

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

**SECOND NOTICE OF MODIFICATIONS TO
TEXT OF PROPOSED REGULATIONS**

**Subject Matter of Regulations:
Janitorial Employer Registration**

**TITLE 8, CALIFORNIA CODE OF REGULATIONS
New Sections 13810 - 13819**

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 1422, and in accordance with Government Code section 11346.8(c), proposes to modify the text of the following proposed regulation within new Subchapter 13 of existing Chapter 6 of Division 1, of Title 8, California Code of Regulations, regarding Janitorial Employer Registration:

Section 13811.5 Temporary Registration Extension

The Labor Commissioner is proposing this regulatory text modification in order to clarify how the Labor Commissioner's Office will issue temporary registration extensions.

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 the proposed modifications during the 15-day period between May 28 – June 13, 2020. **Only comments directly concerning the proposed modifications to the text of this section 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 13, 2020**. 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

The proposed modified regulatory text is included with this notice. In addition, 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. Please visit our website to view electronic versions of these documents: https://www.dir.ca.gov/dlse/regulation_detail/Janitorial_Employer_Registration.html.

FORMAT OF PROPOSED MODIFICATIONS

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

In this second 15-day public comment period, proposed additions are displayed in *bold italics* and proposed deletions are displayed in ~~single underline and double strikethrough~~.

SUMMARY OF PROPOSED TEXT CHANGES

Section 13811.5 (Temporary Registration Extension):

- This section is modified to change the Labor Commissioner's exercise of authority when issuing a temporary registration that extends the period (date) of an existing registration. The section, as modified, would require an extension if all of the listed criteria are met in order to ensure that janitorial contractors do not experience difficulties in contracting for business due to an expired registration based on delays in the processing of a renewal application that are not the fault of the registrant. The Labor Commissioner's issuance of the temporary registration extension will more effectively enhance the administration of the program requiring annual registrations and avoid time gaps where the status and qualifications of the registrant show no apparent basis for disqualification or denial of their registration status.

Subsection (b) is modified to more clearly state the criterion in more positive terms. This modification does not change the meaning of the subsection but more simply states in the affirmative the significance of submission of all items the Labor Commissioner has requested under the application or other specific request in connection with the renewal

application. The subsection, as modified, ensures that any delay in processing is not based on any fault of the registrant applying for renewal.

Subsection (d) is modified to clarify that issuance of temporary registration extensions are truly based on delays in the processing of renewal applications by the Labor Commissioner occurring prior to the expiration of a valid registration and that the temporary extension does not create a different process for lapsed registrations or otherwise supplant the basic registration requirements in Section 13810 where there is no currently valid registration.
