

CALIFORNIA WATERSHED COALITION

California Watershed Network
Salmonid Restoration Federation
Urban Creeks Council
Northern California Council of
Fly Fishers
California Association of Resource
Conservation Districts
Sacramento River Watershed Program
Sierra Nevada Alliance
Sonoma Ecology Center

NEWS ALERT

May 9, 2011

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PROTECTING STATEWIDE VOLUNTEERISM WITH AB 587 AND SB644

Your help is again needed to communicate your support to the Senate Labor and Industrial Relations Committee for AB 587; and to the Assembly Labor and Employment Committee for SB 644!

Please fax your letters of support for AB 587 to Senate Labor and Industrial Relations Committee Chairman Ted Lieu at (916) 327-5703; and for SB 644 to Assembly Labor and Employment Committee Chairman Sandre Swanson at (916) 319-2191 by Thursday, May 12th.

The California Watershed Coalition has again engaged for action to protect volunteers, protect non-profit organizations, and protect open space maintenance and restoration work by community volunteers. Assembly members Richard Gordon (D-Los Altos) and Warren Furutani (D-Long Beach) have co-authored AB 587, while Senator Loni Hancock (D-Berkeley) has authored the matching SB 644 in the State Senate. These bills will continue the ability of California's residents to volunteer in popular activities including beach and river trash clean-ups, walking trail brush-trimming, and invasive species removal. Should one of the bills not be enacted during 2011, community groups with outdoor projects that have even partial state funding would be required to pay all volunteers the "prevailing wage" for their donated time in 2012!

Fortunately, the two bills have been making progress in the legislative process. SB 644 was presented and went un-opposed in the Senate in March, while AB 587 progressed through the Assembly in April. Both bills are now being set for committee hearings in their opposite houses with AB 587 going to the Senate Labor and Industrial Relations Committee, while SB 644 is going to the Assembly Labor and Employment Committee.

At this point, the bills do include another "sunset clause" to extend volunteer protections for five more years, and negotiations continue on this obligation to return to the Legislature in 2016 to again confront the unfortunate legal interpretation by the Department of Industrial Relations that impacts innumerable efforts in many locales and over a broad array of volunteer work.

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The community support for funding of projects that were enabled through Propositions 40, 50 and more recently 84 has been notable for the extent of volunteer assistance. Without the community partnerships that supported the propositions and demonstrated community interest in the volunteer opportunities, those propositions might not have been passed by the voters. The thousands of paying jobs that were created through the propositions would have never been funded, and the strong volunteer community assistance that the funded projects made possible would never have happened.

Our partners in this effort, who are helping with significant lobbying leverage, include the California Coalition of Land Trusts, the Sacramento River Watershed Program, the Salmonid Restoration Federation, the Sierra Nevada Alliance, the Sonoma Ecology Center, the Northern California Council - Federation of Fly Fishers and many other local entities.

This challenging issue came about in 2004 when a determination by the Department of Industrial Relations (DIR) assessed back wages and penalties for the work of volunteers and students who participated in a creek restoration project near the City of Redding. The DIR advised that the California Labor Code defines many tasks of restoration projects funded with grant funds in California as “public works projects” and required that prevailing wages be paid for all work on these projects to all participants. This served as a de facto prohibition on volunteerism as perhaps every outdoor community project in these dire fiscal times utilizes some level of volunteer assistance. The DIR interpretation required that the volunteers be paid for the time they contributed to these community improvement projects, until Hancock’s AB 2690 was signed into law on August 27, 2004.

At a time when community efforts across California providing maintenance and restoration assistance in local watersheds are gaining momentum through the formation of partnerships of citizens, local government, small businesses, landowners and state agencies, this determination by the DIR remains a giant step backward. Our concerns are not to be confrontational with labor interests, but merely to sustain a long-standing tradition of volunteerism in California. Two pieces of legislation have been passed since 2004 to provide a “volunteer exemption” to the Labor Code, each with three-year “sunset clause” life spans. This year, both AB 587 and SB 644 would provide a five-year exemption clause.

Watershed restoration projects can be found in regions as diverse as the Elkhorn Slough, Butte Creek, the San Diego River, and the West Walker River. There are more than 400 watershed groups spread across the state, from south of San Diego to north of Crescent City, from San Francisco Bay in the west to the eastern slopes of the Sierra Nevada.

To join the volunteerism campaign or obtain more information on watersheds, visit our website at: <http://www.watershednetwork.org/>

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