

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM  
3.3  
(ID # 9334)

**MEETING DATE:**

Tuesday, March 19, 2019

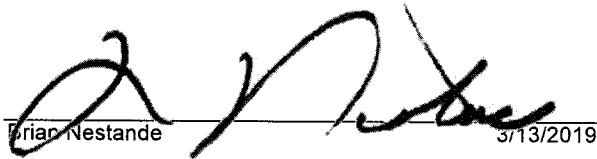
**FROM :** EXECUTIVE OFFICE:

**SUBJECT:** EXECUTIVE OFFICE: Legislation to Support & Oppose, All Districts. [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Direct the Executive Office to Send letters of support and opposition to the following items that are not covered in the 2019 Legislative Platform.

**ACTION:** Policy

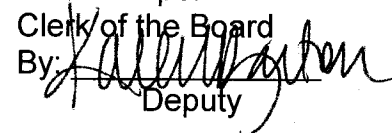
  
Brian Nestande 3/13/2019

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Perez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: March 19, 2019  
xc: E.O.

Kecia Harper  
Clerk of the Board  
By:   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$	\$	\$	\$
<b>NET COUNTY COST</b>	\$	\$	\$	\$
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment:</b>	
			<b>For Fiscal Year:</b>	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

As per Board Policy A-27, the purpose of Riverside County's Legislative Program is to secure legislation that benefits the county and its residents, and to oppose/amend legislation that might adversely affect the County. Recognizing the need for consistency in conveying official positions on legislative matters, the county has instituted a coordinated process involving interaction between the Board of Supervisors, the County Executive Office, County agencies/departments, and the County's legislative advocates in Sacramento and Washington, D.C.

The following issues were not covered in the County's 2019 Legislative Platform, and require the Board of Supervisors to take a formal position before sending any letters of support or opposition.

**RECOMMENDED BILLS:**

**Bill:** AB 951 (Cervantes) University of California Law School

**Position:** Support

**Background:** This bill would appropriate an unspecified sum of moneys from the General Fund to the Regents of the University of California each fiscal year, commencing with the 2020–21 fiscal year, to be expended only for the creation, construction, and establishment of a public law school in the County of Riverside administered by the University of California.

**Bill:** AB 135 (Cervantes) Sex crimes: communication with a minor

**Position:** Support

**Background:** Existing law, as added by Proposition 83 of the November 7, 2006, statewide general election, makes it a crime for a person to contact or communicate with a minor, or attempt to contact or communicate with a minor, when the person knows or reasonably should know that the person being contacted is a minor, with the intent to commit one of a list of specified offenses involving the minor, including kidnapping and rape. This bill would expand the list of specified offenses described above to include human trafficking of the minor.

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Every person who contacts or communicates with a minor, or attempts to contact or communicate with a minor, who knows or reasonably should know that the person is a minor, with intent to commit an offense involving the minor shall be punished by imprisonment in the state prison for the term prescribed for an attempt to commit the intended offense.

**Bill:** AB 160 (Voepel) Employment Policy Voluntary Veterans Preference

**Position:** Support

**Background:** This bill would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring or retaining a veteran over another qualified applicant or employee. The bill would provide that the granting of a veterans' preference pursuant to the bill, in and of itself, shall be deemed not to violate any local or state equal employment opportunity law or regulation, including, but not limited to, the antidiscrimination provisions of FEHA.

**Bill:** AB 232 (Cervantes) Community Colleges Veterans

**Position:** Support

**Background:** This bill would express the intent of the Legislature to enact legislation creating an articulation platform for the California Community Colleges to facilitate the transition of recent veterans to state institutions of higher education

**Bill:** HR 10 (Voepel) Military and Veteran Appreciation Month

**Position:** Support

**Background:** This measure would resolve that the Assembly designates the month of November 2019 as Military and Veteran Appreciation Month to honor the sacrifices that have been made by honorable men and women in our nation through their service to this great nation and our great state.

**Bill:** SB 245 Chang

**Position:** Support

**Background:** Would prohibit a public animal shelter from charging an adoption fee for a dog, cat, or other animal if the person adopting the animal presents to the public animal shelter a current and valid driver's license or identification card with the word "VETERAN" printed on its face pursuant to the above-described provision.

**ASSEMBLY BILL**

**No. 951**

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**Introduced by Assembly Member Cervantes**

February 20, 2019

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An act to add Article 7 (commencing with Section 92165) to Chapter 2 of Part 57 of Division 9 of Title 3 of the Education Code, relating to postsecondary education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 951, as introduced, Cervantes. University of California: law school.

The California Constitution provides that the University of California constitutes a public trust administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes.

