commission); *People v. Goodloe* (1995) 37 Cal.App.4th 485, 493–494 (notice taken of Department of Corrections' administrative bulletin.) Government documents are properly subject to judicial notice as official acts of an agency. (*Etcheverry*, 22 Cal.4th at 330–331; *Arce v. Kaiser Foundation Health Plan, Inc.* (2010) 181 Cal.App.4th 471, 483.)

Moreover, information on government agency websites has been treated as a proper subject for judicial notice. (*See, e.g., All One God Faith, Inc. v. Organic & Sustainable Industry Standards, Inc.* (2010) 183 Cal.App.4th 1186, 1198 fn. 12 (taking judicial notice of various documents posted on the United States Department of Agriculture website and links to public comments made in response to a notice of meeting of the National Organic Standards Board); *see also, e.g., Seifert v. Winter* (D.D.C. 2008) 555 F.Supp.2d 3, 11, fn.5; *People v. Mitchell* (2010) 403 Ill. App.3d 707, 709, 344 Ill. Dec. 130, 936 N.E.2d 659 (both stating courts may take judicial notice of information published on official government websites).)

**Exhibit A** (the 1998-1999 DIR Biennial Report), **Exhibit E** (the 1999 Labor Commissioner Memo), **Exhibit F** (2016-2017 BOFE Report), and **Exhibit I** (the DIR Budget Change Proposal) are all noticeable as official agency reports and documents, published on credible government websites. All of the reports provide information about public agencies' procedures and the state of the public enforcement of wage and hour laws. The reports were distributed for public interest purposes, and there is no reason to question

the truthfulness of the documents. Thus, they are noticeable government reports and memoranda.

**B. The Court Should Take Judicial Notice of Exhibit D Because It Is a State-Sanctioned Publication Regarding the Effectiveness of California Government Wage and Hour Law Enforcement.**

The Court may take judicial notice of articles published throughout the state for public interest purposes. (See, e.g., *Sonoma County Employees' Retirement Assn. v. Superior Court* (2011) 198 Cal.App.4th 986, 1006 (taking judicial notice of media articles concerning asserted pensions abuses in various jurisdictions around the state, in which it is alleged named individuals were able to unfairly boost their retirement income at the public's expense through controversial practices) (citing *Int'l Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 334 (declaring the public's interest in "articles published throughout the state that used information concerning public employee salaries to illustrate claimed nepotism, favoritism, or financial mismanagement in state and local government.")).)

**Exhibit D**, the article titled, "Labor Law Enforcement in California, 1970-2000," is an excerpt of a *The State of California Labor*, a text edited by Paul M. Ong and James R. Lincoln, as part of research conducted by the Institutes of Industrial Relations at University of California, Los Angeles and Berkeley. The article is publicly available through the University of California Institute for Labor and Employment at <https://escholarship.org/uc/item/59c025gh>. The facts contained in the article speak to the effectiveness of State government in enforcing wage and hour laws. The report is the result of research, survey, and reporting conducted by California public universities. The article was written to inform the public of the state of employment and labor law enforcement in California. The article contains rules and procedures of State enforcement and summaries of statutes, regulations, and ordinances.

**C. The Court Should Take Judicial Notice of Exhibits B and G Because These Exhibits Constitute Official Acts of the Legislature in Enacting**



**the Private Attorneys General Act of 2004 (“PAGA”) and the Civil Penalties Thereunder.**

Judicial notice may be taken under Evidence Code section 452(c) of “[o]fficial acts of the legislative, executive and judicial departments of the United States, or any state of the United States.” (*People v. Snyder* (2000) 22 Cal.4th 304, 315 fn.5; *Delaney v. Baker* (1999) 20 Cal.4th 23, 30; *Post*, 90 Cal.App.3d at 634.) Judicial notice of legislative history is appropriate where statutory language is ambiguous. (*Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 29–30.) Legislative history is of vital importance to the court because the court’s primary objective is to determine the legislative intent of the enactment, and the presumption is that all other rules should yield. (*See* Code Civil Procedure section 1859 (“In the construction of a statute the intention of the Legislature...is to be pursued, if possible.”).) The “touchstone of statutory interpretation” is the “probable intent of the Legislature.” (*California Teacher’s Assn. v. Governing Board of Rialto United School District* (1997) 14 Cal.4th 627, 632.) The judicial role is “limited” in the process of interpreting legislative enactments of the political branch of government. *Id.* “It cannot be too often repeated that due respect for the political branches of our government requires us to interpret the laws in accordance with the expressed intention of the Legislature.” *Id.*

