

ASSEMBLY BILL

No. 1185

Introduced by Assembly Member Morrell

February 22, 2013

An act to amend Section 510 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1185, as introduced, Morrell. Employment: day's work.

Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Existing law authorizes the adoption by $\frac{2}{3}$ of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek. Under existing law, a person who violates the provisions regulating work hours is guilty of a misdemeanor.

This bill would make nonsubstantive changes to these 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 510 of the Labor Code is amended to
2 read:
3 510. (a) Eight hours of labor constitutes a day's work. Any
4 work in excess of eight hours in one workday and any work in
5 excess of 40 hours in any one workweek and the first eight hours
6 worked on the seventh day of work in any one workweek shall be
7 compensated at the rate of no less than one and one-half times the

1 regular rate of pay for an employee. Any work in excess of 12
2 hours in one day shall be compensated at the rate of no less than
3 twice the regular rate of pay for an employee. In addition, any
4 work in excess of eight hours on ~~any~~ *the* seventh day of a
5 workweek shall be compensated at the rate of no less than twice
6 the regular rate of pay of an employee. Nothing in this section
7 requires an employer to combine more than one rate of overtime
8 compensation in order to calculate the amount to be paid to an
9 employee for any hour of overtime work. The requirements of this
10 section ~~do~~ *shall* not apply to the payment of overtime compensation
11 to an employee working pursuant to any of the following:

12 (1) An alternative workweek schedule adopted pursuant to
13 Section 511.

14 (2) An alternative workweek schedule adopted pursuant to a
15 collective bargaining agreement pursuant to Section 514.

16 (3) An alternative workweek schedule to which this chapter is
17 inapplicable pursuant to Section 554.

18 (b) Time spent commuting to and from the first place at which
19 an employee's presence is required by the employer shall not be
20 considered to be a part of a day's work, when the employee
21 commutes in a vehicle that is owned, leased, or subsidized by the
22 employer and is used for the purpose of ridesharing, as defined in
23 Section 522 of the Vehicle Code.

24 (c) This section ~~does~~ *shall* not affect, change, or limit an
25 employer's liability under the workers' compensation law.