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Employment Practices

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Employment Practices

Employment Practices; discrimination

Government Code §§12940, 12970, 19752, 19682, 19702 (amended).
SB 2012 (Watson) 1984 STAT. Ch 1754

California has recognized the necessity to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination.¹ Accordingly, existing law expressly prohibits discrimination by an employer,² who regularly employs five or more persons, against any persons because of race, religious creed,³ color, national origin,⁴ ancestry, physical handicap,⁵ medical condition,⁶ marital status,⁷ sex,⁸ or age.⁹ Moreover, existing law prohibits harrassment¹⁰ of any employee¹¹ or applicant for employment on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age.¹²

Under prior law the prohibition against harrassment¹³ the requirement that an employing entity take all reasonable steps to prevent harrassment¹⁴ and, the liability of an employing entity for

1. See CAL. GOV'T CODE §12920.

2. *Id.* §12926(c) (definition of employer).

3. 2 CAL. ADMIN. CODE §§7293.0-7293.4 (definition of religion); 29 C.F.R. §1605.3 (1981) (guidelines in discrimination because of religion).

4. See 29 C.F.R. §§1606.1-1606.8 (1981) (guidelines on discrimination because of national origin).

5. CAL. GOV'T CODE §12926(h); 2 CAL. ADMIN. CODE §7293.6 (definition of physical handicap).

6. CAL. GOV'T CODE §12926(f) (definition of medical condition).

7. 2 CAL. ADMIN. CODE §7292.1 (definition of marital status).

8. *Id.* §7290.7 (definition of sex).

9. See CAL. GOV'T CODE §§12940(a); see also 2 CAL. ADMIN. CODE §§7290.6-7295.1; CAL. GOV'T CODE §12926(a); 2 CAL. ADMIN. CODE §7295.1 (definition of age).

10. CAL. GOV'T CODE §12940; see 29 C.F.R. §1604.11 (1981); 2 CAL. ADMIN. CODE §7287.6 (harrassment includes verbal, physical, and visual harrassment). See 2 CAL. ADMIN. CODE §7287.6(b)(1)(A) (definition of verbal harrassment); 2 CAL. ADMIN. CODE §7287.6(b)(1)(B) (definition of physical harrassment); 2 CAL. ADMIN. CODE §7287.6(b)(1)(C) (definition of visual harrassment).

11. CAL. GOV'T CODE §12926(b); 2 CAL. ADMIN. CODE §7286.5(b) (definition of employee).

12. CAL. GOV'T CODE §12940(i).

13. *Id.*

14. *Id.*

harrasment conducted by an employee¹⁵ only applied to employers who regularly employed five or more persons.¹⁶ Under Chapter 1754, however, any person regularly employing one or more persons is prohibited from harrassing any employee or applicant for employment.¹⁷ Furthermore, Chapter 1754 requires every employer, labor organization,¹⁸ employment agency,¹⁹ apprenticeship program, or any training program leading to employment to take all steps necessary to prevent discrimination and harrasment.²⁰

Existing law requires the Fair Employment and Housing Commission²¹ (hereinafter referred to as Commission) to hold hearings on accusations of discrimination in employment.²² Existing law further provides for the punishment of perpetrators of certain sex crimes.²³ Under Chapter 1754 if the Commission finds that a person has engaged in discrimination, and the discrimination appears to have consisted of conduct prohibited by existing law relating to sex crimes, the Commission, with the consent of the complainant, must provide the local district attorney's office with a copy of its decision and order.²⁴

State Employers and Discrimination

Under existing law, a state civil service employee may be disciplined for specified conduct.²⁵ Chapter 1754 expands the list of specified conduct constituting cause for disciplinary action to include conduct constituting unlawful discrimination and unlawful retaliation for disclosing or reporting to an appropriate authority any information relevant to a violation or suspected violation of the law.²⁶

Existing law prohibits discrimination against a state civil servant because of race, sex, religion, color, national origin, ancestry, marital

15. *Id.*

16. *See* 1982 Cal. Stat. c. 1193, §2, at 4258 (amending CAL. GOV'T CODE §12940).

17. *Compare* CAL. GOV'T CODE §12940(i) with 1982 Cal. Stat. c. 1193, §2, at 4258 (amending CAL. GOV'T CODE §12940). Religious associations and religious corporations not organized for profit are excluded from this provision. CAL. GOV'T CODE §12940(i).

