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AB-639 California Workforce Development Board: port automation and climate change. (2019-2020)

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Assembly Bill No. 639

CHAPTER 116

An act to add and repeal Section 12893.1 of the Government Code, relating to workforce development.

[Approved by Governor September 24, 2020. Filed with Secretary of State September 24, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 639, Cervantes. California Workforce Development Board: port automation and climate change.

(1) Existing law requires specified state agencies to prepare and submit to the Secretary for Environmental Protection specified information for inclusion in an annual greenhouse gas emission reduction report card, as specified.

This bill would, until January 1, 2024, require the Labor and Workforce Development Agency and the California Workforce Development Board to oversee a stakeholder process to develop recommendations on how best to mitigate the employment impacts of automation at the Port of Los Angeles and the Port of Long Beach. The bill would create an industry panel consisting of 10 members, as specified, within the agency to inform the stakeholder process. The bill would authorize the California Workforce Development Board to contract the University of California at Los Angeles (UCLA) Labor Center to facilitate implementation and would authorize the UCLA Labor Center to commission expert research and testimony to supplement the stakeholder process. The bill would require the industry panel to provide an annual update on the stakeholder process at a regularly scheduled meeting of the California Workforce Development Board. The bill would require the Labor and Workforce Development Agency and the California Workforce Development Board, upon the completion of the stakeholder process, but not later than July 1, 2023, to issue findings and recommendations on the most effective ways to implement policies and programs to mitigate the employment impacts of automation and the transitioning of seaport operations to low- and zero-emission operations on workers and individuals living in communities adjacent to the ports.

(2) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases.

The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. Existing law requires the state board, at least once per year at a hearing of the Joint Legislative Committee on Climate Change Policies, to present an informational report on the reported emissions of greenhouse gases, criteria pollutants, and toxic air contaminants from all sectors covered by the scoping plan, as specified. The act requires the California Workforce Development Board, in consultation with the state board, to report to the Legislature on the need for increased education, career technical education, job training, and workforce development resources or capacity to help the industry, workers, and communities transition to economic and labor-market changes related to statewide greenhouse gas emissions reduction goals.

This bill would require the California Workforce Development Board, on or before December 31, 2022, to present at a hearing of the joint committee an update on the implementation of the report made by the California Workforce Development Board to the

Legislature, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares that the transition to a lower carbon economy be undertaken through inclusive economic policies and that those workers and communities who find themselves “stranded” by the phasing out of carbon-intensive industries are supported with training and new employment opportunities.

SEC. 2. Section 12893.1 is added to the Government Code, to read:

12893.1. (a) (1) The Labor and Workforce Development Agency and the California Workforce Development Board shall oversee a stakeholder process to support the development of findings and recommendations on how to best mitigate the employment impacts of automation at the Port of Los Angeles and the Port of Long Beach. To help inform the stakeholder process, an industry panel is hereby created in the agency.

(2) The California Workforce Development Board may contract with University of California at Los Angeles (UCLA) Labor Center to perform the actions described in subdivision (e).

(b) (1) The industry panel shall consist of the following members:

(A) Eight members appointed by the Secretary of Labor as follows:

(i) Three members from employee unions that represent marine cargo handlers at the Port of Los Angeles and the Port of Long Beach.

(ii) Three members who are representatives of marine cargo employers operating at the Port of Los Angeles and Port of Long Beach.

(iii) The Executive Director of the Port of Los Angeles or the executive director’s designee.

(iv) The Executive Director of the Port of Long Beach or the executive director’s designee.

(B) One member appointed by the Speaker of the Assembly with experience in education, training, and workforce development.

(C) One member appointed by the Senate Committee on Rules with experience in education, training, and workforce development.

(2) Each member shall be appointed to a term of three years. A member who fails to attend two industry panel meetings in one calendar year shall be deemed removed from the industry panel, and the appointing power for that member shall appoint a new member to fill the vacancy.

(3) Industry panel members shall not receive per diem or other similar compensation for serving as an industry panel member.

(c) The industry panel shall invite stakeholders and subject matter experts to participate in the stakeholder process, including port districts, public agencies, labor organizations, shipping companies, marine-oriented trade associations, nonprofit organizations, and education, training, and workforce development entities. As appropriate, the costs of the industry panel and the stakeholder process may be reduced by in-kind or other contributions from third parties.

(d) (1) During the process, representatives from the Labor and Workforce Development Agency and from the California Workforce Development Board, and members of the industry panel shall consider issues including, but not limited to, employment impacts that result from the use of automated technology, including the impact on individuals employed by public and private sector entities supporting port activities and living in communities adjacent to the ports.

(2) The first meeting of the stakeholder process shall be held on or before 90 days after the funding becomes available for the purposes of this section.

(e) The UCLA Labor Center may commission expert research and testimony to supplement the stakeholder process and support the development of findings and recommendations pursuant to this section.

(f) The industry panel shall provide an annual update of the stakeholder process at a regularly scheduled meeting of the California Workforce Development Board.

(g) Upon completion of the stakeholder process, but by no later than July 1, 2023, the Labor and Workforce Development Agency and the California Workforce Development Board shall issue findings and recommendations on the most effective ways to implement policies and programs to mitigate the employment impacts of automation and the transitioning of seaport operations to low- and zero-emission operations on workers and individuals living in communities adjacent to the ports.

(h) This section shall be implemented upon appropriation by the Legislature of funds for purposes of this section.

(i) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3. (a) On or before December 31, 2022, the California Workforce Development Board shall present at a hearing of the Joint Legislative Committee on Climate Change Policies an update on any of its workforce activities and investments pursued in response to the findings and recommendations of the report issued pursuant to Section 38591.3.

(b) The report may be presented at the same hearing where the state board is required to present an informational report on emissions of greenhouse gases, criteria pollutants, and toxic air contaminants, pursuant to Section 38531.