This bill would appropriate an unspecified sum of moneys from the General Fund to the Regents of the University of California each fiscal year, commencing with the 2020–21 fiscal year, to be expended only for the creation, construction, and establishment of a public law school in the County of Riverside administered by the University of California.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 7 (commencing with Section 92165) is  
2 added to Chapter 2 of Part 57 of Division 9 of Title 3 of the  
3 Education Code, to read:

1 Article 7. Construction of a University of California School of  
2 Law in the County of Riverside  
3

4 92165. (a) The Legislature finds and declares all of the  
5 following:

6 (1) A robust and functioning legal system is an essential element  
7 to a free and democratic society.

8 (2) Schools of law are not only invaluable as institutions of legal  
9 education, but also as centers of regional legal systems and  
10 communities. These schools of law serve as hubs for the sharing  
11 of legal ideas and as drivers of local legal economies.

12 (3) The last school of law established by the University of  
13 California was at the University of California, Irvine, in 2008. The  
14 only other school of law operated by the University of California  
15 in southern California is located at the University of California,  
16 Los Angeles.

17 (4) The Inland Empire, with a population of more than 4.2  
18 million people, is one of the most populous regions of the state.  
19 The unique needs and concerns of the Inland Empire are distinct  
20 and different from those even in other parts of southern California,  
21 including the Counties of Los Angeles and Orange.

22 (5) The geographical distance between many Inland Empire  
23 communities and Westwood or Irvine, especially with traffic  
24 congestion factored in, makes attendance at the schools of law at  
25 the University of California, Los Angeles, or the University of  
26 California, Irvine, logistically difficult for prospective law students  
27 in the Counties of Riverside and San Bernardino.

28 (6) There is currently no school of law in the Inland Empire  
29 operated by the University of California. Indeed, there is only one  
30 school of law in the entire region that is accredited either by the  
31 American Bar Association or by the Committee of Bar Examiners.

32 (7) The lack of a public school of law in the Inland Empire is  
33 detrimental not only to prospective law students, but to the health  
34 of the legal community in the region.

35 (b) The sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_) is hereby appropriated  
36 from the General Fund to the Regents of the University of  
37 California each fiscal year, commencing with the 2020-21 fiscal  
38 year, to be expended only for the creation, construction, and

- 1 establishment of a public law school in the County of Riverside
- 2 administered by the University of California.

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**ASSEMBLY BILL**

**No. 135**

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**Introduced by Assembly Members ~~Cervantes and Cooley~~ *Cervantes, Cooley and Quirk-Silva*  
(Coauthors: Assembly Members *Eduardo Garcia, Petrie-Norris, and Rodriguez*)**

December 5, 2018

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An act to amend Section 288.3 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as introduced, Cervantes. Sex crimes: communication with a minor.

Existing law, as added by Proposition 83 of the November 7, 2006, statewide general election, makes it a crime for a person to contact or communicate with a minor, or attempt to contact or communicate with a minor, when the person knows or reasonably should know that the person being contacted is a minor, with the intent to commit one of a list of specified offenses involving the minor, including kidnapping and rape.

This bill would expand the list of specified offenses described above to include human trafficking of the minor. By expanding the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 288.3 of the Penal Code is amended to  
2 read:

3 288.3. (a) Every person who contacts or communicates with  
4 a minor, or attempts to contact or communicate with a minor, who  
5 knows or reasonably should know that the person is a minor, with  
6 intent to commit an offense specified in *subdivision (c) of Section*  
7 *236.1, or Section 207, 209, 261, 264.1, 273a, 286, 287, 288, 288.2,*  
8 *289, 311.1, 311.2, 311.4 or 311.11, or former Section 288a,*  
9 *involving the minor shall be punished by imprisonment in the state*  
10 *prison for the term prescribed for an attempt to commit the intended*  
11 *offense.*

12 (b) As used in this section, "contacts or communicates with"  
13 ~~shall include~~ *includes* direct and indirect contact or communication  
14 that may be achieved personally or by use of an agent or agency,  
15 any print medium, any postal service, a common carrier or  
16 communication common carrier, any electronic communications  
17 system, or any telecommunications, wire, computer, or radio  
18 communications device or system.

19 (c) A person convicted of a violation of subdivision (a) who has  
20 previously been convicted of a violation of subdivision (a) shall  
21 be punished by an additional and consecutive term of imprisonment  
22 in the state prison for five years.

23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.

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REVISIONS:  
Heading—Lines 1 and 2.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**ASSEMBLY BILL**

**No. 160**

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**Introduced by Assembly Member Voepel**

*(Principal coauthor: Senator Jones)*

*(Coauthors: Assembly Members Choi, Gallagher, Lackey, and Mathis)*

*(Coauthors: Senators Bates and Portantino)*

January 7, 2019

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An act to amend Section 12940 of, and to add Article 3 (commencing with Section 12958) to Chapter 6 of Part 2.8 of Division 3 of Title 2 of, the Government Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 160, as introduced, Voepel. Employment policy: voluntary veterans' preference.