18. CAL. GOV'T CODE §12926(e); 2 CAL. ADMIN. CODE §7286.5(d) (definition of labor organization).

19. CAL. GOV'T CODE §12926(d); 2 CAL. ADMIN. CODE §7286.5(c) (definition of employment agency).

20. CAL. GOV'T CODE §12940(j).

21. *Id.* §§12903-12906 (provisions relating to the Fair Employment and Housing Commission).

22. *Id.* §§12935, 12967.

23. *See* CAL. PENAL CODE §§243.4 (sexual battery), 261 (rape), 286 (sodomy), 288a (oral copulation), 289 (penetration of anal or vaginal opening with a foreign object).

24. CAL. GOV'T CODE §12970(f).

25. *Id.* §§19571, 19572.

26. *Compare id. with* 1981 Cal. Stat. c. 230, §54, at 1167 (amending CAL. GOV'T CODE §19572).

status, or physical handicap.²⁷ Chapter 1754 includes, within the meaning of discrimination, all harassment by or against state employees on the basis of race, sex, religious creed, color, national origin, ancestry, marital status, or physical handicap.²⁸

Under existing law, the State Personnel Board²⁹ (hereinafter referred to as the Board) is required to make investigations and hold hearings concerning the enforcement of the prohibition against discrimination.³⁰ Chapter 1754 provides that if the Board finds that a person has engaged in prohibited discrimination and the discrimination appears to have consisted of sex crimes prohibited by existing law,³¹ the Board is required, with the consent of the complainant, to provide the local district attorney's office with a copy of its decision and order.³²

Existing law empowers the Board with the authority to take adverse action against any state employee who violates the prohibition against discrimination.³³ Chapter 1754 gives the Board the power to issue an order requiring persons engaged in discriminatory conduct to stop their conduct and to take remedial action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, and compensatory damages.³⁴

27. Compare CAL. GOV'T CODE §19702(a) with 1972 Cal. Stat. c. 573, §1, at 1817 (amending CAL. GOV'T CODE §19702).

28. Compare *id.* §19702(a) with 1977 Cal. Stat. c. 573, §1, at 1817 (amending CAL. GOV'T CODE §19702).

29. See CAL. CONST. art. 7, §3 (Personnel Board, duties); CAL. CONST. art. 7, §2 (Personnel Board, officers and members).

30. CAL. CONST. art. 7, §3 (Personnel Board, duties); 2 CAL. ADMIN. CODE §§547-547.33 (discriminatory employment practices, prohibitions and hearings).

31. CAL. GOV'T CODE §19682(d).

32. See *supra* note 23.

33. CAL. GOV'T CODE §19682.

34. *Id.* §19702(e). Consistent with the authority given to the Board by Chapter 1754, the Board may establish rules governing the award of compensatory damages. *Id.*

Employment Practices; physical handicap discrimination

Government Code §12940.1 (new).

AB 1873 (Seastrand); 1984 STAT. Ch 380

Existing law prohibits discrimination on the basis of physical handicap.¹ Case law provides that the term "physical handicap" may include high blood pressure.² Chapter 380 creates a rebuttable

1. CAL. GOV'T CODE §§12940(a), 12926(h) (definition of physical handicap).

2. American National Insurance Co. v. Fair Employment and Housing Commission, 32 Cal. 3d 603, 610, 651 P.2d 1151, 1155, 186 Cal. Rptr. 345, 350 (1982).

presumption that an individual with heart trouble³ cannot perform duties connected with firefighting, firefighting training programs leading to employment, or duties of law enforcement⁴ positions without endangering the health and safety of themselves or others.⁵ The employee may overcome this presumption by proving by a preponderance of the evidence that the employee can perform the job safely.⁶

3. Heart trouble is an injury. CAL. LAB. CODE §3212; *see id.* §3208 (definition of injury).

4. Law enforcement positions for this section include police officer, deputy sheriff, or sheriff whose principal duties consist of active law enforcement service. CAL. GOV'T CODE §12940.1.

