

RESIST & rebuild

CALIFORNIA LABOR FEDERATION 2017

FACT SHEET SB 49 (De León) and AB 1565 (Thurmond) PRESERVE FEDERAL WORKER PROTECTIONS

Purpose

To protect existing California labor and safety standards from federal attacks.

Background

In 1938, Congress approved the Fair Labor Standards Act (FLSA) to crack down on the worst working conditions of the time. Not only were wages abysmally low, but work weeks for factory employees often stretched into 100 hours or more. The FLSA established the 40-hour workweek and the test for overtime eligibility. In 1970, the federal Occupational Safety & Health Administration was enacted and charged with protecting worker safety on the job.

While California has enacted strong wage and safety laws, workers continue to rely upon federal safeguards and our state agencies depend upon the integration of state and federal protection. Where California's laws are not more expansive, the federal standards apply. Federal law also covers workers who are not always covered under the state's Labor Code such as public employees and agricultural workers.

Today, the system of state and federal collaboration to protect workers' rights is in jeopardy. The Republican Congress and the Trump Administration have prioritized deregulation and some of the first targets have been those protecting workers. The federal beryllium exposure standard, the injury record keeping requirements, the disclosure requirements on federal contractors, the fiduciary rule on retirement advisors—after years of fighting to get these standards enacted, all now face repeal or delay.

The same is true of the overtime regulation issued by then-President Obama in 2016. Before the rule, the threshold stood at \$455 per week, or \$23,660 per year. This meant a worker at the federal poverty level could be classified as a supervisor and made to work far more than 40 hours in a week without ever earning overtime pay. Under Obama, the Department of Labor raised the federal salary threshold to \$47,476 per year, or \$913 per week.

This rule was challenged in court and enjoined and the new Administration has signaled it will not appeal to keep that rule in place. That will literally take money out of workers' pockets as workers who were given raises to get employers out of overtime obligations will see those raises withdrawn.

What These Bills Will Do

These bills are aimed at simply preserving the status quo. With record levels of income inequality, workers simply cannot afford to go backward.

SB 49 (De León) will allow California workers to continue to enforce existing federal labor and safety standards even if they are repealed. It also extends many environmental and public health laws to protect our communities.

AB 1565 (Thurmond) will set California's overtime salary threshold at either twice the current minimum wage or \$47,476 per year, whichever is higher. This change will ensure that as of the bill's effective date, no more California workers will lose access to overtime.

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LEGISLATIVE AGENDA

Support

- ~ California Labor Federation (Co-Sponsor)
- ~ State Building & Construction Trades Council of California (Co-Sponsor)

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