

ASSEMBLY BILL

No. 519

Introduced by Assembly Member Logue

February 20, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 519, as introduced, Logue. Working hours: meal periods.

Existing law, subject to certain exceptions, prohibits an employer from requiring an employee to work more than 5 hours per day without providing a meal period and, notwithstanding that provision, authorizes the Industrial Welfare Commission to adopt a working condition order permitting a meal period to commence after 6 hours of work if the commission determines the order is consistent with the health and welfare of affected employees. Existing law exempts employees in certain occupations from these provisions.

This bill would make technical, nonsubstantive changes to the above provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
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~~ *shall* not employ an employee for
4 a work period of more than five hours per day without providing
5 the employee with a meal period of not less than 30 minutes, except

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

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

15 (c) Subdivision (a) does not apply to an employee in the
16 wholesale baking industry who is subject to an Industrial Welfare
17 Commission wage order and who is covered by a valid collective
18 bargaining agreement that provides for a 35-hour workweek
19 consisting of five 7-hour days, payment of one and one-half times
20 the regular rate of pay for time worked in excess of seven hours
21 per day, and a rest period of not less than 10 minutes every two
22 hours.

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

34 (e) Subdivisions (a) and (b) do not apply to an employee
35 specified in subdivision (f) if both of the following conditions are
36 satisfied:

37 (1) The employee is covered by a valid collective bargaining
38 agreement.

39 (2) The valid collective bargaining agreement expressly provides
40 for the wages, hours of work, and working conditions of

1 employees, and expressly provides for meal periods for those
2 employees, final and binding arbitration of disputes concerning
3 application of its meal period provisions, premium wage rates for
4 all overtime hours worked, and a regular hourly rate of pay of not
5 less than 30 percent more than the state minimum wage rate.

6 (f) Subdivision (e) applies to each of the following employees:

7 (1) An employee employed in a construction occupation.

8 (2) An employee employed as a commercial driver.

9 (3) An employee employed in the security services industry as
10 a security officer, who is registered pursuant to Chapter 11.5
11 (commencing with Section 7580) of Division 3 of the Business
12 and Professions Code, and who is employed by a private patrol
13 operator registered pursuant to that chapter.

14 (4) An employee employed by an electrical corporation, a gas
15 corporation, or a local publicly owned electric utility.

16 (g) The following definitions apply for the purposes of this
17 section:

18 (1) “Commercial driver” means an employee who operates a
19 vehicle described in Section 260 or 462 of, or subdivision (b) of
20 Section 15210 of, the Vehicle Code.

21 (2) “Construction occupation” means all job classifications
22 associated with construction by Article 2 (commencing with
23 Section 7025) of Chapter 9 of Division 3 of the Business and
24 Professions Code, including work involving alteration, demolition,
25 building, excavation, renovation, remodeling, maintenance,
26 improvement, and repair, and any other similar or related
27 occupation or trade.

28 (3) “Electrical corporation” has the same meaning as provided
29 in Section 218 of the Public Utilities Code.

30 (4) “Gas corporation” has the same meaning as provided in
31 Section 222 of the Public Utilities Code.

32 (5) “Local publicly owned electric utility” has the same meaning
33 as provided in Section 224.3 of the Public Utilities Code.