Under the California Fair Employment and Housing Act (FEHA), it is an unlawful employment practice for an employer, unless based upon a bona fide occupational qualification or applicable security regulations established by the United States or the State of California, to refuse to hire or employ a person or to refuse to select a person for a training program leading to employment, or to bar or discharge a person from employment or a training program leading to employment, or to discriminate against a person in compensation or in terms, conditions, or privileges of employment because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of that person. FEHA provides that nothing in that act relating to discrimination on account of sex affects the right of an

employer to use veteran status as a factor in employee selection or to give special consideration to Vietnam-era veterans.

This bill would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring or retaining a veteran over another qualified applicant or employee. The bill would provide that the granting of a veterans' preference pursuant to the bill, in and of itself, shall be deemed not to violate any local or state equal employment opportunity law or regulation, including, but not limited to, the antidiscrimination provisions of FEHA. The bill would revise the existing veteran status provision in FEHA to remove references to discrimination on account of sex and to Vietnam-era veterans, and would, instead, provide that nothing in that act relating to discrimination affects the right of an employer to use veteran status as a factor in hiring decisions if the employer maintains a veterans' preference employment policy established in accordance with the Voluntary Veterans' Preference Employment Policy Act. The bill would prohibit a veterans' preference employment policy from being established or applied for the purpose of discriminating against an employment applicant on the basis of a protected classification, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12940 of the Government Code is  
2 amended to read:  
3 12940. It is an unlawful employment practice, unless based  
4 upon a bona fide occupational qualification, or, except where based  
5 upon applicable security regulations established by the United  
6 States or the State of California:  
7 (a) For an employer, because of the race, religious creed, color,  
8 national origin, ancestry, physical disability, mental disability,  
9 medical condition, genetic information, marital status, sex, gender,  
10 gender identity, gender expression, age, sexual orientation, or  
11 military and veteran status of any person, to refuse to hire or  
12 employ the person or to refuse to select the person for a training  
13 program leading to employment, or to bar or to discharge the  
14 person from employment or from a training program leading to

1 employment, or to discriminate against the person in compensation  
2 or in terms, conditions, or privileges of employment.

3 (1) This part does not prohibit an employer from refusing to  
4 hire or discharging an employee with a physical or mental  
5 disability, or subject an employer to any legal liability resulting  
6 from the refusal to employ or the discharge of an employee with  
7 a physical or mental disability, if the employee, because of a  
8 physical or mental disability, is unable to perform the employee's  
9 essential duties even with reasonable accommodations, or cannot  
10 perform those duties in a manner that would not endanger the  
11 employee's health or safety or the health or safety of others even  
12 with reasonable accommodations.

13 (2) This part does not prohibit an employer from refusing to  
14 hire or discharging an employee who, because of the employee's  
15 medical condition, is unable to perform the employee's essential  
16 duties even with reasonable accommodations, or cannot perform  
17 those duties in a manner that would not endanger the employee's  
18 health or safety or the health or safety of others even with  
19 reasonable accommodations. Nothing in this part shall subject an  
20 employer to any legal liability resulting from the refusal to employ  
21 or the discharge of an employee who, because of the employee's  
22 medical condition, is unable to perform the employee's essential  
23 duties, or cannot perform those duties in a manner that would not  
24 endanger the employee's health or safety or the health or safety  
25 of others even with reasonable accommodations.

26 (3) Nothing in this part relating to discrimination on account of  
27 marital status shall do either of the following:

28 (A) Affect the right of an employer to reasonably regulate, for  
29 reasons of supervision, safety, security, or morale, the working of  
30 spouses in the same department, division, or facility, consistent  
31 with the rules and regulations adopted by the commission.

32 (B) Prohibit bona fide health plans from providing additional  
33 or greater benefits to employees with dependents than to those  
34 employees without or with fewer dependents.

35 (4) Nothing in this part relating to discrimination ~~on account of~~  
36 ~~sex~~ shall affect the right of an employer to use veteran status as a  
37 factor in ~~employee selection or to give special consideration to~~  
38 ~~Vietnam-era veterans~~; *hiring decisions if the employer maintains*  
39 *a veterans' preference employment policy established in*  
40 *accordance with Article 3 (commencing with Section 12958). A*

1 *veterans' preference employment policy shall not be established*  
2 *or applied for the purpose of discriminating against an employment*  
3 *applicant on the basis of any protected classification in this*  
4 *subdivision.*

5 (5) (A) This part does not prohibit an employer from refusing  
6 to employ an individual because of the individual's age if the law  
7 compels or provides for that refusal. Promotions within the existing  
8 staff, hiring or promotion on the basis of experience and training,  
9 rehiring on the basis of seniority and prior service with the  
10 employer, or hiring under an established recruiting program from  
11 high schools, colleges, universities, or trade schools do not, in and  
12 of themselves, constitute unlawful employment practices.

