

ASSEMBLY BILL

No. 2370

Introduced by Assembly Member Wagner

February 18, 2016

An act to amend Section 516 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2370, as introduced, Wagner. Industrial Welfare Commission: wage orders: hours worked.

Existing law provides it is the continuing duty of the Industrial Welfare Commission to ascertain the wages paid to all employees in this state, to ascertain the hours and conditions of labor and employment in the various occupations, trades, and industries in which employees are employed in this state, and to investigate the health, safety, and welfare of those employees. Existing law establishes the Division of Labor Standards Enforcement in the Department of Industrial Relations for the enforcement of labor laws, including orders of the commission. Existing law, except as specified, authorizes the commission to adopt or amend working condition orders with respect to break periods, meal periods, and days of rest for any workers in California consistent with the health and welfare of those workers. Existing law requires the commission, by July 1, 2000, to adopt wage, hours, and working condition orders necessary to ensure fairness in the establishment of employee workweek schedules. Existing law further requires the commission, by July 1, 2000, to conduct reviews of wages, hours, and working conditions in specified industries and to adopt or modify regulations necessary to protect the health, safety, and welfare of workers in those industries. An existing wage order of the commission

provides that “hours worked,” within the health care industry, means the time during which an employee is suffered or permitted to work for the employer, whether or not required to do so, as interpreted in accordance with the provisions of the federal Fair Labor Standards Act.

This bill would declare that the definition of “hours worked” as it pertains to the health care industry, in that existing wage order, was valid and enforceable on and after October 1, 2000, and continues to be valid and enforceable. The bill would state that the bill is declarative of, and clarifies, existing law.

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 516 of the Labor Code is amended to
2 read:

3 516. (a) Except as provided in Section 512, the Industrial
4 Welfare Commission may adopt or amend working condition
5 orders with respect to break periods, meal periods, and days of
6 rest for any workers in California consistent with the health and
7 welfare of those workers.

8 (b) Notwithstanding subdivision (a), or any other law, including
9 Section 512, the health care employee meal period waiver
10 provisions in Section 11(D) of Industrial Welfare Commission
11 Wage Orders 4 and 5 were valid and enforceable on and after
12 October 1, 2000, and continue to be valid and enforceable. This
13 subdivision is declarative of, and clarifies, existing law.

14 (c) *Notwithstanding subdivision (a), or any other law, including*
15 *Section 512, the definition of “hours worked” within the health*
16 *care industry as defined in Section 2(K) of Industrial Welfare Wage*
17 *Order 5, was valid and enforceable on and after October 1, 2000,*
18 *and continues to be valid and enforceable. This subdivision is*
19 *declaratory of existing law.*

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