

## FLT #503 – Labor Standards Enforcement

Section 1684 of the Labor Code is amended to read:

**1684.** (a) The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor, nor shall the Labor Commissioner renew that license, until all of the following conditions are satisfied:

...

(4) The person has paid to the Labor Commissioner a license fee of five hundred dollars (\$500) plus a filing fee of ten dollars (\$10). However, when a timely application for renewal is filed, the ten-dollar (\$10) filing fee is not required. The license fee shall increase by one hundred dollars (\$100), to six hundred dollars (\$600), on January 1, 2015. The amount attributable to this increase shall be expended by the Labor Commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit. Notwithstanding Section 1698, no portion of that increase shall be credited to the General Fund. The Labor Commissioner shall deposit one hundred fifty dollars (\$150) of each licensee's annual license fee into the Farmworker Remedial Account. Funds from this account shall be disbursed by the Labor Commissioner only to persons determined by the Labor Commissioner to have been damaged by any licensee ~~if the damage exceeds the amount of the licensee's bond or the surety fails to pay the full amount of the licensee's bond~~, or to persons determined by the Labor Commissioner to have been damaged by an unlicensed farm labor contractor.

(A) In making these determinations, the Labor Commissioner shall disburse funds from the Farmworker Remedial Account to satisfy claims against farm labor contractors or unlicensed farm labor contractors, which shall also include unpaid wages, interest on wages, and any damages or other monetary relief arising from the violation of orders of the Industrial Welfare Commission or from a violation of this code, for any other monetary relief, including statutory penalties recoverable by an employee, awarded determined to be due to an agricultural worker as a result of a violation of this code, and for all damages arising from any violation of subdivision (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352). The Labor Commissioner may disburse funds from the Farmworker Remedial Account to farm labor contractors, for payment of farmworkers, when a contractor is unable to pay farmworkers due to the failure of a grower or packer to pay the contractor.

(B) Any disbursement shall be made pursuant to a claim for recovery from the account in accordance with procedures prescribed by the Labor Commissioner.

(C) Any disbursed funds subsequently recovered from a liable party by the Labor Commissioner pursuant to Section 1693, or otherwise, shall be returned to the Farmworker Remedial Account.

...

Section 2065 of the Labor Code is amended to read:

**2065.** (a) The Car Wash Worker Restitution Fund is established in the State Treasury.

(1) The following moneys shall be deposited into this fund:

(A) The annual fee required pursuant to subdivision (b) of Section 2059.

(B) Fifty percent of the fines collected pursuant to Section 2064.

(C) Fifty dollars (\$50) of the initial registration fee required pursuant to subdivision (a) of Section 2059.

(2) Upon appropriation by the Legislature, the moneys in the fund shall be disbursed by the commissioner only to persons determined by the commissioner to have been damaged by the failure to pay wages and penalties and other ~~related~~ damages by any employer.<sup>72</sup>

(A) In making these determinations, the Labor Commissioner shall disburse amounts from the fund to ensure the payment of wages, interest, and penalties and other related damages any damages or other monetary relief arising from the violation of orders of the Industrial Welfare Commission or from a violation of this code, including statutory penalties recoverable by an employee, determined to be due to a car wash worker as result of a violation of this code by a registered or unregistered car wash business.

(B) Any disbursement shall be made pursuant to a claim for recovery from the fund in accordance with procedures prescribed by the Labor Commissioner.

(C) Any disbursed funds subsequently recovered by the ~~commissioner~~ Labor Commissioner from a liable party pursuant to an assignment of the claim to the commissioner for recovery of due amounts, including recovery from a surety under a bond pursuant to Section 2055, or which are otherwise recovered by the Labor Commissioner from a liable party, shall be returned to the fund.

(b) The Car Wash Worker Fund is established in the State Treasury.

(1) The following moneys shall be deposited into this fund:

(A) Fifty percent of the fines collected pursuant to Section 2064.

(B) The initial registration fee required pursuant to subdivision (a) of Section 2059, less the amount specified in subparagraph (C) of paragraph (1) of subdivision (a).

(2) Upon appropriation by the Legislature, the moneys in this fund shall be applied to costs incurred by the commissioner in administering the provisions of this part and enforcement and investigation of the car washing and polishing industry.

