

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Labor Standards Enforcement**

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

**Subject Matter of Regulations:
Enforcement of Client Employer Liability Under Labor Code Section 2810.3**

**TITLE 8, CALIFORNIA CODE OF REGULATIONS
Sections 13830, 13831, and 13832**

NOTICE IS HEREBY GIVEN that the Labor Commissioner, Chief of the Division of Labor Standards Enforcement, Department of Industrial Relations, pursuant to the authority vested in her by Labor Code section 2810.3(j), and in accordance with Government Code section 11346.8(c), proposes to modify the text of the following proposed regulations:

New Subchapter 13.5 of existing Chapter 6 of Division 1, of Title 8, California Code of Regulations, Enforcement of Client Employer Liability under Labor Code Section 2810.3:

Section 13830 Definitions

Section 13831 Recordkeeping

Section 13832 Methods for Determining Liability Among Multiple Client Employers

PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS REGARDING MODIFICATIONS TO TEXT

Members of the public are invited to present written comments regarding these proposed modifications identified below. **Only comments directly concerning the proposed modifications to the text of the regulations will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Jennifer Stevens, Legislative Analyst and Regulations Coordinator
Department of Industrial Relations
Division of Labor Standards Enforcement, Legal Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations **no later than midnight on June 25, 2019**. Written comments may also be sent electronically (via email) using the following email address: DLSERegulations@dir.ca.gov

Written comments may be submitted via facsimile transmission (FAX), addressed to the above-

named contact person at (916) 263-2920. Due to the inherent risks of non-delivery by facsimile transmission, the Division suggests, but does not require, that a copy of any comments transmitted by facsimile transmission also be submitted by regular mail.

Comments sent to other email addresses or facsimile numbers will not be accepted. Comments sent by email or facsimile are subject to the deadline set forth above for written comments.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently available for inspection at the Department of Industrial Relations, Division of Labor Standards Enforcement, 2031 Howe Avenue, Suite 100, Sacramento, California 95825, between 9:00 A.M. and 4:30 P.M., Monday through Friday. Please contact the Division's regulations coordinator, Ms. Jennifer Stevens, at (916) 263-3400 to arrange to inspect the rulemaking file.

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for this 15-Day Comment Period Identifying Modified Text:

The proposed changes to the text of the regulations are indicated by bold underlined text to identify additions (e.g. **added language**) and bold strikeout to identify deletions (e.g., ~~**deleted language**~~) made upon the original proposed text.

SUMMARY OF PROPOSED TEXT CHANGES

Proposed Section 13830:

- Subsections (a) and (b) add “but not limited to” after “including” to clarify that the Labor Code sections referenced are not exhaustive.

Proposed Section 13831:

- Subsection (a) adds “including but not limited to those” to clarify that the Labor Code and Industrial Welfare Commissioner Order sections referenced as establishing recordkeeping obligations are not exhaustive.
- Subsection (a)(1) adds that a labor contractor must keep records of “compensable travel time to and from the first and last worksite.”

Proposed Section 13832:

- Subsections (a)(1) and (a)(2) are amended to clarify that compensable travel time to and from the first and last worksite shall be included in calculating the allocation of liability among multiple client employers.
- Subsection (a)(3) adds “To Determine Allocation” to the subject line and revises the reference to travel time consistent with the modifications referenced above.

CONTACT PERSON FOR INQUIRIES REGARDING PROPOSED CHANGES

Inquiries regarding the proposed modifications may be directed to:

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