5. *Id.*

6. *Id.*

Employment practices; good cause

Unemployment Insurance Code §1256.7 (new); §1256 (amended).
AB2540 (McAlister); 1984 STAT. Ch 1084
AB3883 (Molina); 1984 STAT. Ch 1058

Existing law prohibits employees from collecting unemployment compensation if they leave their most recent work¹ voluntarily² and without good cause.³ With the enactment of Chapter 1084 and 1058, good cause exists if an employee elects to be laid off or leaves because of sexual harassment.⁴

Chapter 1084 specifies that good cause will be deemed to exist if an employee voluntarily elects to be laid off in place of a less senior employee pursuant to an employer-initiated labor force reduction.⁵ The fact that an employee voluntarily chooses to participate in the

1. *Tomlin v. Unemployment Insurance Appeals Board*, 82 Cal. App. 3d 642, 649, 147 Cal. Rptr. 403, 408 (1978). An employee's most recent work is the most recent primary or regular work of the claimant and not merely the last employment of any kind prior to filing for benefits. *Id.*

2. *See Morrison v. California Unemployment Insurance Appeals Board*, 65 Cal. App. 3d 245, 250, 134 Cal. Rptr. 916, 919 (1976) (discussion of voluntary); *Evenson v. California Unemployment Insurance Appeals Board*, 62 Cal. App. 3d 1005, 1016, 133 Cal. Rptr. 488, 495 (1976) (same).

3. CAL. UNEMP. INS. CODE §1256. *See Evenson v. California Unemployment Insurance Appeals Board*, 62 Cal. App. 3d 1005, 1016, 133 Cal. Rptr. 488, 495-96 (1976) (definition of good cause).

4. *See* 1984 Cal. Stat. c. 1084, §1, at ____ (amending CAL. UNEMP. INS. CODE §1256); *see also* 1984 Cal. Stat. c. 1058, §1, at ____ (enacting CAL. UNEMP. INS. CODE §1256.7).

5. CAL. UNEMP. INS. CODE §1256.

layoff plan in accordance with a collective bargaining agreement does not negate the good cause element needed to qualify for unemployment benefits, provided the claimant is otherwise qualified.⁶

Chapter 1058 specifies that good cause exists if the employee leaves employment because of sexual harassment,⁷ as long as the employee has taken reasonable steps to preserve the working relationship.⁸ No steps will be required, however, if the Director of Employment Development finds the employee's efforts would have been futile.⁹ For purposes of Chapter 1058, sexual harassment is present when (1) submission to sexual conduct¹⁰ is made a condition of employment,¹¹ (2) submission to or rejection of the conduct is used as a basis for employment decisions,¹² or (3) the conduct has the purpose or effect of unreasonably interfering with the employee's work or creating an intimidating, hostile, or offensive working environment.¹³

6. *Stanford v. California Unemployment Insurance Appeals Board*, 147 Cal. App. 3d 98, 104, 195 Cal. Rptr. 1, 4 (1983).

7. CAL. CIV. CODE §527.6(b) (definition of sexual harassment).

8. CAL. UNEMP. INS. CODE §1256.7.

9. *Id.*

10. Sexual conduct is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. *Id.*

11. *Id.* §1256.7(1).

12. *Id.* §1256.7(2).

13. *Id.* §1256.7. *Id.* §1256.7(3).

Employment Practices; safety in employment

Labor Code §6315.3 (new); §§6302, 6312, 6313, 6314, 6315, 6318, 6330, 6409.1, 6432 (amended).

SB 1792 (Greene); 1984 STAT. Ch 1317

The Occupational Safety and Health Act¹ (hereinafter referred to as OSHA) grants the Division of Occupational Safety and Health² (hereinafter referred to as the Division) the authority to investigate employment accidents.³ OSHA mandated the Division to investigate the causes of any fatal employment⁴ accident, or nonfatal accident that resulted in a serious injury to at least five employees.⁵ Prior to

1. CAL. LAB. CODE §§6300-6710.

2. *See id.* §§6300-6330 (jurisdiction and duties of the Division of Occupational Safety and Health).

3. *See id.*

4. *Id.* §6303(b) (definition of employment).

