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AMENDED IN SENATE JULY 15, 2021

AMENDED IN SENATE JULY 7, 2021

AMENDED IN ASSEMBLY MAY 17, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 701**

**Introduced by Assembly Member Lorena Gonzalez**  
*(Coauthor: Assembly Member Santiago)*  
*(Coauthor: Senator Stern)*

February 16, 2021

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An act to ~~add Section 6726 to~~, *amend Section 138.7 of*, and to add Part 8.6 (commencing with Section 2100) to Division 2 of, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 701, as amended, Lorena Gonzalez. Warehouse distribution centers.

(1) Existing law relating to employment regulation and supervision imposes special provisions on certain occupations and industries. Existing law charges the Labor Commissioner and the Division of Labor Standards Enforcement with the enforcement of labor laws.

This bill, among other things, would require specified employers to provide to each employee, defined as a nonexempt employee who works at a warehouse distribution center, upon hire, *or within 30 days of the effective date of these provisions*, with a written description of each

quota to which the employee is subject, including the quantified number of tasks to be performed, or materials to be produced or handled, within the defined time period, and any potential adverse employment action that could result from failure to meet the quota. The bill would provide that an employee shall not be required to meet a quota that prevents compliance with meal or rest periods, *use of bathroom facilities*, or occupational health and safety laws, as specified. The bill would prohibit an employer from taking adverse action against an employee for failure to meet a quota that has not been disclosed or for failure to meet a quota that does not allow a worker to comply with meal or rest periods or occupational health and safety laws. The bill would require that any action taken by an employee to comply with occupational health and safety laws or division standards be considered time on task and productive time for the purposes of any quotas or monitoring system.

This bill would provide that if a current or former employee believes that meeting a quota caused a violation of their right to a meal or rest period or required them to violate any occupational health and safety law or standard, they have the right to request, and the employer is required to provide, a written description of each quota to which the employee is subject and a copy of the most recent 90 days of the employee's own personal work speed data. The bill would limit a former employee to one of these requests. ~~The bill would require the Labor Commissioner, if any employee files a complaint alleging violations of these provisions, to provide each employee in the workplace with a written notice containing information regarding the employee's right to report specified violations and regarding the employer being prohibited from retaliating against an employee for reporting unsafe workplace conditions or participating in an investigation by an enforcement agency.~~ The bill would also authorize a current or former employee to bring an action for injunctive relief to obtain compliance with specified requirements, and may, upon prevailing in the action, recover costs and reasonable attorney's fees in that action.

*This bill would require the Labor Commissioner to enforce these provisions by engaging in coordinated and strategic enforcement efforts with the Department of Industrial Relations, including the Division of Occupational Safety and Health and the Division of Workers' Compensation. The bill would authorize the commissioner to have access to data from the department including employer-reported injury data and enforcement actions in warehouses, the identity of uninsured employers, and employers who are committing workers' compensation*

*fraud, wage theft, or other information relevant to the commissioner's authority, and would make other conforming changes. The bill would require the commissioner to report to the Legislature by January 1, 2023, the number of claims filed with the commissioner, data on warehouse production quotas in warehouses with annual employee injury rates above the industry average, and the number of investigations undertaken and enforcement actions initiated, per employer.*

*This bill would require to commissioner, if a pattern or practice of injuries or health and safety violations is found at a particular worksite or with an employer, to initiate an investigation of violations in coordination with other divisions within the Department of Industrial Relations, as needed. The bill would authorize the commissioner to adopt regulations relating to the procedures for an employee to make a complaint alleging a violation of this part.*

~~(2) Under existing law, the California Occupational Safety and Health Act of 1973, the Division of Occupational Safety and Health investigates complaints that a workplace is not safe and may issue orders necessary to ensure employee safety. Under existing law, certain violations of that act or a standard, order, or special order authorized by the act are a crime:~~

~~This bill would require the division, by January 1, 2023, to propose to the Occupational Safety and Health Standards Board for the board's review and adoption a standard that minimizes the risk of musculoskeletal injuries and disorders among employees working in warehouse distribution centers, as provided. Because this bill would expand the definition of an existing crime, it would impose a state-mandated local program. The bill would also require the division, when an employee files a complaint, to provide the employee with a written notice containing specified information regarding their rights:~~

~~(3)~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the following:

2 (a) The rapid growth of just-in-time logistics and same- and  
3 next-day consumer package delivery, and advances in technology  
4 used for tracking employee productivity, have led to a rise in the  
5 number of warehouse and distribution center workers who are  
6 subject to quantified work quotas.