(c) The Department of Industrial Relations may establish by regulation those procedures necessary to carry out the provisions of this section.

Section 2675.5 of the Labor Code is amended to read:

**2675.5.** (a) The commissioner shall deposit seventy-five dollars (\$75) of each registrant's annual registration fee, required pursuant to paragraph (5) of subdivision (a) of Section 2675, into one separate account. Funds from the separate account shall be disbursed by the commissioner only to persons determined by the commissioner to have been damaged by the failure to pay wages and benefits by any garment manufacturer, jobber, contractor, or subcontractor ~~after exhausting a bond, if any.~~<sup>72</sup>

(1) In making these determinations, the Labor Commissioner shall disburse amounts from

the fund to ensure the payment of wages and benefits, interest, and any damages or other monetary relief arising from the violation of orders of the Industrial Welfare Commission or from a violation of this code, including statutory penalties recoverable by an employee, determined to be due to a garment worker by a registered or unregistered garment business.

(2) Any disbursement shall be made pursuant to a claim for recovery from the fund in accordance with procedures prescribed by the Labor Commissioner.

(3) Any disbursed funds subsequently recovered by the commissioner, pursuant to an assignment of the claim to the commissioner for recovery, including recovery from a surety under a bond pursuant to Section 2675.5, or otherwise recovered by the Labor Commissioner from a liable party, shall be returned to the separate account.

(b) The remainder of each registrant's annual registration fee not deposited into the special account pursuant to subdivision (a) shall be deposited in a subaccount and applied to costs incurred by the commissioner in administering the provisions of Section 2673.1, Section 2675, and this section, upon appropriation by the Legislature.

Section 226.4 of the Labor Code is amended to read:

**226.4.** If, upon inspection or investigation, the Labor Commissioner determines that an employer is in violation of subdivision (a) of Section 226, the Labor Commissioner may issue a citation to the person in violation. The citation may be served personally, by the same manner as provided for service of a summons as described in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure, by certified mail with return receipt requested, or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. Each citation shall be in writing and shall describe the nature of the violation, including reference to the statutory provision alleged to have been violated.

Section 1197.1 of the Labor Code is amended to read:

**1197.1.** (a) Any employer or other person acting either individually or as an officer, agent, or employee of another person, who pays or causes to be paid to any employee a wage less than the minimum fixed by an applicable state or local law, or by an order of the commission shall be subject to a civil penalty, restitution of wages, liquidated damages payable to the employee, and any applicable penalties imposed pursuant to Section 203 as follows:

(1) For any initial violation that is intentionally committed, one hundred dollars (\$100) for each underpaid employee for each pay period for which the employee is underpaid. This amount shall be in addition to an amount sufficient to recover underpaid wages, liquidated damages pursuant to Section 1194.2, and any applicable penalties imposed pursuant to to Section 203.

(2) For each subsequent violation for the same specific offense, two hundred fifty dollars (\$250) for each underpaid employee for each pay period for which the employee is underpaid regardless of whether the initial violation is intentionally committed. This amount shall be in addition to an amount sufficient to recover underpaid wages, liquidated damages pursuant to Section 1194.2, and any applicable penalties imposed pursuant to Section 203.

(3) Wages, liquidated damages, and any applicable penalties imposed pursuant to Section 203, recovered pursuant to this section shall be paid to the affected employee.

(b) If, upon inspection or investigation, the Labor Commissioner determines that a person has paid or caused to be paid a wage less than the minimum under applicable law, the Labor Commissioner may issue a citation to the person in violation. The citation may be served

personally, by the same manner as provided for service of a summons as described in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure, by certified mail with return receipt requested, or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. Each citation shall be in writing and shall describe the nature of the violation, including reference to the statutory provision alleged to have been violated. The Labor Commissioner promptly shall take all appropriate action, in accordance with this section, to enforce the citation and to recover the civil penalty assessed, wages, liquidated damages, and any applicable penalties imposed pursuant to Section 203 in connection with the citation.

