

Assembly Bill No. 98

CHAPTER 327

An act to add Section 512.5 to the Labor Code, relating to employment.

[Approved by Governor September 6, 2003. Filed with Secretary of State September 8, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 98, Koretz. Employment: meal periods and rest periods.

Existing law authorizes the Industrial Welfare Commission to adopt or amend working condition orders with respect to break periods, meal periods, and days of rest for any workers in this state consistent with the health and welfare of those workers. Existing law prohibits an employer, with certain exceptions, from employing an employee for more than 5 hours per day without a meal period of not less than 30 minutes, or for more than 10 hours per day without a 2nd meal period of not less than 30 minutes.

This bill would provide that if the Industrial Welfare Commission adopts or amends an order that applies to an employee of a public agency who operates a commercial motor vehicle, it may exempt an employee covered by a valid collective bargaining agreement from provisions that relate to meal periods or rest periods.

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

SECTION 1. Section 512.5 is added to the Labor Code, to read:

512.5. (a) Notwithstanding any provision of this chapter, if the Industrial Welfare Commission adopts or amends an order that applies to an employee of a public agency who operates a commercial motor vehicle, it may exempt that employee from the application of the provisions of that order which relate to meal periods or rest periods, consistent with the health and welfare of that employee, if he or she is covered by a valid collective bargaining agreement.

(b) "Commercial motor vehicle" for the purposes of this section has the same meaning as provided in subdivision (b) of Section 15210 of the Vehicle Code.



(c) “Public agency” for the purposes of this section means the state and any political subdivision of the state, including any city, county, city and county, or special district.