7 (b) Warehouse and distribution center employees who work  
8 under those quotas are expected to complete a quantified number  
9 of tasks within specific time periods, often measured down to the  
10 minute or second, and face adverse employment action, including  
11 suspension or termination, if they fail to do so.

12 (c) Those quotas generally do not allow for workers to comply  
13 with safety guidelines or to recover from strenuous activity during  
14 productive work time, leaving warehouse and distribution center  
15 employees who work under them at high risk of injury and illness.

16 (d) The quotas under which warehouse and distribution center  
17 employees regularly work also affect their compensation. California  
18 and many cities require employers to pay their employees a  
19 minimum-wage rate. Warehouse and distribution center employees  
20 who work under a quota, however, do not receive the full benefit  
21 of minimum wages if their quota is increased to make up for the  
22 direct or indirect effect of a minimum-wage increase.

23 (e) Quotas in occupations that are already physically demanding  
24 not only increase accidents, but they also incentivize unsafe work.  
25 The workforce in warehouse and logistics is largely comprised of  
26 people of color who depend upon these jobs to provide for their  
27 families and often see no alternative but to prioritize quota  
28 compliance over their own safety.

29 *SEC. 2. Section 138.7 of the Labor Code is amended to read:*

30 138.7. (a) Except as expressly permitted in subdivision (b), a  
31 person or public or private entity not a party to a claim for workers'  
32 compensation benefits shall not obtain individually identifiable  
33 information obtained or maintained by the division regarding that  
34 claim. For purposes of this section, "individually identifiable  
35 information" means any data concerning an injury or claim that is  
36 linked to a uniquely identifiable employee, employer, claims  
37 administrator, or any other person or entity.

1 (b) (1) (A) The administrative director, or a statistical agent  
2 designated by the administrative director, may use individually  
3 identifiable information for purposes of creating and maintaining  
4 the workers' compensation information system as specified in  
5 Section 138.6.

6 (B) The administrative director may publish the identity of  
7 claims administrators in the annual report disclosing the compliance  
8 rates of claims administrators pursuant to subdivision (d) of Section  
9 138.6.

10 (C) The administrative director shall use individually identifiable  
11 information for purposes of creating provider medical utilization  
12 data as specified in Section 138.8.

13 (2) (A) The State Department of Public Health may use  
14 individually identifiable information for purposes of establishing  
15 and maintaining a program on occupational health and occupational  
16 disease prevention as specified in Section 105175 of the Health  
17 and Safety Code.

18 (B) (i) The State Department of Health Care Services may use  
19 individually identifiable information for purposes of seeking  
20 recovery of Medi-Cal costs incurred by the state for treatment  
21 provided to injured workers that should have been incurred by  
22 employers and insurance carriers pursuant to Article 3.5  
23 (commencing with Section 14124.70) of Chapter 7 of Part 3 of  
24 Division 9 of the Welfare and Institutions Code.

25 (ii) The Department of Industrial Relations shall furnish  
26 individually identifiable information to the State Department of  
27 Health Care Services, and the State Department of Health Care  
28 Services may furnish the information to its designated agent,  
29 provided that the individually identifiable information shall not  
30 be disclosed for use other than the purposes described in clause  
31 (i). The administrative director may adopt regulations solely for  
32 the purpose of governing access by the State Department of Health  
33 Care Services or its designated agents to the individually  
34 identifiable information as defined in subdivision (a).

35 (3) (A) Individually identifiable information may be used by  
36 the Division of Workers' ~~Compensation~~ *Compensation, the*  
37 *Division of Labor Standards and Enforcement*, and the Division  
38 of Occupational Safety and Health as necessary to carry out their  
39 duties. The administrative director shall adopt regulations  
40 governing the access to the information described in this

1 subdivision by these divisions. Any regulations adopted pursuant  
2 to this subdivision shall set forth the specific uses for which this  
3 information may be obtained.