“[A] simple citation to ‘published’ legislative documents is sufficient to bring the legislative history to a court’s attention.” *Sharon S. v. Superior Court (Annette F)* (2003) 31 Cal.4th 417, 440, fn.18.); *Quelimane Company Inc. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 46, fn.9). “Published” legislative history documents which this Court may consider include legislative bills, committee and floor analyses, and any other documents published in book format, or on the web by the Legislature. (*Sharon*, 31 Cal.4th at 440.)

The Court should take judicial notice of **Exhibit B**, the Enrolled Bill Memo for SB 60, because it is an “enrolled bill report,” and courts have relied on these reports to

determine legislative intent. *Kaufman & Broad Communities*, 133 Cal.App.4th at 41; *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211, 218-19; *People v. Carmony* (2005) 127 Cal.App.4th 1066, 1078. In 2004 (the same year the Legislature enacted PAGA), the California Supreme Court in *Elsner v. Uveges* took judicial notice of an enrolled bill report prepared by the DIR. (34 Cal.4th 915, 934.) The Court stated, “we have routinely found enrolled bill reports, prepared by a responsible agency contemporaneous with passage and before signing, instructive on matters of legislative intent. [Citations.]” (*Id.* at 934, fn.19.)

The Court should also take judicial notice of **Exhibit G** (the Republican Bill Analysis) because it is a bill analysis developed by Republican Assembly members to understand the bill during the legislative process. (*People v. Allen* (2001) 88 Cal.App.4th 986, 995, fn.16; *Golden Day Schools, Inc. v. Department of Education* (1999) 69 Cal.App.4th 681, 691-92; *Forty-Niner Truck Plaza, Inc. v. Union Oil Co.* (1997) 58 Cal.App.4th 1261, 1273.)

**D. The Court Should Take Judicial Notice of Exhibits C and H Because the Documents Are Both Letters from Legislators Relating to the Legislative Process and Expressed in Argument to the Legislature.**

The Court may take notice of official letters from legislators that help illuminate the purpose of a bill and the state of affairs when the bill is undergoing consideration (*See, e.g., Heavenly Valley Ski Resort v. El Dorado County Bd. of Equalization* (2000) 84 Cal.App.4th 1323, 1341 (the Court of Appeal taking judicial notice, as legislative history, of language from a letter from State Board of Equalization to Governor, opposing amendment); *see also California Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal.3d 692, 699–700 (“A legislator’s statement is entitled to consideration...when it is a reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion.”) (citing, *inter alia*, *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 284); *Stanton v. Panish*

(1980) 28 Cal.3d 107, 114 (declaration of chairman of California Constitution Revision Commission considered insofar as it chronicled events leading to proposed amendment).)

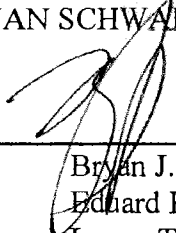
The Court should take judicial notice of **Exhibit C**, Senator Dunn’s Letter to the Governor regarding AB 796, and **Exhibit H**, Senator Corbett’s letter to the Senate Secretary, because both letters contain information relating to the legislative process, have been expressed in testimony and argument to the Legislature, and possess assurance that the rest of the Legislature knew of the arguments. Moreover, Senator Corbett’s letter is noticeable because “[t]he statement of an individual legislator has also been accepted when it gave some indication of arguments made to the Legislature and was printed upon motion of the Legislature as a ‘letter of legislative intent.’” (*California Teachers Assn.*, 28 Cal.3d at 699–700 (citing *In re Marriage of Bouquet* (1976) 16 Cal.3d 583, 590-591).) Senator Corbett expressly stated in her letter than she was “providing this letter to the [Senate Daily] Journal to document my intent as author of Senate Bill 459.” Corbett Letter at 1.

