

Assembly Bill No. 3051

CHAPTER 824

An act to repeal and add Section 201.5 of the Labor Code, relating to employment.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3051, Koretz. Employment: wages of motion picture employees.

Existing law provides generally that wages earned and unpaid at the time an employee is discharged or laid off are due and payable immediately.

Existing law provides that an employer who lays off an employee engaged in the production of motion pictures, whose unusual or uncertain terms of employment require special computation in order to ascertain the amount due, shall be deemed to have made immediate payment of wages if the wages of the employee are paid by the next regular payday. If the employee is discharged, payment of wages is required to be made within 24 hours after discharge. Existing law defines layoff and discharge for purposes of this provision.

This bill would repeal and recast this provision. The bill would provide that an employee who is engaged in the production or broadcasting of motion pictures, as defined, whose employment terminates, whether by discharge, lay off, resignation, completion of employment, or otherwise, is entitled to receive payment of the wages earned and unpaid at the time of termination by the next regular payday.

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

SECTION 1. Section 201.5 of the Labor Code is repealed.

SEC. 2. Section 201.5 is added to the Labor Code, to read:

201.5. (a) For purposes of this section, the following definitions apply:

(1) "An employee engaged in the production or broadcasting of motion pictures" means an employee to whom both of the following apply:

(A) The employee's job duties relate to or support the production or broadcasting of motion pictures or the facilities or equipment used in the production or broadcasting of motion pictures.

(B) The employee is hired for a period of limited duration to render services relating to or supporting a particular motion picture production or broadcasting project, or is hired on the basis of one or more daily or weekly calls.

(2) “Daily or weekly call” means an employment that, by its terms, will expire at the conclusion of one day or one week, unless renewed.

(3) “Next regular payday” means the day designated by the employer, pursuant to Section 204, for payment of wages earned during the payroll period in which the termination occurs.

(4) “Production or broadcasting of motion pictures” means the development, creation, presentation, or broadcasting of theatrical or televised motion pictures, television programs, commercial advertisements, music videos, or any other moving images, including, but not limited to, productions made for entertainment, commercial, religious, or educational purposes, whether these productions are presented by means of film, tape, live broadcast, cable, satellite transmission, Web cast, or any other technology that is now in use or may be adopted in the future.

(b) An employee engaged in the production or broadcasting of motion pictures whose employment terminates is entitled to receive payment of the wages earned and unpaid at the time of the termination by the next regular payday.

(c) The payment of wages to employees covered by this section may be mailed to the employee or made available to the employee at a location specified by the employer in the county where the employee was hired or performed labor. The payment shall be deemed to have been made on the date that the employee’s wages are mailed to the employee or made available to the employee at the location specified by the employer, whichever is earlier.

(d) For purposes of this section, an employment terminates when the employment relationship ends, whether by discharge, lay off, resignation, completion of employment for a specified term, or otherwise.

(e) Nothing in this section prohibits the parties to a valid collective bargaining agreement from establishing alternative provisions for final payment of wages to employees covered by this section if those provisions do not exceed the time limitation established in Section 204.