

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1679

**Introduced by Committee on Labor and Employment (Romero
(Chair), Koretz (Vice Chair), Goldberg, and Shelley)**

February 28, 2001

An act to amend ~~Section~~ *Sections 514* and 554 of the Labor Code, relating to labor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1679, as amended, Committee on Labor and Employment. Employees' ~~rest periods~~ *working conditions*.

Existing law provides that an employee covered by a valid collective bargaining agreement that covers the wages, hours of work, and working conditions, and provides for a rate of pay for overtime hours worked, as specified, is not subject to a specific chapter relating to working hours and working conditions.

This bill would provide instead that the employee is not subject to specified code sections relating to compensation for overtime work and authorizing the adoption of an alternative workweek schedule.

~~Existing law~~ *This bill would make a corresponding change in a provision that provides that, with specified exceptions, employees are entitled to one day's rest in 7 days of labor, and an employer may not cause his or her employees to work more than 6 days in 7. The Chief of the Division of Labor Standards Enforcement may exempt an employer or employee from these provisions when in his or her judgment hardship will result.*

~~This bill would require an exemption from these provisions to be made with the concurrence of the Director of Industrial Relations.~~

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

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

1 SECTION 1. *Section 514 of the Labor Code is amended to*
2 *read:*

3 514. ~~This chapter does~~ *Sections 510 and 511 do not apply to*
4 *an employee covered by a valid collective bargaining agreement*
5 *if the agreement expressly provides for the wages, hours of work,*
6 *and working conditions of the employees, and if the agreement*
7 *provides premium wage rates for all overtime hours worked and*
8 *a regular hourly rate of pay for those employees of not less than*
9 *30 percent more than the state minimum wage.*

10 SEC. 2. Section 554 of the Labor Code is amended to read:

11 554. (a) Sections 551 and 552 shall not apply to any cases of
12 emergency nor to work performed in the protection of life or
13 property from loss or destruction, nor to any common carrier
14 engaged in or connected with the movement of trains. This
15 chapter, with the exception of Section 558, shall not apply to any
16 person employed in an agricultural occupation, as defined in Order
17 No. 14-80 (operative January 1, 1998) of the Industrial Welfare
18 Commission, ~~nor shall the provisions of this chapter apply when~~
19 ~~the employer and a labor organization representing employees of~~
20 ~~the employer have entered into a valid collective bargaining~~
21 ~~agreement pursuant to Section 514.~~ Nothing in this chapter shall
22 be construed to prevent an accumulation of days of rest when the
23 nature of the employment reasonably requires that the employee
24 work seven or more consecutive days if in each calendar month the
25 employee receives days of rest equivalent to one day's rest in
26 seven. The requirement respecting the equivalent of one day's rest
27 in seven shall apply, notwithstanding the other provisions of this
28 chapter relating to collective bargaining agreements, where the
29 employer and a labor organization representing employees of the
30 employer have entered into a valid collective bargaining
31 agreement respecting the hours of work of the employees, unless
32 the agreement expressly provides otherwise.



1 (b) In addition to the exceptions specified in subdivision (a),
2 the Chief of the Division of Labor Standards Enforcement ~~with the~~
3 ~~concurrence of the director~~ may, when in his or her judgment
4 hardship will result, exempt any employer or employees from the
5 provisions of Sections 551 and 552.

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