

ASSEMBLY BILL

No. 67

Introduced by Assembly Member Gonzalez

December 17, 2014

An act to add Section 511.5 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 67, as introduced, Gonzalez. Double Pay on the Holiday Act of 2015.

Existing law provides that 8 hours of labor constitutes a day's work. Under existing law, any work in excess of 8 hours in one workday and any work in excess of 40 hours in any one workweek, and the first 8 hours worked on the 7th day of work in any one workweek, is required to be compensated at the rate of no less than 1 ½ times the regular rate of pay for an employee. Existing law also provides that 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 work are to be compensated at the rate of no less than twice the regular rate of pay of an employee. A violation of these overtime wage provisions constitutes a crime.

This bill would enact the Double Pay on the Holiday Act of 2015 that would require an employer to pay at least 2 times the regular rate of pay to an employee for work on a family holiday as defined.

Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

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.

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

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

1 SECTION 1. Section 511.5 is added to the Labor Code, to
2 read:

3 511.5. (a) This section shall be known, and may be cited, as
4 the Double Pay on the Holiday Act of 2015.

5 (b) Any work on a family holiday shall be compensated at no
6 less than twice the employee’s regular rate of pay.

7 (c) The provisions of this section are in addition to and
8 independent of any other rights, remedies, or procedures available
9 under any other law to an aggrieved employee.

10 (d) As used in this section:

11 (1) “Employee” does not include an employee covered by a
12 valid collective bargaining agreement if the agreement expressly
13 provides for the wages, hours of work, and working conditions of
14 employees, and expressly provides for paid sick days or a paid
15 leave or paid time off policy that permits the use of sick days for
16 those employees, final and binding arbitration of disputes
17 concerning the application of its holiday premium pay provisions,
18 premium wage rates for all overtime hours worked, and regular
19 hourly rate of pay of not less than 30 percent more than the state
20 minimum wage.

21 (2) “Employer” means any person employing another under
22 any arrangement or contract of hire and includes the state, political
23 subdivisions of the state, and municipalities.

24 (3) “Family holiday” means either:

25 (A) December 25 of each year.

26 (B) The fourth Thursday of November of each year.

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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