(c) (1) If a person desires to contest a citation or the proposed assessment of a civil penalty, wages, liquidated damages, and any applicable penalties imposed pursuant to Section 203 therefor, the person shall, within 15 business days after service of the citation, notify the office of the Labor Commissioner that appears on the citation of his or her request for an informal hearing. The Labor Commissioner or his or her deputy or agent shall, within 30 days, hold a hearing at the conclusion of which the citation or proposed assessment of a civil penalty, wages, liquidated damages, and any applicable penalties imposed pursuant to Section 203 shall be affirmed, modified, or dismissed.

Section 1287 of the Labor Code is amended to read:

**1287.** If upon inspection or investigation the director determines that a person is in violation of any statutory provision or rule or regulation relating to the employment of minors, he may issue a citation to the person in violation. The citation may be served personally, by the same manner as provided for service of a summons as described in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure, by certified mail with return receipt requested, or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. Each citation shall be in writing and shall describe the nature of the violation, including reference to the statutory provisions, rule, or regulation alleged to have been violated.

Section 90.6 of the Labor Code is added to read:

**90.6.** (a) In the case of an investigation by the field enforcement unit, the date of a written notice by the Labor Commissioner to an employer, or other person or entity who may be liable under a provision of this the code, that an investigation has commenced shall be deemed as the date an action has commenced for purposes of any statute of limitations applicable to determining the period of time for which wages, penalties, damages, or other amounts may be assessed by the Labor Commissioner against the employer or other person or entity (pursuant to other provisions of this code including Sections 558 and 1197.1). The notice provided by the Labor Commissioner pursuant to this section shall identify the employer or other person or entity subject to investigation, the time period covered by the investigation, and a reference to this section which shall constitute notice of the potential claims under the identified investigation.

(b) The notice provided pursuant to subdivision (a) shall be deemed to include claims under the following Labor Code provisions: Sections 558 and 1197.1; unpaid minimum and overtime wages under Sections 510, 1194, 1197, any applicable wage order of the Industrial Welfare

Commission, or under any applicable local minimum wage or overtime law; wages exceeding minimum wages subject to determination under Section 1195.5; penalty wages for late payment under Section 203; liquidated damages under Section 1194.2; itemized wage statements under Section 226; compensation for rest and recovery periods and nonproductive time for piece rate employees under Section 226.2; meal, rest, and recovery periods under Section 226.7; claims under Section 2810.3; and expense reimbursements under Section 2802.

(c) Providing the written notice pursuant to subdivision (a) to an employer or other person or entity who may be liable under a provision of this code shall also toll any statute of limitations applicable for a private claim or action by an employee for violations of laws specified in subdivision (b) for the time period of the pending investigation and until the Labor Commissioner has determined that no further administrative or judicial action will be taken as a result of the investigation with respect to the employee.

Section 1174.1 of the Labor Code is added to read:

**1174.1.** (a) Any employer, or other person or entity who may be liable for a violation of any provision of this code, shall be precluded from introducing as evidence, in an administrative proceeding contesting a citation or writ proceeding under Sections 558 or 1197.1, books, documents, or records that are not provided to the Labor Commissioner within the time prescribed to produce such books, documents, or records pursuant to a duly served written request from the Commissioner.

(b) The books, documents, or records to which subdivision (a) applies are payroll, time, and employment records that are required to be maintained at the place of employment or at a central location within the State of California by the employer, including pursuant to Labor Code Sections 247.5, 226, 1174, 2052, and 2673, and Section 6 or 7 (as applicable) of any order of the Industrial Welfare Commission.

(c) This section shall not apply in the event that the person or entity subject to the written request by the Labor Commissioner for the production of books, documents, or records opposes such a request in court prior to the issuance of any citation under Sections 558 or 1197.1, and a court determines that the books, documents, or records are not required to be produced.

(d) This section shall not apply to the failure to produce any books, documents, or records within the time prescribed by the Labor Commissioner if such failure is due to an inadvertent error, provided that such error is corrected and the books, documents, or records are produced to the Commissioner no later than 5 business days from the date originally prescribed. For purposes of this section, "inadvertent error" means any clerical mistake causing an unintended delay in production of the requested books, documents, or records.

