

AMENDED IN ASSEMBLY JUNE 14, 2001

AMENDED IN SENATE MAY 29, 2001

AMENDED IN SENATE MAY 1, 2001

SENATE BILL

No. 1208

Introduced by Senator Romero
(Coauthor: Assembly Member Pescetti)

March 19, 2001

An act to amend Sections 514 and 554 of, *and to add Section 515.6 to*, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1208, as amended, Romero. Working hours: overtime exemption.

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.

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.

~~This bill would state the intent of the Legislature that no new wage orders be adopted by the Industrial Welfare Commission as a result of the enactment of its provisions.~~

This bill would declare that the provisions summarized above are declaratory of existing law and shall not be deemed to alter, modify, or otherwise affect any wage order of the Industrial Welfare Commission.

This bill would provide that physician employees paid an hourly wage of \$55 or more are exempt from specified provisions relating to pay for overtime work, except as specified. The bill would require the Division of Labor Statistics to annually adjust the threshold wage rate.

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. Sections 510 and 511 do not apply to an employee
 4 covered by a valid collective bargaining agreement if the
 5 agreement expressly provides for the wages, hours of work, and
 6 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. Nothing in this chapter shall be construed to prevent
 19 an accumulation of days of rest when the nature of the employment
 20 reasonably requires that the employee work seven or more
 21 consecutive days, if in each calendar month the employee receives
 22 days of rest equivalent to one day's rest in seven. The requirement
 23 respecting the equivalent of one day's rest in seven shall apply,
 24 notwithstanding the other provisions of this chapter relating to
 25 collective bargaining agreements, where the employer and a labor
 26 organization representing employees of the employer have entered
 27 into a valid collective bargaining agreement respecting the hours



1 of work of the employees, unless the agreement expressly provides
2 otherwise.

3 (b) In addition to the exceptions specified in subdivision (a),
4 the Chief of the Division of Labor Standards Enforcement may,
5 when in his or her judgment hardship will result, exempt any
6 employer or employees from the provisions of Sections 551 and
7 552.

8 ~~SEC. 3. It is the intent of the Legislature that no new wage~~
9 ~~orders be adopted by the Industrial Welfare Commission as a result~~
10 ~~of the enactment of the provisions of this act.~~

11 *SEC. 3. Section 515.6 is added to the Labor Code, to read:*

12 *515.6. (a) Section 510 shall not apply to any employee who*
13 *is a licensed physician or surgeon, whose primary duties require*
14 *licensure pursuant to Chapter 5 (commencing with Section 2000)*
15 *of Division 2 of the Business and Professions Code, and whose*
16 *hourly rate of pay is equal to or greater than fifty-five dollars*
17 *(\$55.00). The Division of Labor Statistics and Research shall*
18 *adjust this threshold rate of pay each October 1, to be effective the*
19 *following January 1, by an amount equal to the percentage*
20 *increase in the California Consumer Price Index for Urban Wage*
21 *Earners and Clerical Workers.*

22 *(b) The exemption provided in subdivision (a) shall not apply*
23 *to an employee employed in a medical internship or resident*
24 *program or to a physician employee covered by a valid collective*
25 *bargaining agreement pursuant to Section 514.*

26 *SEC. 4. Sections 1 and 2 of this act are declarative of existing*
27 *law and shall not be deemed to alter, modify, or otherwise affect*
28 *any provision of any wage order of the Industrial Welfare*
29 *Commission.*