13 (B) The provisions of this part relating to discrimination on the  
14 basis of age do not prohibit an employer from providing health  
15 benefits or health care reimbursement plans to retired persons that  
16 are altered, reduced, or eliminated when the person becomes  
17 eligible for Medicare health benefits. This subparagraph applies  
18 to all retiree health benefit plans and contractual provisions or  
19 practices concerning retiree health benefits and health care  
20 reimbursement plans in effect on or after January 1, 2011.

21 (b) For a labor organization, because of the race, religious creed,  
22 color, national origin, ancestry, physical disability, mental  
23 disability, medical condition, genetic information, marital status,  
24 sex, gender, gender identity, gender expression, age, sexual  
25 orientation, or military and veteran status of any person, to exclude,  
26 expel, or restrict from its membership the person, or to provide  
27 only second-class or segregated membership or to discriminate  
28 against any person because of the race, religious creed, color,  
29 national origin, ancestry, physical disability, mental disability,  
30 medical condition, genetic information, marital status, sex, gender,  
31 gender identity, gender expression, age, sexual orientation, or  
32 military and veteran status of the person in the election of officers  
33 of the labor organization or in the selection of the labor  
34 organization's staff or to discriminate in any way against any of  
35 ~~its members or against any employer or against members, any~~  
36 ~~employer, or any person employed by an employer.~~

37 (c) For any person to discriminate against any person in the  
38 selection, termination, training, or other terms or treatment of that  
39 person in any apprenticeship training program, any other training  
40 program leading to employment, an unpaid internship, or another

1 limited duration program to provide unpaid work experience for  
2 that person because of the race, religious creed, color, national  
3 origin, ancestry, physical disability, mental disability, medical  
4 condition, genetic information, marital status, sex, gender, gender  
5 identity, gender expression, age, sexual orientation, or military  
6 and veteran status of the person discriminated against.

7 (d) For any employer or employment agency to print or circulate  
8 or cause to be printed or circulated any publication, or to make  
9 any nonjob-related inquiry of an employee or applicant, either  
10 verbal or through use of an application form, that expresses,  
11 directly or indirectly, any limitation, specification, or discrimination  
12 as to race, religious creed, color, national origin, ancestry, physical  
13 disability, mental disability, medical condition, genetic information,  
14 marital status, sex, gender, gender identity, gender expression,  
15 age, sexual orientation, or military and veteran status, or any intent  
16 to make any such limitation, specification, or discrimination. This  
17 part does not prohibit an employer or employment agency from  
18 inquiring into the age of an applicant, or from specifying age  
19 limitations, if the law compels or provides for that action.

20 (e) (1) Except as provided in paragraph (2) or (3), for any  
21 employer or employment agency to require any medical or  
22 psychological examination of an applicant, to make any medical  
23 or psychological inquiry of an applicant, to make any inquiry  
24 whether an applicant has a ~~mental disability or disability~~, physical  
25 ~~disability~~ disability, or medical condition, or to make any inquiry  
26 regarding the nature or severity of a physical disability, mental  
27 disability, or medical condition.

28 (2) Notwithstanding paragraph (1), an employer or employment  
29 agency may inquire into the ability of an applicant to perform  
30 job-related functions and may respond to an applicant's request  
31 for reasonable accommodation.

32 (3) Notwithstanding paragraph (1), an employer or employment  
33 agency may require a medical or psychological examination or  
34 make a medical or psychological inquiry of a job applicant after  
35 an employment offer has been made but prior to the  
36 commencement of employment duties, provided that the  
37 examination or inquiry is job related and consistent with business  
38 necessity and that all entering employees in the same job  
39 classification are subject to the same examination or inquiry.

1 (f) (1) Except as provided in paragraph (2), for any employer  
2 or employment agency to require any medical or psychological  
3 examination of an employee, to make any medical or psychological  
4 inquiry of an employee, to make any inquiry whether an employee  
5 has a mental disability, physical disability, or medical condition,  
6 or to make any inquiry regarding the nature or severity of a physical  
7 disability, mental disability, or medical condition.