4 (B) Individually identifiable information maintained in the  
5 workers' compensation information system and the Division of  
6 Workers' Compensation may be used by researchers employed by  
7 or under contract to the Commission on Health and Safety and  
8 Workers' Compensation as necessary to carry out the commission's  
9 research. The administrative director shall adopt regulations  
10 governing the access to the information described in this  
11 subdivision by commission researchers. These regulations shall  
12 set forth the specific uses for which this information may be  
13 obtained and include provisions guaranteeing the confidentiality  
14 of individually identifiable information. Individually identifiable  
15 information obtained under this subdivision shall not be disclosed  
16 to commission members. Individually identifiable information  
17 obtained by researchers under contract to the commission pursuant  
18 to this subparagraph may not be disclosed to any other person or  
19 entity, public or private, for a use other than that research project  
20 for which the information was obtained. Within a reasonable period  
21 of time after the research for which the information was obtained  
22 has been completed, the data collected shall be modified in a  
23 manner so that the subjects cannot be identified, directly or through  
24 identifiers linked to the subjects.

25 (C) Individually identifiable information may be used by the  
26 Office of Self-Insurance Plans of the Department of Industrial  
27 Relations as necessary to carry out its duties, including evaluating  
28 the costs of administration, workers' compensation benefit  
29 expenditures, and solvency and performance of the public  
30 self-insured employers' workers' compensation programs.

31 (4) The administrative director shall adopt regulations allowing  
32 reasonable access to individually identifiable information by other  
33 persons or public or private entities for the purpose of bona fide  
34 statistical research. This research shall not divulge individually  
35 identifiable information concerning a particular employee,  
36 employer, claims administrator, or any other person or entity. The  
37 regulations adopted pursuant to this paragraph shall include  
38 provisions guaranteeing the confidentiality of individually  
39 identifiable information. Within a reasonable period of time after  
40 the research for which the information was obtained has been

1 completed, the data collected shall be modified in a manner so that  
2 the subjects cannot be identified, directly or through identifiers  
3 linked to the subjects.

4 (5) (A) This section shall not operate to exempt from disclosure  
5 any information that is considered to be a public record pursuant  
6 to the California Public Records Act (Chapter 3.5 (commencing  
7 with Section 6250) of Division 7 of Title 1 of the Government  
8 Code) contained in an individual's file once an application for  
9 adjudication has been filed pursuant to Section 5501.5.

10 (B) Individually identifiable information shall not be provided  
11 to any person or public or private entity who is not a party to the  
12 claim unless that person self-identifies or that public or private  
13 entity identifies itself and states the reason for making the request.  
14 The administrative director may require the person or public or  
15 private entity making the request to produce information to verify  
16 that the name and address of the requester is valid and correct. If  
17 the purpose of the request is related to preemployment screening,  
18 the administrative director shall notify the person about whom the  
19 information is requested that the information was provided and  
20 shall include the following in 12-point type:

21  
22 "IT MAY BE A VIOLATION OF FEDERAL AND STATE  
23 LAW TO DISCRIMINATE AGAINST A JOB APPLICANT  
24 BECAUSE THE APPLICANT HAS FILED A CLAIM FOR  
25 WORKERS' COMPENSATION BENEFITS."

26  
27 (C) Any residence address is confidential and shall not be  
28 disclosed to any person or public or private entity except to a party  
29 to the claim, a law enforcement agency, an office of a district  
30 attorney, any person for a journalistic purpose, or other  
31 governmental agency.

32 (D) This paragraph does not prohibit the use of individually  
33 identifiable information for purposes of identifying bona fide lien  
34 claimants.

35 (c) Except as provided in subdivision (b), individually  
36 identifiable information obtained by the division is privileged and  
37 is not subject to subpoena in a civil proceeding unless, after  
38 reasonable notice to the division and a hearing, a court determines  
39 that the public interest and the intent of this section will not be  
40 jeopardized by disclosure of the information. This section shall

1 not operate to restrict access to information by any law enforcement  
2 agency or district attorney’s office or to limit admissibility of that  
3 information in a criminal proceeding.

4 (d) It is unlawful for any person who has received individually  
5 identifiable information from the division pursuant to this section  
6 to provide that information to any person who is not entitled to it  
7 under this section.

8 ~~SEC. 2.~~

9 *SEC. 3.* Part 8.6 (commencing with Section 2100) is added to  
10 Division 2 of the Labor Code, to read:

11  
12 **PART 8.6. WAREHOUSE DISTRIBUTION CENTERS**

13  
14 2100. As used in this part:

15 (a) “Commissioner” means the Labor Commissioner.

