

## Assembly Bill No. 330

### CHAPTER 207

An act to amend Section 512 of the Labor Code, relating to employment.

[Approved by Governor August 9, 2003. Filed with Secretary of State August 11, 2003.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 330, Parra. Working conditions.

Existing law requires employers to provide meal periods to employees during work periods of specified duration.

This bill would exempt employees from the meal period requirement for certain employees in the wholesale baking industry who are covered by a valid collective bargaining agreement that contains specified terms.

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

SECTION 1. Section 512 of the Labor Code is amended to read:

512. (a) An employer may not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, except that if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the employer and employee. An employer may not employ an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee only if the first meal period was not waived.

(b) Notwithstanding subdivision (a), the Industrial Welfare Commission may adopt a working condition order permitting a meal period to commence after six hours of work if the commission determines that the order is consistent with the health and welfare of the affected employees.

(c) Subdivision (a) does not apply to an employee in the wholesale baking industry who is subject to an Industrial Welfare Commission Wage Order and who is covered by a valid collective bargaining agreement that provides for a 35-hour workweek consisting of five seven-hour days, payment of 1 and  $\frac{1}{2}$  the regular rate of pay for time



worked in excess of seven hours per day, and a rest period of not less than 10 minutes every two hours.

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