For the aforementioned reasons, amicus curiae CELA hereby moves the Court to take judicial notice of the Exhibits listed above in support of its Amicus Curiae Brief in Support of Respondent.

Dated: August 29, 2018

Respectfully submitted,  
BRYAN SCHWARTZ LAW

By: \_\_\_\_\_

  
Bryan J. Schwartz  
Edward R. Meleshinsky  
Logan T. Talbot  
DeCarol A. Davis

**DECLARATION OF DECAROL A. DAVIS**  
[Cal. Rules of Court, rule 8.54, subdivision (a)(2)]

I, DECAROL A. DAVIS, declare as follows:

1. I am an attorney licensed to practice law in the State of California and before the Court and counsel of record for Amicus Curiae California Employment Lawyers Association.

2. Attached hereto as Exhibit A is a true and correct copy of the “State of California Department of Industrial Relations (DIR) 1998-1999 Biennial Report.” I obtained the document from the DIR website at <http://www.dir.ca.gov/od%5Fpub/biennial.htm>, which I last visited on August 29, 2018.

3. Attached hereto as Exhibit B is a true and correct copy of the Enrolled Bill Memorandum to the California Governor, dated July 15, 1999 (“AB 60 Bill Memo”), regarding Senate Bill Number 60 found in the Governor’s Chaptered Bill File. I obtained the document on July 30, 2018 by manual scan of the microfilm records stored at the University of California, Berkeley, School of Law library.

4. Attached hereto as Exhibit C is a true and correct copy of the letter from State Senator Joseph Dunn to Governor Gray Davis, dated Sept. 16, 2003, found in the Governor’s Chaptered Bill File regarding Senate Bill Number 796. I obtained the document on July 30, 2018 by manual scan of the microfilm records stored at the University of California, Berkeley, School of Law library.

5. Attached hereto as Exhibit D is a true and correct copy of the report by Limor Bar-Cohen and Deana Milam Carillo titled “Labor Law Enforcement in California, 1970-2000,” an excerpt of a *The State of California Labor*, a text edited by Paul M. Ong and James R. Lincoln as part of research conducted by the Institutes of Industrial Relations at University of California, Los Angeles and Berkeley. I obtained the report from the

University of California Institute for Labor and Employment at <https://escholarship.org/uc/item/59c025gh> (last visited August 29, 2018).

6. Attached hereto as Exhibit E is a true and correct copy of the DIR Memorandum from Miles E. Locker, Chief Counsel for the Labor Commissioner and Marcy V. Saunders, State Labor Commissioner, to All Department of Labor Standards Enforcement (DLSE) Professional Staff, Andrew Baron, Industrial Welfare Committee (IWC) Executive Secretary, subject titled “Understanding AB 60: An In Depth Look at the Provisions of the ‘Eight Hour Day Restoration and Workplace Flexibility Act of 1999’” dated December 23, 1999. I obtained this memorandum on the DIR website at <https://www.dir.ca.gov/dlse/ab60update.htm>, which I last visited August 29, 2018.

7. Attached hereto as Exhibit F is a true and correct copy of the Labor Commissioner’s “2015–2016 Fiscal Year Report on the Effectiveness of the Bureau of Field Enforcement (BOFE) to the Governor.” I obtained this report from the DIR website [https://www.dir.ca.gov/dlse/BOFE\\_LegReport2016.pdf](https://www.dir.ca.gov/dlse/BOFE_LegReport2016.pdf) (last visited August 29, 2018) under the Labor Commissioner’s publications regarding the Bureau of Field Enforcement Reports submitted to the Legislature.

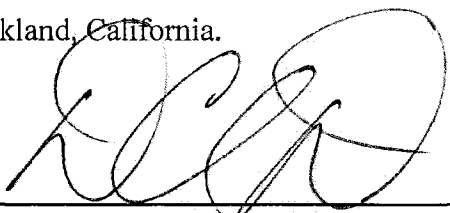
8. Attached hereto as Exhibit G is a true and correct copy of the Assembly Republican Bill Analysis, dated Sept. 2, 2003, regarding Senate Bill 796. I obtained the document on July 30, 2018 by manual scan of the microfilm records stored at the University of California, Berkeley, School of Law library.