16 (b) “Defined time period” means any unit of time measurement  
17 equal to or less than the duration of an employee’s shift, and  
18 includes hours, minutes, and seconds and any fraction thereof.

19 (c) “Division” means the Division of Occupational Safety and  
20 Health.

21 (d) “Employee” means a nonexempt employee who works at a  
22 warehouse distribution center.

23 (e) (1) “Employee work speed data” means information an  
24 employer collects, stores, analyzes, or interprets relating to an  
25 individual employee’s performance of a quota, including, but not  
26 limited to, quantities of tasks performed, quantities of items or  
27 materials handled or produced, rates or speeds of tasks performed,  
28 measurements or metrics of employee performance in relation to  
29 a quota, and time categorized as performing tasks or not performing  
30 tasks.

31 (2) “Employee work speed data” does not include qualitative  
32 performance assessments, personnel records, or itemized wage  
33 statements pursuant to Section 226, except for any content of those  
34 records that includes employee work speed data as defined in this  
35 part.

36 (f) “Employer” means a person who directly or indirectly, or  
37 through an agent or any other person, including through the  
38 services of a third-party employer, temporary service, or staffing  
39 agency or similar entity, employs or exercises control over the  
40 wages, hours, or working conditions of 100 or more employees at

1 a single warehouse distribution center or 1,000 or more employees  
2 at one or more warehouse distribution centers in the state. For  
3 purposes of this definition, all employees of an employer's  
4 commonly controlled group, as that term is defined in Section  
5 25105 of the Revenue and Taxation Code, shall be counted in  
6 determining the number of employees employed at a single  
7 warehouse distribution center or at one or more warehouse  
8 distribution centers in the state.

9 (g) "Person" means an individual, corporation, partnership,  
10 limited partnership, limited liability partnership, limited liability  
11 company, business trust, estate, trust, association, joint venture,  
12 agency, instrumentality, or any other legal or commercial entity,  
13 whether domestic or foreign.

14 (h) "Quota" means a work standard under which an employee  
15 is assigned or required to perform at a specified productivity speed,  
16 or perform a quantified number of tasks, or to handle or produce  
17 a quantified amount of material, within a defined time period and  
18 under which the employee may suffer an adverse employment  
19 action if they fail to complete the performance standard.

20 (i) (1) "Warehouse distribution center" means an establishment  
21 as defined by any of the following North American Industry  
22 Classification System (NAICS) Codes, however that establishment  
23 is denominated:

- 24 ~~(1)~~
- 25 (A) 493110 for General Warehousing and Storage.
- 26 ~~(2)~~
- 27 (B) 423 for Merchant Wholesalers, Durable Goods.
- 28 ~~(3)~~
- 29 (C) 424 for Merchant Wholesalers, Nondurable Goods.
- 30 ~~(4)~~
- 31 (D) 454110 for Electronic Shopping and Mail-Order Houses.

32 (2) *The term "warehouse distribution center" does not include*  
33 *NAICS Code 493130, Farm Product Warehousing and Storage.*

34 2101. Each employer shall provide to each employee, upon  
35 hire, *or within 30 days of the effective date of this part*, a written  
36 description of each quota to which the employee is subject,  
37 including the quantified number of tasks to be performed or  
38 materials to be produced or handled, within the defined time period,  
39 and any potential adverse employment action that could result  
40 from failure to meet the quota.

1 2102. An employee shall not be required to meet a quota that  
2 prevents compliance with meal or rest periods, *use of bathroom*  
3 *facilities, including reasonable travel time to and from bathroom*  
4 *facilities*, or occupational health and safety laws in the Labor Code  
5 or division standards. An employer shall not take adverse  
6 employment action against an employee for failure to meet a quota  
7 that does not allow a worker to comply with meal and rest periods,  
8 or occupational health and safety laws in the Labor Code or  
9 division standards, or for failure to meet a quota that has not been  
10 disclosed to the employee pursuant to Section 2101.

11 2103. (a) Any actions taken by an employee to comply with  
12 occupational health and safety laws in the Labor Code or division  
13 standards shall be considered time on task and productive time for  
14 purposes of any quota or monitoring system.