5. 1973 Cal. Stat. c. 993, §65, at 1931 (enacting CAL. LAB. CODE §6313); CAL. LAB.

the enactment of Chapter 1317, OSHA gave the Division discretion to investigate employment related accidents that merely caused an employee serious injury or illness.⁶ With the enactment of Chapter 1317, investigation is required into any employment related accident that results in serious injury or illness, or serious exposure to a hazardous substance.⁷ In addition, Chapter 1317 allows the Division discretion to investigate any other employment accident that results in less than serious injury, illness, or exposure.⁸

Existing law under OSHA requires the Bureau of Investigations within the Division to conduct an accident investigation in any case involving a serious injury to five or more employees, a death, or a request of the Division representative.⁹ Chapter 1317 requires the Bureau of Investigations¹⁰ to review all inspection reports citing violations¹¹ involving serious injuries to one to four employees or a serious exposure.¹² The Bureau of Investigation may investigate those cases in which criminal violations may have occurred.¹³ Upon a determination that the accident warrants an investigation, the Division has free access to any place of employment to investigate and inspect.¹⁴ Under existing law, if an employer refuses entry to an inspector investigating an employment accident or illness, an order may be issued by the inspector to preserve¹⁵ the physical material or the accident site.¹⁶ Prior to the enactment of Chapter 1317, the Division was

CODE §6304.1 (definition of employee).

6. 1973 Cal. Stat. c. 993, §65 at 1931 (enacting CAL. LAB. CODE §6313). Serious injury or illness is defined as any injury or illness occurring in a place of employment that requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of section 385 of the Penal Code or an accident on a public street or highway. CAL. LAB. CODE §6302(h).

7. CAL. LAB. CODE §6313(a). If the Division determines an investigation is unnecessary, the Division must summarize the facts indicating that the accident need not be investigated and the means by which the facts were determined. *Id.* Under Chapter 1317, the Division is required to establish guidelines for determining the circumstances under which an investigation is unnecessary. *Id.* Serious exposure is defined as any exposure of an employee to a hazardous substance when the exposure occurs as a result of an incident, accident, emergency, or exposure over time and is in a degree or amount sufficient to create a substantial probability that death or serious physical harm in the future could result from the exposure. *Id.* §6302(i).

8. *Id.* §6313(b).

9. *See id.* §6315(a) (establishment of the Bureau of Investigations).

10. *Id.*

11. *Id.* (violation of standards, orders, special orders, or CAL. HEALTH & SAFETY CODE §25910).

12. CAL. LAB. CODE §6315(a).

13. *Id.*

14. *Id.* §6314(a) (general inspection powers).

15. The materials or sites must be maintained as they were at the time the accident or illness occurred. *Id.* §6314(e).

16. *Id.* The chief or authorized representatives may issue the order only if the circumstances indicate a need to determine the cause of the accident or illness. *Id.*

required to apply for the issuance of an inspection warrant no later than the next court day following the day in which entry was refused.¹⁷ This order to preserve the site automatically became void after seventy-two hours.¹⁸ Chapter 1317 repeals the automatic voiding aspect of the order¹⁹ and extends the valid period of exercise to (1) the time the Division gains access to the place of employment, or (2) until entry is ordered by the court.²⁰

Existing law allows an employee to file a complaint²¹ upon a belief that a discriminatory retaliation²² has occurred in response to objections by the employee of health or safety conditions.²³ OSHA also entitles the employee to all appropriate relief including rehiring and reinstatement.²⁴ Chapter 1317 extends this relief to include liquidated damages in an amount equal to back pay.²⁵ Prior to the enactment of Chapter 1317, OHSA permitted the Division of Labor Standards Enforcement to investigate cases of discriminatory retaliation.²⁶ Chapter 1317, however, requires the Division of Labor Standards Enforcement to investigate all cases of retaliation.²⁷

17. 1979 Cal. Stat. c. 241, §1, at 503 (amending CAL. LAB. CODE §6314(e)).

18. *Id.*

19. Compare CAL. LAB. CODE §6314(e) with 1979 Cal. Stat. c. 241, §1, at 503 (amending CAL. LAB. CODE §6314(e)).

20. CAL. LAB. CODE §6314(e).

21. The employee must file the complaint with the Labor Commissioner alleging discrimination within 30 days of the violation. *Id.* §6312.

22. Examples of discriminatory retaliation include employees who have been discharged, threatened with discharge, demoted or suspended by the employer. See *id.* §6310.

23. *Id.* §6312.

24. *Id.*

25. *Id.*

26. 1973 Cal. Stat. c. 993, §63, at 1930 (amending CAL. LAB. CODE §6312).