8 (2) Notwithstanding paragraph (1), an employer or employment  
9 agency may require any examinations or inquiries that ~~it~~ *the*  
10 *employer or employment agency* can show to be job related and  
11 consistent with business necessity. An employer or employment  
12 agency may conduct voluntary medical examinations, including  
13 voluntary medical histories, ~~which~~ *that* are part of an employee  
14 health program available to employees at that worksite.

15 (g) For any employer, labor organization, or employment agency  
16 to harass, discharge, expel, or otherwise discriminate against any  
17 person because the person has made a report pursuant to Section  
18 11161.8 of the Penal ~~Code~~ *Code*, *which* prohibits retaliation  
19 against hospital employees who report suspected patient abuse by  
20 health facilities or community care facilities.

21 (h) For any employer, labor organization, employment agency,  
22 or person to discharge, expel, or otherwise discriminate against  
23 any person because the person has opposed any practices forbidden  
24 under this part or because the person has filed a complaint, testified,  
25 or assisted in any proceeding under this part.

26 (i) For any person to aid, abet, incite, compel, or coerce the  
27 doing of any of the acts forbidden under this part, or to attempt to  
28 do so.

29 (j) (1) For an employer, labor organization, employment agency,  
30 apprenticeship training ~~program~~ *program*, or any training program  
31 leading to employment, or any other person, because of race,  
32 religious creed, color, national origin, ancestry, physical disability,  
33 mental disability, medical condition, genetic information, marital  
34 status, sex, gender, gender identity, gender expression, age, sexual  
35 orientation, or military and veteran status, to harass an employee,  
36 an applicant, an unpaid intern or volunteer, or a person providing  
37 services pursuant to a contract. Harassment of an employee, an  
38 applicant, an unpaid intern or volunteer, or a person providing  
39 services pursuant to a contract by an employee, other than an agent  
40 or supervisor, shall be unlawful if the entity, or its agents or

1 supervisors, knows or should have known of this conduct and fails  
2 to take immediate and appropriate corrective action. An employer  
3 may also be responsible for the acts of nonemployees, with respect  
4 to harassment of employees, applicants, unpaid interns or  
5 volunteers, or persons providing services pursuant to a contract in  
6 the workplace, if the employer, or its agents or supervisors, knows  
7 or should have known of the conduct and fails to take immediate  
8 and appropriate corrective action. In reviewing cases involving  
9 the acts of nonemployees, the extent of the employer's control and  
10 any other legal responsibility that the employer may have with  
11 respect to the conduct of those nonemployees shall be considered.  
12 An entity shall take all reasonable steps to prevent harassment  
13 from occurring. Loss of tangible job benefits shall not be necessary  
14 in order to establish harassment.

15 ~~(2) The provisions of this subdivision are~~ *This subdivision is*  
16 *declaratory of existing law, except for the new duties imposed on*  
17 *employers with regard to harassment.*

18 (3) An employee of an entity subject to this subdivision is  
19 personally liable for any harassment prohibited by this section that  
20 is perpetrated by the employee, regardless of whether the employer  
21 or covered entity knows or should have known of the conduct and  
22 fails to take immediate and appropriate corrective action.

23 (4) (A) For purposes of this subdivision only, "employer" means  
24 any person regularly employing one or more persons or regularly  
25 receiving the services of one or more persons providing services  
26 pursuant to a contract, or any person acting as an agent of an  
27 employer, directly or indirectly, the state, or any political or civil  
28 subdivision of the state, and cities. The definition of "employer"  
29 in subdivision (d) of Section 12926 applies to all provisions of this  
30 section other than this subdivision.

31 (B) Notwithstanding subparagraph (A), for purposes of this  
32 subdivision, "employer" does not include a religious association  
33 or corporation not organized for private profit, except as provided  
34 in Section 12926.2.

35 (C) For purposes of this subdivision, "harassment" because of  
36 sex includes sexual harassment, gender harassment, and harassment  
37 based on pregnancy, childbirth, or related medical conditions.  
38 Sexually harassing conduct need not be motivated by sexual desire.

1 (5) For purposes of this subdivision, “a person providing services  
2 pursuant to a contract” means a person who meets all of the  
3 following criteria:

4 (A) The person has the right to control the performance of the  
5 contract for services and discretion as to the manner of  
6 performance.

7 (B) The person is customarily engaged in an independently  
8 established business.

9 (C) The person has control over the time and place the work is  
10 performed, supplies the tools and instruments used in the work,  
11 and performs work that requires a particular skill not ordinarily  
12 used in the course of the employer’s work.

13 (k) For an employer, labor organization, employment agency,  
14 apprenticeship training program, or any training program leading  
15 to employment, to fail to take all reasonable steps necessary to  
16 prevent discrimination and harassment from occurring.