(e) The time prescribed by the Labor Commissioner for the production of books, documents, or records, as set forth under subdivision (a), shall take into consideration a reasonable request from the person or entity subject to the request for an extension on the time for production. The reasonableness of any such request shall be determined by the Labor Commissioner, and may include consideration of the location of such books, documents or records and the volume of production.

Section 238.6 of the Labor Code is added to read:

**238.6.** (a) Any unpaid wage judgment obtained by the Labor Commissioner under this division against a person or employer licensed by an agency specified in subdivision (b) which contains unpaid wages and other amounts due an employee, including interest thereon, that remains unpaid for a period of at least 30 days following entry of judgment may be referred by the Labor Commissioner to the licensing agency to initiate disciplinary action to suspend or revoke a current license, or to deny the renewal of a license, held by the person or employer. The referral shall include a copy of the judgment and identification of the wage amounts and other liabilities owed by the licensee or license applicant which shall constitute certification by the Labor Commissioner that the amounts identified remain due and unpaid as of the date of the referral.

(b) For purposes of this section, "licensing agency" shall include:

- (1) The Department of Alcoholic Beverage Control;
- (2) The Board of Barbering and Cosmetology in the Department of Consumer Affairs;
- (3) The Bureau of Automotive Repairs in the Department of Consumer Affairs.

(c) Notwithstanding any other provision of law, the failure of a licensee to satisfy an unpaid wage judgment, including a judgment under subdivision (a), to a current or former employee shall constitute grounds for disciplinary action, including suspension or revocation of a license by an agency stated in subdivision (b). Upon receiving a referral from the Labor Commissioner, an agency specified in subdivision (b) shall promptly initiate suspension or revocation proceedings in accordance with rules and procedures governing disciplinary action by the licensing agency, nor shall the agency approve a license renewal application for a licensee, unless the licensee submits either of the following to the licensing agency:

(1) A satisfaction of judgment in an amount sufficient to cover payment of all amounts due to the employee or employees.

(2) A fully executed accord between the licensee and the other parties to a judgment, order, or accord demonstrating that the applicant has addressed the requirements imposed by the judgment, order, or accord involving unpaid wages and the person is not in default of a payment provision in the accord.

(d) The licensing agency shall provide notice to the Labor Commissioner at the office which provided the referral of any final disposition of disciplinary action or denial of an application for renewal in a case referred to the agency under this section.

(e) This section is in addition to, and independent of, any other remedies or procedures available under any other law.

Section 98.7 of the Labor Code is amended to read:

**98.7.** (a) Any person who believes that he or she has been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner may file a complaint with the division within six months after the occurrence of the violation. The six-month period may be extended for good cause. The complaint shall be investigated by a discrimination complaint investigator in accordance with this section. The Labor Commissioner

shall establish procedures for the investigation of discrimination complaints. A summary of the procedures shall be provided to each complainant and respondent at the time of initial contact.

The Labor Commissioner shall inform complainants charging a violation of Section 6310 or 6311, at the time of initial contact, of his or her right to file a separate, concurrent complaint with the United States Department of Labor within 30 days after the occurrence of the violation.

(b) Each complaint of unlawful discharge or discrimination shall be assigned to a discrimination complaint investigator who shall prepare and submit a report to the Labor Commissioner based on an investigation of the complaint. ~~The Labor Commissioner may designate the chief deputy or assistant Labor Commissioner or the chief counsel to receive and review the reports.~~ The Labor Commissioner or his or her designee shall receive and review the reports. The investigation shall include, where appropriate, interviews with the complainant, respondent, and any witnesses who may have information concerning the alleged violation, and a review of any documents that may be relevant to the disposition of the complaint. The identity of a witness shall remain confidential unless the identification of the witness becomes necessary to proceed with the investigation or to prosecute an action to enforce a determination. The investigation report submitted to the Labor Commissioner or designee shall include the statements and documents obtained in the investigation, and the findings of the investigator concerning whether a violation occurred. The Labor Commissioner may hold an investigative hearing whenever the Labor Commissioner determines, ~~after review of the investigation report,~~ that a hearing is necessary to fully establish the facts. In the hearing the ~~investigation report shall be made a part of the record and~~ the complainant and respondent shall have the opportunity to present further evidence. The Labor Commissioner shall issue, serve, and enforce any necessary subpoenas. If a complainant files an action in Court against an employer based on the same or similar facts as a complaint made under § 98.7, the Labor Commissioner may, at his or her discretion, close the investigation. If a complainant has already challenged his or her discipline or discharge through State Personnel Board or other internal governmental procedure, or through a collective bargaining agreement grievance procedure which incorporates California Labor Code anti-retaliation provisions, the Labor Commissioner shall have discretion to reject the complaint. The Labor Commissioner may, during the course of an investigation pursuant to this section, petition a court for appropriate temporary relief or restraining order where he or she determines good cause exists for doing so.