27. CAL. LAB. CODE §6312. Under Chapter 1317, if a settlement between the employee and the employer is not obtained within a 10 day period following notification of an investigation by the Division of Labor Standards Enforcement, the Division of Labor Standards Enforcement must bring an action against the person who committed the violation. *Id.*

Employment Practices; arbitration

Labor Code §1128 (new).

SB 2322 (Petris); 1984 STAT. Ch 672

Under existing law, a collective bargaining agreement between an employer¹ and a labor organization² is enforceable at law or equity.³

1. CAL. LAB. CODE §1132.2 (defining employer).

2. *Id.* §1117 (defining labor organization).

3. *Id.* §1126.

Chapter 672 provides that a court will award attorney's fees to the prevailing party in an action⁴ to compel arbitration of disputes where the opposing party has failed to raise substantial and credible issues involving complex or significant questions of law concerning the issue of whether the dispute is arbitrable.⁵ Furthermore, if the dispute subsequently is found nonarbitrable under the agreement, Chapter 672 requires the award of attorney's fees to be vacated and reimbursed.⁶

Existing law permits an unsuccessful party to appeal the decision of the arbitrator.⁷ Chapter 672 requires a court to award attorney's fees to the prevailing appellee of an arbitrator's decision regarding a dispute involving a collective bargaining agreement unless the appellant has raised substantial issues involving complex or significant questions of law.⁸

4. Chapter 672 does not apply to public employment. *Id.* §1128(c).

5. *Id.* §1128(a).

6. *Id.*

7. *Id.* §2691.

8. *Id.* §1128(b).

Employment Practices; disclosure of wages

Labor Code §232 (new).

AB 3193 (Agnos and Hayden); 1984 STAT. Ch 814

Chapter 814 expands existing law providing for the regulation and the supervision of employer-employee relations.¹ With the enactment of Chapter 814, employers² are prohibited from preventing any employee³ from disclosing the amount of wages⁴ received through employment.⁵ Chapter 814 expressly provides that an employer may not require, as a condition of employment, an employee to refrain from disclosing, or compel an employee to waive the right to divulge, the amount of wages received.⁶ Finally, Chapter 814 prohibits an employer from discharging, disciplining, or discriminating against an employee who has disclosed the wages paid to that employee.⁷

1. CAL. LAB. CODE §§200-3097.

2. *Id.* §350(a) (definition of employer).

3. *Id.* §350(b) (definition of employee).

4. *Id.* §200 (definition of wages).

5. *Id.* §232.

6. *Id.*

7. *Id.*

**Employment Practices; health care professionals—
independent contractors**

Labor Code §2750.6 (new); Unemployment Insurance Code §656 (amended).

SB 1963 (Greene); 1984 STAT. Ch 773

SB 1964 (Greene); 1984 STAT. Ch 783

Under existing statutory and case law, the issue of whether a person rendering services for another is an employee or an independent contractor is determined by an analysis of several factors,¹ including the degree of control exercised with respect to the manner in which the desired result is accomplished.² Chapter 783 establishes a rebuttable presumption affecting the burden of proof that a physician³ or surgeon⁴ who enters into a contract for the performance of health services on behalf of a nonprofit licensed primary care clinic⁵ is an independent contractor rather than an employee.⁶

For the purpose of unemployment insurance, existing law provides a rebuttable presumption that services provided by an individual engaged in work requiring specialized knowledge and skills attained through completion of recognized courses of instruction or experience⁷ are rendered as an independent contractor.⁸ Under existing law, however, the rebuttable presumption does not apply to a contractual agreement for professional services establishing an employer-employee relationship.⁹ Chapter 773 specifies that the existence of a contract between a primary care clinic¹⁰ and certain licensed health care

1. See CAL. LAB. CODE §2750.5; see also McDonald v. Shell Oil Co., 44 Cal. 2d 785, 788, 285 P.2d 902, 903 (1955); Green v. Soule, 145 Cal. 96, 99, 78 P. 337, 339 (1904); Luckie v. Diamond Coal Co., 41 Cal. App. 468, 480, 183 P. 178, 183 (1919); RESTATEMENT (SECOND) OF AGENCY §220 (1957).