17 (l) (1) For an employer or other entity covered by this part to  
18 refuse to hire or employ a person or to refuse to select a person  
19 for a training program leading to employment or to bar or to  
20 discharge a person from employment or from a training program  
21 leading to employment, or to discriminate against a person in  
22 compensation or in terms, conditions, or privileges of employment  
23 because of a conflict between the person’s religious belief or  
24 observance and any employment requirement, unless the employer  
25 or other entity covered by this part demonstrates that it has explored  
26 any available reasonable alternative means of accommodating the  
27 religious belief or observance, including the possibilities of  
28 excusing the person from those duties that conflict with the  
29 person’s religious belief or observance or permitting those duties  
30 to be performed at another time or by another person, but is unable  
31 to reasonably accommodate the religious belief or observance  
32 without undue hardship, as defined in subdivision (u) of Section  
33 12926, on the conduct of the business of the employer or other  
34 entity covered by this part. Religious belief or observance, as used  
35 in this section, includes, but is not limited to, observance of a  
36 Sabbath or other religious holy day or days, reasonable time  
37 necessary for travel prior and subsequent to a religious observance,  
38 and religious dress practice and religious grooming practice as  
39 described in subdivision (q) of Section 12926. This subdivision  
40 shall also apply to an apprenticeship training program, an unpaid



1 internship, and any other program to provide unpaid experience  
2 for a person in the workplace or industry.

3 (2) An accommodation of an individual's religious dress practice  
4 or religious grooming practice is not reasonable if the  
5 accommodation requires segregation of the individual from other  
6 employees or the public.

7 (3) An accommodation is not required under this subdivision  
8 if it would result in a violation of this part or any other law  
9 prohibiting discrimination or protecting civil rights, including  
10 subdivision (b) of Section 51 of the Civil Code and Section 11135  
11 of this code.

12 (4) For an employer or other entity covered by this part to, in  
13 addition to the employee protections provided pursuant to  
14 subdivision (h), retaliate or otherwise discriminate against a person  
15 for requesting accommodation under this subdivision, regardless  
16 of whether the request was granted.

17 (m) (1) For an employer or other entity covered by this part to  
18 fail to make reasonable accommodation for the known physical  
19 or mental disability of an applicant or employee. Nothing in this  
20 subdivision or in paragraph (1) or (2) of subdivision (a) shall be  
21 construed to require an accommodation that is demonstrated by  
22 the employer or other covered entity to produce undue hardship,  
23 as defined in subdivision (u) of Section 12926, to its operation.

24 (2) For an employer or other entity covered by this part to, in  
25 addition to the employee protections provided pursuant to  
26 subdivision (h), retaliate or otherwise discriminate against a person  
27 for requesting accommodation under this subdivision, regardless  
28 of whether the request was granted.

29 (n) For an employer or other entity covered by this part to fail  
30 to engage in a timely, good faith, interactive process with the  
31 employee or applicant to determine effective reasonable  
32 accommodations, if any, in response to a request for reasonable  
33 accommodation by an employee or applicant with a known physical  
34 or mental disability or known medical condition.

35 (o) For an employer or other entity covered by this part, to  
36 subject, directly or indirectly, any employee, applicant, or other  
37 person to a test for the presence of a genetic characteristic.

38 (p) Nothing in this section shall be interpreted as preventing the  
39 ability of employers to identify members of the military or veterans

1 for purposes of awarding a veteran's preference as permitted by  
2 law.

3 SEC. 2. Article 3 (commencing with Section 12958) is added  
4 to Chapter 6 of Part 2.8 of Division 3 of Title 2 of the Government  
5 Code, to read:

6  
7 Article 3. Voluntary Veterans' Preference Employment Policies

8  
9 12958. This article shall be known, and may be cited, as the  
10 Voluntary Veterans' Preference Employment Policy Act.

11 12958.1. As used in this article:

12 (a) "DD 214" means United States Department of Defense Form  
13 214 or a similarly effective form issued by that department relating  
14 to separation from military service.

15 (b) "Private employer" means a business entity in the private  
16 sector of this state with one or more employees.

17 (c) "Veteran" means a person who has served full time in the  
18 Armed Forces in time of national emergency or state military  
19 emergency or during any expedition of the Armed Forces and who  
20 has been discharged or released under conditions other than  
21 dishonorable.

22 (d) "Veterans' preference employment policy" means a private  
23 employer's voluntary preference for hiring or retaining a veteran  
24 over another qualified applicant or employee.

25 12958.2. (a) Notwithstanding any other law, a private employer  
26 may establish and maintain a written veterans' preference  
27 employment policy, which shall be applied uniformly to hiring  
28 decisions.

29 (b) An employer with a veterans' preference employment policy  
30 may require that a veteran submit a DD 214 to be eligible for the  
31 preference.

