

ASSEMBLY BILL

No. 649

Introduced by Assembly Member Floyd

February 23, 1999

An act to amend Section 220 of the Labor Code, relating to wages of public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 649, as introduced, Floyd. State employee pay.

Existing law prescribes requirements respecting employer payment of wages, including overtime compensation, that are applicable to all employers, other than the state, counties, cities, and other municipal corporations. These provisions of existing law also prescribe penalties for violation, make certain violations misdemeanors, and provide for enforcement by the Division of Labor Law Enforcement of the Department of Industrial Relations and by district attorneys and city prosecutors, as specified.

This bill would expressly provide that wages earned by employees of state agencies for labor performed in excess of the normal work period shall be paid within the time specified by existing law that requires payment to be made no later than the payday for the next regular payroll period except as otherwise provided in an applicable collective bargaining agreement.

This bill would require the Division of Labor Standards Enforcement to investigate complaints alleging state agency violations of the bill, would require a state agency determined to be in violation by the Labor Commissioner, after a hearing,

to pay the claimant’s wage claim within 10 days, and would make the state liable for a penalty of treble the damages accruing to the claimant as a direct and foreseeable consequence of any failure to pay when ordered by the Labor Commissioner.

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 220 of the Labor Code is
 2 amended to read:
 3 220. ~~Nothing in sections 200 to 211 and~~ *(a) Except as*
 4 *provided by subdivision (b), nothing in Sections 200 to*
 5 *211, inclusive, and Sections 215 to 219, inclusive, shall*
 6 ~~apply~~ *applies* to the payment of wages of employees
 7 directly employed by the ~~State~~ *state* or by any county,
 8 ~~incorporated city or town, or other municipal corporation~~
 9 *local governmental entity*. All other employments are, for
 10 ~~the~~ purposes of these sections, private employments and
 11 subject to the provisions thereof.
 12 *(b) Notwithstanding any other provision of law, wages*
 13 *earned by employees of any agency of state government*
 14 *for labor performed in excess of the normal work period*
 15 *shall be paid within the time specified therefor by Section*
 16 *204. The Division of Labor Standards Enforcement shall*
 17 *investigate any complaint alleging a state agency’s failure*
 18 *to make timely payment of overtime wages in accordance*
 19 *with this subdivision, and Section 206 shall be applicable*
 20 *to disputes concerning overtime wages of state*
 21 *employees.*

