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HEALTH AND SAFETY CODE - HSC

DIVISION 25.5. CALIFORNIA GLOBAL WARMING SOLUTIONS ACT OF 2006 [38500 - 38599.11] (*Division 25.5 added by Stats. 2006, Ch. 488, Sec. 1.*)

PART 8. California Jobs Plan Act of 2021 [38599.10 - 38599.11] (*Part 8 added by Stats. 2021, Ch. 746, Sec. 2.*)

38599.10. For purposes of this part, the following definitions apply:

- (a) "Access" means that an individual who lives in an under-resourced, tribal, or low-income community could reasonably access all services and resources needed to compete for a job, including overcoming barriers to employment or attaining a high-quality job.
- (b) "Administering agencies" means state agencies administering grant programs funded by moneys from the Greenhouse Gas Reduction Fund.
- (c) "Applicant" means an entity applying for resources from the Greenhouse Gas Reduction Fund.
- (d) "Community workforce agreement" means a project labor agreement that includes a targeted hire plan.
- (e) "Contractor" means an individual identified pursuant to Section 3353 of the Labor Code.
- (f) "Employee" means an individual identified pursuant to Sections 3351 to 3352.94, inclusive, of the Labor Code.
- (g) "Employer" means an entity or individual that compensates an employee.
- (h) "Greenhouse Gas Reduction Fund" means the fund created pursuant to Section 16428.8 of the Government Code.
- (i) "High-quality job" means a job that facilitates economic mobility by providing retirement benefits, vacation and sick leave, training opportunities, and wages at or above the average median wage of a region.
- (j) "Job" means full- or part-time employment for a person who is considered an employee.
- (k) "Labor agency" means the Labor and Workforce Development Agency.
- (l) "Prevailing wage" means the basic hourly rate paid on public works projects to a majority of workers engaged in a particular craft, classification, or type of work within the locality of a project and in the nearest labor market area.
- (m) "Procurement" means a process by which an entity solicits competitive bids for a project or service.
- (n) "Project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- (o) "Retirement benefits" means an employer-provided retirement plan that is partially or fully paid for by the employer.
- (p) "Targeted hire plan" means a strategy from an applicant to demonstrate how the applicant will create jobs for under-resourced, tribal, and low-income communities, and how the applicant will ensure access to those jobs.
- (q) "Tribal" or "tribe" means either of the following:
 - (1) A federally recognized tribal government located in California that is identified on the most recent list published in the Federal Register by the United States Bureau of Indian Affairs.
 - (2) A nonfederally recognized tribal government located in California, including those listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.
- (r) "Under-resourced, tribal, and low-income community" means either of the following:
 - (1) A community identified pursuant to subdivision (g) of Section 71130 of the Public Resources Code.
 - (2) Members of a tribe.

(Added by Stats. 2021, Ch. 746, Sec. 2. (AB 680) Effective January 1, 2022.)

38599.11. (a) On or before July 1, 2025, the state board shall work with the labor agency to update Greenhouse Gas Reduction Fund funding guidelines for administering agencies to ensure that all applicants to grant programs listed in Section 39719 and funded by the Greenhouse Gas Reduction Fund meet all of the following standards:

(1) Fair and responsible employer standards, meaning documented compliance with applicable labor laws and labor-related commitments concerning wages, workplace safety, rights to association and assembly, and nondiscrimination standards.

(2) Inclusive procurement policies, meaning applicant procurement policies that prioritize bids from entities that demonstrate the creation of high-quality jobs or the creation of jobs in under-resourced, tribal, and low-income communities, or both the creation of high-quality jobs and the creation of jobs in those communities.

(3) Prevailing wage for any construction work funded in part or in full by the grant.

(b) On and after the adoption of the update pursuant to subdivision (a), all of the following shall apply:

(1) Applicants seeking over one million dollars (\$1,000,000) in funding for construction projects shall provide evidence of a community workforce agreement.

(2) Administering agencies shall give preference to applicants that demonstrate a partnership with an educational institution or training program targeting residents of under-resourced, tribal, and low-income communities in the same region as the proposed project.

(3) Administering agencies shall give preference to applicants that demonstrate that jobs created through the proposed project will be high-quality jobs.

(c) (1) Applicants for projects that involve federal funding, technical assistance, research, or funding provided pursuant to paragraph (3) or (4) of subdivision (b) of Section 39719 are exempt from this section.

(2) This section does not apply to an applicant who is not an employer.

(3) (A) This section does not apply to a housing project that will feature 100 percent affordable units, exclusive of a manager's unit or units.

(B) For purposes of this subdivision, "affordable unit" means a unit that is subject to a recorded affordability restriction for 55 years and is either of the following:

(i) A rental unit dedicated to persons and families of low income, as defined in Section 50093.

(ii) An owner-occupied unit dedicated to persons and families of moderate income, as defined in Section 50093.

(d) For purposes of this section, an applicant shall be responsible for ensuring that any contractors employed in service to the project funded meet the standards the applicant outlines in the applicant's project application.

(e) In implementing this section, the state board shall work with administering agencies to leverage existing programs and funding to assist applicants with meeting these standards.

(f) This section, including any exemption from this section, does not excuse applicants from complying with any legal requirements that would apply in the absence of this section.

(Amended by Stats. 2022, Ch. 202, Sec. 1. (AB 1644) Effective August 29, 2022.)