15 (b) Notwithstanding subdivision (a), consistent with existing  
16 law, meal and rest breaks are not considered productive time unless  
17 the employee is required to remain on call.

18 2104. (a) (1) If a current or former employee believes that  
19 meeting a quota caused a violation of their right to a meal or rest  
20 period or required them to violate any occupational health and  
21 safety laws in the Labor Code or division standards, they have the  
22 right to request, and the employer shall provide, a written  
23 description of each quota to which the employee is subject and a  
24 copy of the most recent 90 days of the employee's own personal  
25 work speed data.

26 (2) If a former employee requests a written description of the  
27 quotas to which they were subject and a copy of their own personal  
28 work speed data pursuant to paragraph (1), the employer shall  
29 provide 90 days of the former employee's quotas and personal  
30 work speed data for the 90 days prior to the date of the employee's  
31 separation from the employer.

32 (3) A former employee is limited to one request pursuant to this  
33 subdivision.

34 (b) An employer that receives a written or oral request for  
35 information pursuant to subdivision (a) shall comply with the  
36 request as soon as practicable, but no later than 21 calendar days  
37 from the date of the request.

38 (c) Nothing in this section requires an employer to use quotas  
39 or monitor work speed data. An employer that does not monitor  
40 this data has no obligation to provide it.

1 2105. For purposes of this part, there shall be a rebuttable  
2 presumption of unlawful retaliation if an employer in any manner  
3 discriminates, retaliates, or takes any adverse action against any  
4 employee within 90 days of the employee doing either of the  
5 following:

6 (a) Initiating the employee's first request in a calendar year for  
7 information about a quota or personal work speed data pursuant  
8 to subdivision (a) of Section 2104.

9 (b) Making a complaint related to a quota alleging any violation  
10 of Sections 2101 to 2104, inclusive, to the commissioner, the  
11 division, other local or state governmental agency, or the employer.

12 ~~2106. For purposes of this part, if any employee files a~~  
13 ~~complaint with the commissioner alleging violations under this~~  
14 ~~part, the commissioner shall provide each employee in the~~  
15 ~~workplace a written notice containing all of the following~~  
16 ~~information:~~

17 ~~(a) The employee's right to report meal and rest period~~  
18 ~~violations, or any violations under this part to the commissioner.~~

19 ~~(b) The employer's prohibition from taking adverse action~~  
20 ~~against any employee for reporting unsafe workplace conditions~~  
21 ~~or participating in an investigation conducted by any enforcement~~  
22 ~~agency.~~

23 ~~2107.~~

24 2106. Upon receiving a complaint regarding a violation of this  
25 part, a state or local enforcement entity may request or subpoena  
26 the records of warehouse distribution center quotas and employee  
27 work speed data.

28 ~~2108. The commissioner shall have authority to adopt~~  
29 ~~regulations relating to the procedures for an employee to make a~~  
30 ~~complaint alleging a violation of this part.~~

31 ~~2109. This part does not preempt any city, county, or city and~~  
32 ~~county ordinances that provide equal or greater protection to~~  
33 ~~employees covered by this part.~~

34 2107. (a) *The commissioner shall do all of the following:*

35 (1) *The commissioner shall enforce this part by engaging in*  
36 *coordinated and strategic enforcement efforts with the divisions*  
37 *within the Department of Industrial Relations, including the*  
38 *Division of Occupational Safety and Health and the Division of*  
39 *Workers' Compensation. The commissioner shall have access to*  
40 *data from the department including employer-reported injury data*

1 *and enforcement actions in warehouses, and the identity of*  
2 *uninsured employers, and employers who are committing workers’*  
3 *compensation fraud, wage theft, or other information relevant to*  
4 *the commissioner’s authority.*

5 *(2) The commissioner shall strategically collaborate with*  
6 *stakeholders to educate workers and employers about their rights*  
7 *and obligations under this part, respectively, in order to increase*  
8 *compliance.*

9 *(3) (A) The commissioner shall report to the Legislature by*  
10 *January 1, 2023, the number of claims filed with the commissioner*  
11 *under this part, data on warehouse production quotas in*  
12 *warehouses with annual employee injury rates above the industry*  
13 *average, and the number of investigations undertaken and*  
14 *enforcement actions initiated, per employer.*

15 *(B) The requirement for submitting a report imposed under*  
16 *subparagraph (A) is inoperative on January 1, 2027, pursuant to*  
17 *Section 10231.5 of the Government Code.*

