

AMENDED IN ASSEMBLY JANUARY 25, 2016

AMENDED IN ASSEMBLY JUNE 3, 2015

AMENDED IN ASSEMBLY JUNE 2, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 67**

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**Introduced by Assembly Member Gonzalez**  
**(Coauthors: Assembly Members Calderon, Chu, and McCarty)**  
(Coauthor: Senator Allen)

December 17, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 67, as amended, Gonzalez. Double Pay on the Holiday Act of ~~2015~~: 2016.

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~~ 2016 that would require an employer to pay at least 2 times the regular rate of pay to an ~~employee~~; *employee at retail and grocery*

*establishments, as defined*, except employees in specified categories, 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~~. 2016.

5 (b) Any work *performed at a retail store establishment or a*  
6 *grocery store establishment* on a family holiday shall be  
7 compensated by the employer at no less than twice the employee’s  
8 regular rate of pay.

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

12 (d) As used in this section:

13 (1) “Employee” does not include the following:

14 (A) An employee covered by a valid collective bargaining  
15 agreement if the agreement expressly provides for the wages, hours  
16 of work, and working conditions of employees, and expressly  
17 provides for holiday premium pay for those employees, premium  
18 wage rates for all overtime hours worked, and *a* regular hourly  
19 rate of pay of not less than 30 percent more than the state minimum  
20 wage.

21 (B) An employee who is exempt from the payment of an  
22 overtime rate of compensation for executive, administrative, and  
23 professional employees pursuant to wage orders issued by the  
24 Industrial Welfare Commission described in Section 515.

25 (C) An employee who is employed by an employer who employs  
26 ~~25~~ 500 or fewer employees.

1 ~~(D) An employee who is employed as a first responder or~~  
2 ~~emergency personnel.~~

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

6 (3) *“Retail store establishment” means a physical store within*  
7 *the state with more than 50 percent of its revenue generated from*  
8 *merchandise subject to the state’s sales and use tax, including,*  
9 *but not limited to, electronics, appliances, clothing, furniture,*  
10 *sporting goods, health and personal products, or a limited line of*  
11 *food products for onsite consumption. A “retail store*  
12 *establishment” does not include a store located in a hotel,*  
13 *amusement park, or movie theater.*

14 (4) *“Grocery store establishment” means a physical store within*  
15 *the state that sells primarily household foodstuffs for offsite*  
16 *consumption, including, but not limited to, the sale of fresh*  
17 *produce, meats, poultry, fish, deli products, dairy products, canned*  
18 *foods, dry foods, beverages, and baked or prepared foods. Other*  
19 *household supplies or products are secondary to the primary*  
20 *purpose of food sales.*

21 ~~(3)~~

22 (5) “Family holiday” means the fourth Thursday of November  
23 of each year.

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

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