(c) If the Labor Commissioner determines a violation has occurred, he or she shall notify the complainant and respondent and direct the respondent to cease and desist from ~~the any~~ violation and take any action deemed necessary to remedy the violation, including, where appropriate, rehiring or reinstatement, reimbursement of lost wages and interest thereon, payment of penalties, payment of reasonable attorney's fees associated with any hearing held by the Labor Commissioner in investigating the complaint, and the posting of notices to employees. If the respondent does not comply with the order within ~~40 working~~ 30 days following notification of the Labor Commissioner's determination, the Labor Commissioner shall bring an action promptly in an appropriate court against the respondent. The Labor Commissioner's action seeking injunctive relief, reimbursement of lost wages and interest thereon, payment of penalties, and any other appropriate relief, shall not accrue until a respondent's failure to comply with the order for more than 30 days following notification of the

Labor Commissioner's determination. The Labor Commissioner must commence an action within three years of its accrual, regardless of whether the Labor Commissioner seeks penalties in the action. If the Labor Commissioner fails to bring an action in court promptly, the complainant may bring an action against the Labor Commissioner in any appropriate court for a writ of mandate to compel the Labor Commissioner to bring an action in court against the respondent. If the complainant prevails in his or her action for a writ, the court shall award the complainant court costs and reasonable attorney's fees, notwithstanding any other law. Regardless of any delay in bringing an action in court, the Labor Commissioner shall not be divested of jurisdiction. In any action, the court may permit the claimant to intervene as a party plaintiff to the action and shall have jurisdiction, for cause shown, to restrain the violation and to order all appropriate relief. Appropriate relief includes, but is not limited to, rehiring or reinstatement of the complainant, reimbursement of lost wages and interest thereon, and any other compensation or equitable relief as is appropriate under the circumstances of the case. The Labor Commissioner shall petition the court for appropriate temporary relief or restraining order unless he or she determines good cause exists for not doing so. If the Labor Commissioner successfully prosecutes an enforcement action pursuant to this provision, the Court shall determine the costs and reasonable attorney's fees incurred by the Labor Commissioner in prosecuting the enforcement action and assess that amount as a cost upon the employer. The Labor Commissioner is successful if the Court awards the Labor Commissioner any relief sought in the enforcement action. It is not necessary that the Labor Commissioner recover a monetary award in order to be considered a prevailing party according to this provision. An employer who willfully refuses to comply with an order of a court pursuant to this section to hire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for such relief, or who refuses to comply with an order to post a notice to employees or otherwise cease and desist from the violation shall, in addition to any other penalties available, be subject to a penalty of one hundred dollars (\$100.00) per day for each day the employer continues to be in non-compliance with the court order, up to a maximum of \$20,000. Any penalty pursuant to this provision shall be paid to the affected employee.

(d)(1) If the Labor Commissioner determines no violation has occurred, he or she shall notify the complainant and respondent and shall dismiss the complaint. The Labor Commissioner may direct the complainant to pay reasonable attorney's fees associated with any hearing held by the Labor Commissioner if the Labor Commissioner finds the complaint was frivolous, unreasonable, groundless, and was brought in bad faith. The complainant may, after notification of the Labor Commissioner's determination to dismiss the complaint, bring an action in an appropriate court, which shall have jurisdiction to determine whether a violation occurred, and if so, to restrain the violation and order all appropriate relief to remedy the violation. Appropriate relief includes, but is not limited to, rehiring or reinstatement of the complainant, reimbursement of lost wages and interest thereon, and other compensation or equitable relief as is appropriate under the circumstances of the case. When dismissing a complaint, the Labor Commissioner shall advise the complainant of his or her right to bring an action in an appropriate court if he or she disagrees with the determination of the Labor Commissioner, and in the case of an alleged violation of Section 6310 or 6311, to file a complaint against the state program with the United States Department of Labor. Any time limitation for a complainant to

bring an action in court shall be tolled from the time of filing the complaint with the division until the issuance of the Labor Commissioner's determination.

