

AMENDED IN SENATE SEPTEMBER 2, 2011

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1313

Introduced by Assembly Member ~~Lara Allen~~

February 18, 2011

An act to amend Section ~~1143~~ 554 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1313, as amended, ~~Lara Allen~~. ~~Employment-Overtime wages:~~ agricultural workers.

Existing law sets wage and hour requirements for employees and requires an employer to pay overtime wages as specified to an employee who works in excess of a workday or workweek, as defined, and imposes criminal penalties for the violation of these requirements. Existing law exempts agricultural employees from these requirements.

This bill would remove the exemption for agricultural employees and would create a state-mandated local program by including agricultural employees as a class of employees protected by criminal penalties under existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the Agricultural Labor Relations Board to make an annual report to the Governor and the Legislature regarding its activities and the cases it has heard.~~

~~This bill would permit the board and its general counsel to provide specified information regarding open cases to the general public.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

1 *SECTION 1. Section 554 of the Labor Code is amended to*
2 *read:*

3 554. (a) Sections 551 and 552 ~~shall do not apply to any cases~~
4 of emergency ~~nor or~~ to work performed in the protection of life
5 or property from loss or destruction, ~~nor or~~ to any common carrier
6 engaged in or connected with the movement of trains. ~~This chapter,~~
7 ~~with the exception of Section 558, shall not apply to any person~~
8 employed in an agricultural occupation, as defined in Order No.
9 14-80 (operative January 1, 1998) of the Industrial Welfare
10 Commission. Nothing in this chapter shall be construed to prevent
11 an accumulation of days of rest when the nature of the employment
12 reasonably requires that the employee work seven or more
13 consecutive days, if in each calendar month the employee receives
14 days of rest equivalent to one day’s rest in seven. The requirement
15 respecting the equivalent of one day’s rest in seven shall apply,
16 notwithstanding the other provisions of this chapter relating to
17 collective bargaining agreements, where the employer and a labor
18 organization representing employees of the employer have entered
19 into a valid collective bargaining agreement respecting the hours
20 of work of the employees, unless the agreement expressly provides
21 otherwise.

22 (b) In addition to the exceptions specified in subdivision (a),
23 the Chief of the Division of Labor Standards Enforcement may,
24 when in his or her judgment hardship will result, exempt any
25 employer or employees from the provisions of Sections 551 and
26 552.

27 *SEC. 2. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution because*

1 *the only costs that may be incurred by a local agency or school*
2 *district will be incurred because this act creates a new crime or*
3 *infraction, eliminates a crime or infraction, or changes the penalty*
4 *for a crime or infraction, within the meaning of Section 17556 of*
5 *the Government Code, or changes the definition of a crime within*
6 *the meaning of Section 6 of Article XIII B of the California*
7 *Constitution.*

8 SECTION 1. ~~Section 1143 of the Labor Code is amended to~~
9 ~~read:~~

10 ~~1143. The board shall, at the close of each fiscal year, make a~~
11 ~~report in writing to the Legislature and to the Governor stating in~~
12 ~~detail the cases it has heard, the decisions it has rendered, the~~
13 ~~names, salaries, and duties of all employees and officers in the~~
14 ~~employ or under the supervision of the board, and an account of~~
15 ~~all moneys it has disbursed. The board and its general counsel may~~
16 ~~make available to the general public, as to each open case,~~
17 ~~including unfair labor practices charges, the name of the case and~~
18 ~~the date the case was opened.~~