2. Green v. Soule, 145 Cal. at 99, 78 P. at 339 (the chief consideration in determining an individual to be an independent contractor is the fact that the employer has no right to control as to the mode of doing the contracted work).⁴

3. Physician includes physicians and surgeons, optometrists, dentists, podiatrists, and osteopathic practitioners licensed by California and within the scope of their practice as described by California state law. CAL. LAB. CODE §3209.3.

4. See generally CAL. BUS. & PROF. CODE §§2080-2099 (licensing requirements for physicians and surgeons).

5. CAL. HEALTH & SAFETY CODE §1204 (defined classes of primary health care clinics).

6. CAL. LAB. CODE §2750.6.

7. These services shall be limited to those provided by attorneys, physicians, dentists, engineers, architects, accountants, and the various types of physical, chemical, natural, and biological scientists. CAL. UNEMP. INS. CODE §656.

8. *Id.*

9. *Id.*

10. For the purpose of this section, primary care clinic means a nonprofit, licensed, primary

practitioners¹¹ does not constitute an employer-employee relationship if the contract stipulates that the professional services rendered to the clinic are by an independent contractor and not an employee.¹² Primary care clinics and certain licensed health care practitioners thus are exempt from unemployment insurance payments required under an employer-employee relationship.¹³

care clinic. *Id.* See also CAL. HEALTH & SAFETY CODE §1204 (defined classes of primary care clinics).

11. CAL. UNEMP. INS. CODE §656 (includes physicians, surgeons, osteopaths, podiatrists, optometrists, and psychologists).

12. *Id.*

13. *Id.*

Employment Practices; female employee working hours

Labor Code §§1350, 1350.5, 1351, 1352, 1352.1, 1352.2, 1352.3, 1352.5, 1353, 1354, 1355, 1356, 1357 (repealed).
AB 621 (Klehs); 1984 STAT. Ch 778

Existing law authorizes the Industrial Welfare Commission¹ to regulate the working hours of employees.² Prior law specifically limited the maximum hours that female employees could be required to work.³ Chapter 778 repeals the prior law relating to the maximum working hours of female employees.⁴ Thus, under Chapter 778, female employees are now subject to the general provisions governing the working hours of all employees.⁵

1. CAL. LAB. CODE §§70, 70.1 (creation and composition of Industrial Welfare Commission).

2. *Id.* §1198.

3. 1967 Cal. Stat. c. 1513, §1, at 3605 (amending CAL. LAB. CODE §1350) (limiting female employees to eight hour workday and 48 hour workweek in specified industries); 1971 Cal. Stat. c. 457, §1, at 940 (amending CAL. LAB. CODE §1350.5) (overtime pay for female employees); 1967 Cal. Stat. c. 1513, §3, at 3606 (amending CAL. LAB. CODE §1351) (maximum hours combined with other employment for female employees); 1971 Cal. Stat. c. 804, §1, at 1560 (amending CAL. LAB. CODE §1352) (exceptions to maximum working hours for female employees); 1974 Cal. Stat. c. 1121, §1, at 2403 (amending CAL. LAB. CODE §1352.1) (maximum hours for executives, administrators, and professional people); 1968 Cal. Stat. c. 361, §1, at 765 (enacting CAL. LAB. CODE § 1352.2) (agreement with female employee to work 14 day period in licensed hospital); 1971 Cal. Stat. c. 1066, §1, at 2026, (enacting CAL. LAB. CODE §1352.3) (four day workweek with 10 hour days in licensed hospital); 1967 Cal. Stat. c. 958, §1, at 2457 (enacting CAL. LAB. CODE §1352.5) (exception from maximum hours limitation for cosmetologist to complete service). California Labor Code sections 1350 and 1350.5 were declared invalid by the federal courts because they conflicted with the Civil Rights Act of 1964, §703, 42 U.S.C. §2000e-2 (equal employment opportunity section). *Homemakers Inc., of Los Angeles v. Division of Indus. Welfare*, 509 F.2d 20, 23 (9th Cir. 1974), *cert. denied*, 423 U.S. 1063 (1974).

4. 1984 Cal. Stat. c. 778, §1, at ____ (repealing CAL. LAB. CODE §§ 1350, 1350.5, 1351, 1352, 1352.1, 1352.2, 1352.3, 1352.5, 1353, 1354, 1355, 1356, 1357).

5. See CAL. LAB. CODE §1198 (Industrial Welfare Commission authorized to set maximum hours).