32 (c) The granting of a veterans' preference pursuant to this article,  
33 in and of itself, shall be deemed not to violate any local or state  
34 equal employment opportunity law or regulation, including, but  
35 not limited to, this chapter.

36 (d) The Department of Veterans Affairs shall assist any private  
37 employer in determining if an applicant is a veteran, to the extent  
38 permitted by law.

39 (e) This section shall not be construed to authorize the  
40 establishment or use of a veterans' preference employment policy

1 for the purpose of discriminating against an employment applicant  
2 on the basis of any protected classification in subdivision (a) of  
3 Section 12940.

4

5

6 **REVISIONS:**

7 **Heading—Line 2.**

8

\_\_\_\_\_

\_\_\_\_\_

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**ASSEMBLY BILL**

**No. 232**

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**Introduced by Assembly Member Cervantes**

January 17, 2019

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An act relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 232, as introduced, Cervantes. Community colleges: veterans.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state and authorizes these districts to provide instruction at the campuses they operate.

This bill would express the intent of the Legislature to enact legislation creating an articulation platform for the California Community Colleges to facilitate the transition of recent veterans to state institutions of higher education.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation creating an articulation platform for the California
- 3 Community Colleges to facilitate the transition of recent veterans
- 4 to state institutions of higher education.

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**House Resolution**

**No. 10**

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**Introduced by Assembly Member Voepel**

January 28, 2019

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House Resolution No. 10—Relative to Military and Veteran Appreciation Month.

1 WHEREAS, Military personnel have sacrificed their own lives  
2 for the freedom of the American people; and  
3 WHEREAS, Today, California is recognized as the number one  
4 state with the highest active duty service members across the  
5 country with over 184,540 active members; and  
6 WHEREAS, California is home to one of the largest United  
7 States military bases in the nation at Fort Bragg with a population  
8 of over 238,646 personnel; and  
9 WHEREAS, California is home to the largest veteran population  
10 in the nation with over two million veterans; and  
11 WHEREAS, Veterans have dedicated their lives alongside active  
12 duty military personnel in order to protect our nation, to ensure  
13 that every American and California, has freedom, and to protect  
14 our national interests abroad; now, therefore, be it  
15 *Resolved by the Assembly of the State of California*, That the  
16 Assembly designates the month of November 2019 as Military  
17 and Veteran Appreciation Month to honor the sacrifices that have  
18 been made by honorable men and women in our nation through  
19 their service to this great nation and our great state; and be it further  
20 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
21 of this resolution to the author for appropriate distribution.

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Introduced by Senator Chang

February 11, 2019

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An act to amend Section 31753 of, and to add Sections 30505, 30524.5, 31751.4, and 31764.5 to, the Food and Agricultural Code, relating to public animal shelters.

LEGISLATIVE COUNSEL'S DIGEST

SB 245, as introduced, Chang. Public animal shelters: adoption fees: veterans.

Existing law governs the operation of animal shelters by, among other things, setting a minimum holding period for stray dogs, cats, and other specified animals, and requiring animal shelters to ensure that those animals, if adopted, are spayed or neutered.

Existing law requires the word "VETERAN" to be printed on the face of a driver's license or identification card at the applicant's request, subject to certain requirements, including, among others, verification of the applicant's veteran status, as specified, and payment of a fee.

This bill would prohibit a public animal shelter from charging an adoption fee for a dog, cat, or other animal if the person adopting the animal presents to the public animal shelter a current and valid driver's license or identification card with the word "VETERAN" printed on its face pursuant to the above-described provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 30505 is added to the Food and  
2 Agricultural Code, to read:

1       30505. A public shelter shall not charge an adoption fee for a  
2 dog if the person adopting the dog presents to the public shelter a  
3 current and valid driver's license or identification card with the  
4 word "VETERAN" printed on its face pursuant to Section 12811  
5 of the Vehicle Code.

6       SEC. 2. Section 30524.5 is added to the Food and Agricultural  
7 Code, to read:

8       30524.5. A public shelter shall not charge an adoption fee for  
9 a dog if the person adopting the dog presents to the public shelter  
10 a current and valid driver's license or identification card with the  
11 word "VETERAN" printed on its face pursuant to Section 12811  
12 of the Vehicle Code.

13       SEC. 3. Section 31751.4 is added to the Food and Agricultural  
14 Code, to read:

15       31751.4. A public shelter shall not charge an adoption fee for  
16 a cat if the person adopting the cat presents to the public shelter a  
17 current and valid driver's license or identification card with the  
18 word "VETERAN" printed on its face pursuant to Section 12811  
19 of the Vehicle Code.