9. Attached hereto as Exhibit H is a true and correct copy of the letter from Senator Ellen M. Corbett to Senate Secretary Greg Schmidt, dated Sept. 9, 2011, regarding the intent of Senate Bill 459, published in the Senate Daily Journal for the 2011-2012 Regular Session at 2490-91 (“Corbett Letter”). I obtained the letter through the WestLaw (secured access) website under “Statutes” content using the search term “California Labor Code s 226.8 Corbett.” I last visited the website source on August 29, 2018.

10. Attached hereto as Exhibit I is a true and correct copy of the DIR Budget Change Proposal for fiscal year 2017, Budget Request Names 7350-003-BCP-DP-2016-GB & 0559-003-BCP-DP-2016-GB, dated Jan. 7, 2016, for the Division of Administration Program (No. 9900100) and the DLSE Program (No. 6105), regarding the Private Attorneys General Act (PAGA) resources (“DIR Budget Change Proposal”). I obtained the electronic document from the archives of the State of California Department of Finance website at [http://web1.a.esd.dof.ca.gov/Documents/bcp/1617/FY1617\\_ORG7350\\_BCP474.pdf](http://web1.a.esd.dof.ca.gov/Documents/bcp/1617/FY1617_ORG7350_BCP474.pdf), which I last visited on August 29, 2018.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 29, 2018 at Oakland, California.



DECAROL A. DAVIS

[Proposed]

**ORDER**

For good cause shown, Amicus Curiae California Employment Lawyers Association's motion for judicial notice is granted. The Court takes judicial notice of the matters described in the motion.

Dated: August \_\_, 2018

By: \_\_\_\_\_  
Chief Justice

# EXHIBIT A





CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS

1998-1999 BIENNIAL REPORT



PHOTOGRAPHS BY: [unreadable]



# CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS

## 1998-1999 BIENNIAL REPORT

Established to improve working conditions for  
California's wage earners and to advance opportunities  
for profitable employment in California,  
DIR has these major areas of responsibility:

LABOR LAW

WORKPLACE SAFETY AND HEALTH

APPRENTICESHIP TRAINING

WORKERS' COMPENSATION

STATISTICS AND RESEARCH

MEDIATION AND CONCILIATION

On the Internet—<http://www.dir.ca.gov>

## Director's Report

**A**s California enters a new century under a new administration, the Department of Industrial Relations has renewed its commitment to the working people and employers of the state. Our purpose remains as singular as it was when the Legislature incorporated it into the state's labor code during the 1930s: to improve working conditions for California's wage earners and to advance opportunities for profitable employment in California.



Stephen J. Smith — Director, Department of Industrial Relations

There is no better time to underline the new administration's commitment to expanding economic opportunity and enforcing labor and workplace health and safety laws in California. The state's economic recovery, which began in the late 1990s, heralded the new century. Over the past two years total employment in the civilian labor force increased more than 2 percent to an unprecedented 16 million. The construction industry led in growth with an 11.1 percent increase in the number of employed, outstripping even California's service sector with its 3.6 percent employment expansion.

Prosperity has driven a demand for workplace equity under the administration of Gov. Gray Davis. In the first year of his administration, the governor expanded resources of the department, allowing it to increase services and expand worker protections for the first time in almost a decade. Legislation signed by Governor Davis strengthened current labor laws and instituted provisions that offered increased workplace flexibility in the face of new demands on workers and their employers as the technology and service sector flourished.

### WORKPLACE RIGHTS

The Eight-Hour-Day Restoration and Workplace Flexibility Act or Assembly Bill 60, authored by Assemblymember Wally Knox and signed by the governor in 1999, signaled the administration's support of the eight-hour workday as a basic right of California's working people. After a series of public hearings and deliberations, the Industrial Welfare Commission, revived under the Davis administration, issued new wage orders implementing AB 60. The wage orders extend the state's overtime protection to its 680,000 construction workers, provide flexibility to individual workers and increase flexibility to industry and labor by permitting alternative work schedules of 10- and sometimes 12-hour days when both workers and management agree.