

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE AUGUST 24, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1734**

**Introduced by Assembly Member Koretz**  
(Principal coauthor: Senator Murray)  
**(Coauthor: Assembly Member Montanez)**  
(Coauthor: Senator Alarcon)

February 24, 2005

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An act to amend Section 512 of the Labor Code, relating to employment, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1734, as amended, Koretz. Private employment: meal periods.

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

This bill would exempt from the meal period requirement certain employees in the motion picture and broadcasting industries who are covered by a valid collective bargaining agreement that contains specified terms.

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -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 512 of the Labor Code is amended to  
2 read:

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

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

20 (c) Subdivision (a) does not apply to an employee in the  
21 wholesale baking industry who is subject to an Industrial Welfare  
22 Commission wage order and who is covered by a valid collective  
23 bargaining agreement that provides for a 35-hour workweek  
24 consisting of five seven-hour days, payment of 1 and ½ the  
25 regular rate of pay for time worked in excess of seven hours per  
26 day, and a rest period of not less than 10 minutes every two  
27 hours.

28 (d) If an employee in the motion picture industry or the  
29 broadcasting industry, as those industries are defined in Industrial  
30 Welfare Commission Wage Orders 11 and 12, is covered by a  
31 valid collective bargaining agreement that provides for meal  
32 periods and includes a monetary remedy if the employee does not  
33 receive a meal period required by the agreement, then the terms,  
34 conditions, and remedies of the agreement pertaining to meal  
35 periods apply in lieu of the applicable provisions pertaining to  
36 meal periods of subdivision (a) of this section, Section 226.7, and  
37 Industrial Welfare Commission Wage Orders 11 and 12.

1     ~~SEC. 2. This act is an urgency statute necessary for the~~  
2 ~~immediate preservation of the public peace, health, or safety~~  
3 ~~within the meaning of Article IV of the Constitution and shall go~~  
4 ~~into immediate effect. The facts constituting the necessity are:~~

5     ~~In order for the existing provisions of collective bargaining~~  
6 ~~agreements of employees in the motion picture and broadcasting~~  
7 ~~industries relative to meal periods to apply in lieu of statutory~~  
8 ~~and wage order provisions, it is necessary for this act to take~~  
9 ~~effect immediately.~~