20       SEC. 4. Section 31753 of the Food and Agricultural Code is  
21 amended to read:

22       31753. (a) A rabbit, guinea pig, hamster, potbellied pig, bird,  
23 lizard, snake, turtle, or tortoise that is legally allowed as personal  
24 property and that is impounded in a public or private shelter shall  
25 be held for the same period of time, under the same requirements  
26 of care, and with the same opportunities for redemption and  
27 adoption by new owners or nonprofit, as defined in Section  
28 501(c)(3) of the Internal Revenue Code, animal rescue or adoption  
29 organizations as provided for cats and dogs. The public or private  
30 shelter may enter into cooperative agreements with animal rescue  
31 or adoption organizations regarding rabbits that are equivalent to  
32 those cooperative agreements authorized in Section 31108  
33 regarding dogs and Section 31752 regarding cats. Section 17006  
34 shall also apply to these animals. ~~In~~ *Except as provided in*  
35 *subdivision (b), in addition to any required spay or neuter deposit,*  
36 *the public or private shelter, at its discretion, may assess a fee, not*  
37 *to exceed the standard adoption fee, for animals adopted by new*  
38 *owners or released to nonprofit animal rescue or adoption*  
39 *organizations pursuant to this section.*

1     ***(b) A public shelter shall not charge an adoption fee for an***  
2     ***animal if the person adopting the animal presents to the public***  
3     ***shelter a current and valid driver's license or identification card***  
4     ***with the word "VETERAN" printed on its face pursuant to Section***  
5     ***12811 of the Vehicle Code.***

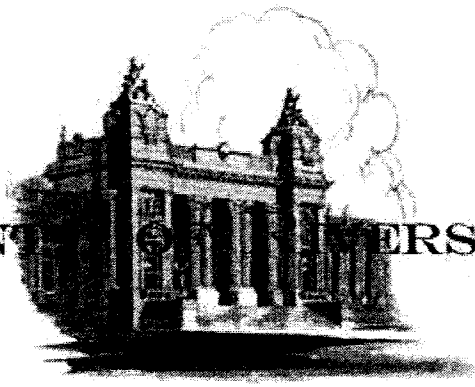
6     SEC. 5. Section 31764.5 is added to the Food and Agricultural  
7     Code, to read:

8     31764.5. A public shelter shall not charge an adoption fee for  
9     a cat if the person adopting the cat presents to the public shelter a  
10    current and valid driver's license or identification card with the  
11    word "VETERAN" printed on its face pursuant to Section 12811  
12    of the Vehicle Code.

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# COUNTY OF RIVERSIDE



## Board of Supervisors

District 1	Kevin Jeffries
Chairman	951-955-1010
District 2	Karen Spiegel
	951-955-1020
District 3	Chuck Washington
	951-955-1030
District 4	V. Manuel Perez
	951-955-1040
District 5	Jeff Hewitt
	951-955-1050

March 19, 2019

The Honorable Ling Chang  
Member, California State Senate  
State Capitol,  
Sacramento, California 95814

**Re: SB 245 (Chang): Public animal shelters: adoption fees: veterans - Per Board Action: SUPPORT**

Dear Senator Ling:

On behalf of the Riverside County Board of Supervisors, thank you for authoring Senate Bill 245, which would reduce the barriers to adopting an animal from a local shelter for the purposes of emotional support.

SB 245 would waive pet adoption fees at local shelters for military veterans including many who struggle to cope with mental health conditions. By waiving adoption fees, the bill will help bring together veterans seeking companion animals and pets in need of a home.

California is home to 2 million military veterans, some of whom cope with mental health challenges like PTSD and related effects from their service. Statistics from the National Center for PTSD and the US Department of Veterans Affairs show that between 11-20% of returning veterans are suffering from PTSD. While an emotional support animal is not a cure for PTSD or other mental health conditions, the ability for veterans to adopt a pet in the hopes of finding comfort and peace of mind should be easy and stress-free.

Under SB 245, the process for confirming an eligible veteran by a shelter would be streamlined by using the state's existing "VETERAN" driver's license designation. An eligible veteran would simply show their driver's license designation to the shelter employee in order to receive the fee waiver. Although some shelters already waive pet adoption fees for veterans and other special events, SB 245 would call on animal shelters throughout the state to permanently waive the adoption fee for military veterans.

For these reasons, the Riverside County Board of Supervisors supports SB 245. If you have any questions about the County's position, please do not hesitate to contact our Deputy County Executive Officer, Brian Nestande, at (951) 955-1110, [bnestande@rivco.org](mailto:bnestande@rivco.org).

Sincerely,

Kevin Jeffries  
Chairman, Riverside County Board of Supervisors

cc: Riverside County Delegation