

AMENDED IN ASSEMBLY AUGUST 22, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE APRIL 16, 2013

**SENATE BILL**

**No. 435**

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**Introduced by Senator Padilla**

February 21, 2013

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An act to amend Section 226.7 of the Labor Code, relating to compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 435, as amended, Padilla. Compensation: meal and rest ~~and~~ *or* recovery periods.

Existing law prohibits an employer from requiring an employee to work during any meal or rest period mandated by an order of the Industrial Welfare Commission (IWC) and establishes penalties for an employer's failure to provide a mandated meal or rest period.

This bill would make that prohibition applicable to ~~any~~ *a* meal or rest or recovery period mandated by applicable statute or applicable regulation, standard, or order of the IWC, the Occupational Safety and Health Standards Board, or the Division of Occupational Safety and Health. *The bill would exempt specified employees from the prohibition.* The bill would require an employer to pay an employee, for any meal or rest or recovery period mandated by law, one additional hour of pay at the employee's regular rate of compensation for each ~~work day~~ *workday* that the meal or rest or recovery period is not provided. The bill would define "recovery period" for those purposes.

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

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

1 SECTION 1. Section 226.7 of the Labor Code is amended to  
2 read:

3 226.7. (a) As used in this section, “recovery period” means a  
4 cooldown period afforded an employee to prevent heat illness.

5 (b) An employer shall not require ~~any~~ *an* employee to work  
6 during ~~any~~ *a* meal or rest or recovery period mandated pursuant  
7 to ~~any~~ *an* applicable statute, or applicable regulation, standard, or  
8 order of the Industrial Welfare Commission, the Occupational  
9 Safety and Health Standards Board, or the Division of Occupational  
10 Safety and Health.

11 (c) If an employer fails to provide an employee a meal or rest  
12 or recovery period in accordance with ~~any~~ *a* state law, including,  
13 but not limited to, ~~any~~ *an* applicable statute or applicable  
14 regulation, standard, or order of the Industrial Welfare  
15 Commission, the Occupational Safety and Health Standards Board,  
16 or the Division of Occupational Safety and Health, the employer  
17 shall pay the employee one additional hour of pay at the  
18 employee’s regular rate of compensation for each workday that  
19 the meal or rest or recovery period is not provided.

20 (d) *This section shall not apply to an employee who is exempt*  
21 *from meal or rest or recovery period requirements pursuant to*  
22 *other state laws, including, but not limited to, a statute or*  
23 *regulation, standard, or order of the Industrial Welfare*  
24 *Commission.*

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