

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 795

Introduced by Assembly Member Low

February 25, 2015

An act to ~~amend~~ *add* Section ~~510~~ of 63.5 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 795, as amended, Low. Employment: ~~day's work~~. *Department of Industrial Relations: wage claims.*

Existing law establishes the Department of Industrial Relations to, among other things, enforce labor laws, including wage claims.

This bill would require the department to report to the Legislature, for each office, the amount of time it takes for all wage claims to receive a preliminary hearing date.

~~Existing employment regulation law, with certain exceptions, establishes an 8-hour workday and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked.~~

~~This bill would make nonsubstantive changes to this provision.~~

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 63.5 is added to the Labor Code,*
- 2 *immediately following Section 63, to read:*

1 63.5. (a) *The Department of Industrial Relations shall report*
2 *to the Legislature, for each office, the amount of time it takes for*
3 *all wage claims to receive a preliminary hearing date.*

4 (b) *The report to the Legislature pursuant to this sections shall*
5 *be submitted in compliance with Section 9795 of the Government*
6 *Code.*

7 (c) *This section shall become inoperative on January 1, 2020,*
8 *pursuant to Section 10231.5 of the Government Code.*

9 SECTION 1. ~~Section 510 of the Labor Code is amended to~~
10 ~~read:~~

11 ~~510. (a) Eight hours of labor constitutes a day’s work. Any~~
12 ~~work in excess of eight hours in one workday and any work in~~
13 ~~excess of 40 hours in any one workweek and the first eight hours~~
14 ~~worked on the seventh day of work in any one workweek shall be~~
15 ~~compensated at the rate of no less than one and one-half times the~~
16 ~~regular rate of pay for an employee. Any work in excess of 12~~
17 ~~hours in one day shall be compensated at the rate of no less than~~
18 ~~twice the regular rate of pay for an employee. In addition, any~~
19 ~~work in excess of eight hours on the seventh day of a workweek~~
20 ~~shall be compensated at the rate of no less than twice the regular~~
21 ~~rate of pay of an employee. Nothing in this section requires an~~
22 ~~employer to combine more than one rate of overtime compensation~~
23 ~~in order to calculate the amount to be paid to an employee for any~~
24 ~~hour of overtime work. The requirements of this section shall not~~
25 ~~apply to the payment of overtime compensation to an employee~~
26 ~~working pursuant to any of the following:~~

27 ~~(1) An alternative workweek schedule adopted pursuant to~~
28 ~~Section 511.~~

29 ~~(2) An alternative workweek schedule adopted pursuant to a~~
30 ~~collective bargaining agreement pursuant to Section 514.~~

31 ~~(3) An alternative workweek schedule to which this chapter is~~
32 ~~inapplicable pursuant to Section 554.~~

33 ~~(b) Time spent commuting to and from the first place at which~~
34 ~~an employee’s presence is required by the employer shall not be~~
35 ~~considered to be a part of a day’s work, when the employee~~
36 ~~commutes in a vehicle that is owned, leased, or subsidized by the~~
37 ~~employer and is used for the purpose of ridesharing, as defined in~~
38 ~~Section 522 of the Vehicle Code.~~

39 ~~(c) This section shall not affect, change, or limit an employer’s~~
40 ~~liability under the workers’ compensation law.~~

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