

## California Is Cleaning Up

Did you know that companies providing “janitorial services” in California, whether through employees, independent contractors, or subcontractors, are required by law to register with California’s Labor Commissioner by October 1, 2018, and, starting in January 2019, will be required to provide employees with in-person sexual harassment prevention training every two years?

Effective July 1, 2018, California’s Property Service Workers Protection Act, Cal. Lab. Code §§ 1420, *et seq.* (the Act), provides that “any person or entity that employs at least one employee and one or more covered workers and that enters into contracts, subcontracts, or franchise arrangements to provide janitorial services” must: register with the state; pay an annual \$500 fee; provide detailed information about unpaid taxes, unpaid judgments, wages owed, liens and suits pending, Labor Code penalties previously assessed, workers’ compensation insurance, and more; and maintain accurate records for at least three years reflecting names and addresses of all employees who perform janitorial or cleaning services, their wages, and “conditions of employment” including, among other things, “the times the employee begins and ends each work period.” Further, beginning July 1, 2018, employers subject to the law “shall provide all covered workers a copy of the Department of Fair Employment and Housing pamphlet DFEH-185, titled ‘Sexual Harassment,’ until the sexual violence and harassment prevention training requirement” has been established by the Division of Labor Standards Enforcement of California’s Department of Industrial Relations (DLSE).

The Act’s definition of “covered workers” refers to the U.S. Department of Labor’s definition of “janitor,” which includes anyone who “[c]leans and keeps in an orderly condition factory working areas and washrooms, or premises of an office, apartment house, or commercial or other establishment.” A janitor’s “[d]uties involve ... [s]weeping, mopping or scrubbing, and polishing floors; removing chips, trash, and other refuse; dusting equipment, furniture, or fixtures; polishing metal fixtures or trimmings; providing supplies and minor maintenance services; and cleaning lavatories, showers, and restrooms.” Window washers, housekeepers who primarily make beds and change linens, and workers who “receive additional compensation to maintain sterile facilities or equipment” are excluded from coverage, as are workers “required to disassemble and assemble equipment ... to clean machinery.” The Act also specifically excludes “any individual whose work duties are predominantly final cleanup of debris, grounds, and buildings near the completion of a construction, alteration, demolition, installation, or repair work project, including, but not limited to, street cleaners.”

Non-compliance with the Act’s provisions may result in a citation by the DLSE and a civil fine of up to \$10,000 for the first violation and \$25,000 for a subsequent violation. Moreover, “[a]ny person or entity that contracts for janitorial services with an employer not registered at the time the contract is executed, extended, renewed, or modified, is subject to a civil fine of \$2,000 to \$10,000 in the case of a first violation, and a civil fine of \$10,000 to \$25,000 for a subsequent violation.”



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### Related Practice Areas

- Labor & Employment

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