18 *(C) A report to be submitted pursuant to subparagraph (A) shall*  
19 *be submitted in compliance with Section 9795 of the Government*  
20 *Code.*

21 *(b) If the commissioner finds a pattern or practice of injuries,*  
22 *or of health and safety violations, at a particular worksite or with*  
23 *an employer, the commissioner shall initiate an investigation of*  
24 *violations under this part and coordinate with other divisions*  
25 *within the Department of Industrial Relations, as needed.*

26 *(c) The commissioner shall have the authority to adopt*  
27 *regulations relating to the procedures for an employee to make a*  
28 *complaint alleging a violation of this part.*

29 *(d) The commissioner shall enforce this part using the*  
30 *procedures set forth in Sections 98, 98.3, 98.7, 98.74, and 1197.1.*

31 *(e) In any successful action brought by the commissioner to*  
32 *enforce this part, the court may grant injunctive relief in order to*  
33 *obtain compliance with the part, and shall award costs and*  
34 *reasonable attorney’s fee.*

35 ~~2110.~~

36 2108. A current or former employee may bring an action for  
37 injunctive relief to obtain compliance with Sections 2101 to 2104,  
38 inclusive, and may, upon prevailing in the action, recover costs  
39 and reasonable attorney’s fees in that action. In any action  
40 involving a quota that prevented the compliance with regulations

1 promulgated by the Occupational Safety and Health Standards  
2 Board, the injunctive relief shall be limited to suspension of the  
3 quota and any adverse action that resulted from its enforcement.

4 ~~2111.~~

5 *2109.* In any action by a current or former employee that could  
6 be brought pursuant to the Labor Code Private Attorneys General  
7 Act of 2004 (Part 13 (commencing with Section 2698)) for  
8 violations of this part, the employer shall have the right to cure  
9 alleged violations as set forth in Section 2699.3. ~~For any action~~  
10 ~~alleging~~ *If, in that action,* a violation of any occupational health  
11 and safety laws in the Labor Code or division standards contained  
12 in or interpreting Division 5 (commencing with Section ~~6300~~),  
13 *6300) is alleged,* the current or former employee shall comply with  
14 the applicable procedural requirements of subdivision (b) of Section  
15 2699.3.

16 ~~2112.~~

17 *2110.* This part does not limit the authority of the Attorney  
18 General, a district attorney, or a city attorney, either upon their  
19 own complaint or the complaint of any person acting for themselves  
20 or the general public, to prosecute actions, either civil or criminal,  
21 for violations of this part, or to enforce the provisions thereof  
22 independently and without specific direction of the commissioner  
23 or the division.

24 *2111.* *This part does not preempt any city, county, or city and*  
25 *county ordinance that provides equal or greater protection to*  
26 *employees who are covered by this part.*

27 ~~2113.~~

28 *2112.* The provisions of this part are severable. If any provision  
29 of this part or its application is held invalid, that invalidity shall  
30 not affect other provisions or applications that can be given effect  
31 without the invalid provision or application.

32 ~~SEC. 3.— Section 6726 is added to the Labor Code, to read:~~

33 ~~6726. (a) By January 1, 2023, the division shall propose to the~~  
34 ~~standards board for the board's review and adoption a standard~~  
35 ~~that minimizes the risk of musculoskeletal injuries and disorders~~  
36 ~~among employees working in warehouse distribution centers, as~~  
37 ~~defined in subdivision (i) of Section 2100. The standard shall be~~  
38 ~~based on, but not be limited to, work pace, work activity levels,~~  
39 ~~recovery time, repetitive motions, forceful exertions, twisting and~~  
40 ~~bending, and other factors and evidence-based recommendations~~

1 related to musculoskeletal injuries and disorders. The standard  
2 shall address, among other considerations, the relationship between  
3 quotas and risk factors for musculoskeletal injuries and disorders  
4 in warehouse distribution centers that employ production quotas.

5 (b) ~~The division may subpoena and inspect records of warehouse  
6 distribution center quotas pursuant to its authority under Sections  
7 6304.5, 6313, and subdivision (c) of Section 6314. The standards  
8 board may subpoena and inspect records of warehouse distribution  
9 center quotas in connection with the development of standards  
10 under subdivision (a).~~

11 SEC. 4. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.