(2) The filing of a timely complaint against the state program with the United States Department of Labor shall stay the Labor Commissioner's dismissal of the division complaint until the United States Secretary of Labor makes a determination regarding the alleged violation. Within 15 days of receipt of that determination, the Labor Commissioner shall notify the parties whether he or she will reopen the complaint filed with the division or whether he or she will reaffirm the dismissal.

(e) The Labor Commissioner shall notify the complainant and respondent of his or her determination under subdivision (c) or paragraph (1) of subdivision (d), not later than ~~60 days~~ 1 year after the filing of the complaint. Determinations by the Labor Commissioner under subdivision (c) or (d) shall be final and not subject to administrative appeal, except for cases arising under Labor Code sections 6310 and 6311 only, which may be appealed by the complainant ~~or respondent~~ to the Director of Industrial Relations ~~within 40 days following notification of the Labor Commissioner's determination pursuant to an appeal process, including time limitations, that is consistent with the mandates of the United States Department of Labor. The time to appeal to the Director of the Department of Industrial Relations may be extended for good cause shown.~~ The appeal from a determination arising under Sections 6310 and 6311 shall set forth specifically and in full detail the grounds upon which the complainant appealing party considers the Labor Commissioner's determination to be unjust or unlawful, and every issue to be considered by the director. The director may consider any issue relating to the initial determination and may modify, affirm, or reverse the Labor Commissioner's determination. The director's determination shall be the determination of the Labor Commissioner on 6310 and 6311 cases that are appealed pursuant to this section only. The director shall notify the complainant and respondent of his or her determination within 10 days of receipt of the appeal.

(f) The rights and remedies provided by this section do not preclude an employee from pursuing any other rights and remedies under any other law.

(g) In the enforcement of this section, there is no requirement that an individual exhaust administrative remedies or procedures.

Section 6310 of the Labor Code is amended to read:

**6310.** (a) No person shall discharge or in any manner discriminate against any employee because the employee has done any of the following:

(1) Made any oral or written complaint to the division, other governmental agencies having statutory responsibility for or assisting the division with reference to employee safety or health, his or her employer, or his or her representative.

(2) Instituted or caused to be instituted any proceeding under or relating to his or her rights or has testified or is about to testify in the proceeding or because of the exercise by the employee on behalf of himself, herself, or others of any rights afforded him or her.

(3) Participated in an occupational health and safety committee established pursuant to Section 6401.7.

(4) Reported a work-related fatality, injury, or illness; requested access to occupational injury

or illness reports and records that are made or maintained pursuant to Subchapter 1 (commencing with section 14000) of Chapter 1 of Division 1 of Title 8 of the California Code of Regulations; or exercised any other rights protected by the federal Occupational Safety and Health Act (29 U.S.C. Sec. 651 et seq.); except in cases where the employee alleges he or she has been retaliated against because he or she has filed or made known his or her intention to file a workers compensation claim pursuant to Labor Code section 132a, which is under the exclusive jurisdiction of the Workers Compensation Appeals Board.

(b) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because the employee has made a bona fide oral or written complaint to the division, other governmental agencies having statutory responsibility for or assisting the division with reference to employee safety or health, his or her employer, or his or her representative, of unsafe working conditions, or work practices, in his or her employment or place of employment, or has participated in an employer-employee occupational health and safety committee, shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law, is guilty of a misdemeanor.

(c) An employer, or a person acting on behalf of the employer, shall not retaliate against an employee because the employee is a family member of a person who has, or is perceived to have, engaged in any acts protected by this section.

(d) For purposes of this section, "employer" or "a person acting on behalf of the employer" includes, but is not limited to, a client employer as defined in paragraph (1) of subdivision (a) of Section 2810.3 and an employer listed in subdivision (b) of Section 6400.