

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 778**

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**Introduced by Assembly Member Bocanegra**

February 21, 2013

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An act to add Section 55.5 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 778, as amended, Bocanegra. Employment: ~~overtime rate.~~  
*workforce and demographic changes: study.*

*Existing law regulates the wages, hours, and working conditions of any man, woman, and minor employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified. Existing law creates the Industrial Welfare Commission and authorizes it to adopt rules, regulations, and orders to ensure that employers comply with those provisions.*

*This bill would require the Director of Industrial Relations to study workforce and demographic changes in the workforce in California in the previous 20 years and projected workforce needs in the coming 30 years. The bill would require the director to create a report summarizing the findings of the study and submit that report to the Assembly Committee on Labor and Employment and the Senate Committee on Labor and Industrial Relations.*

~~Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of overtime compensation for additional hours worked. Existing law requires that, except for an employee working pursuant to an alternative workweek schedule, as specified, hours worked in excess of 8 hours in one day, hours worked in excess of 40 hours in one workweek, and the first 8~~

~~hours worked on the 7th day of work in a given workweek to be compensated at the rate of no less than 1½ times the regular rate of pay of an employee. Under existing law, hours worked in excess of 12 hours in one day as well as hours worked in excess of 8 hours on any 7th day of a workweek are to be compensated at the rate of no less than twice the regular rate of pay of an employee. Existing law exempts employees working pursuant to an alternative workweek schedule under other specified provisions of this bill from these requirements.~~

~~This bill would declare the intent of the Legislature to enact legislation to clarify the overtime rate of compensation and exemptions for employees who work onsite at residential rental housing buildings.~~

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

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

- 1     SECTION 1. Section 55.5 is added to the Labor Code, to read:
- 2     55.5. (a) The director shall study workforce and demographic
- 3     changes in the workforce in California in the previous 20 years
- 4     and projected workforce needs in the coming 30 years, including,
- 5     but not limited to, the role of overtime pay. The director shall
- 6     create a report summarizing the findings of the study and submit
- 7     that report to the Assembly Committee on Labor and Employment
- 8     and the Senate Committee on Labor and Industrial Relations.
- 9     (b) The report required by subdivision (a) shall be submitted
- 10    pursuant to Section 9795 of the Government Code.
- 11    SECTION 1. ~~It is the intent of the Legislature to enact~~
- 12    ~~legislation to clarify the overtime rate of compensation and~~
- 13    ~~exemptions for employees who work onsite at residential rental~~
- 14    ~~housing buildings.~~