

Introduced by Senator Burton

February 26, 1999

An act to amend Sections 510 and 1182.3 of, to add Sections 511, 512, 513, 514, 515, 516, and 557 to, and to repeal Sections 1182.2, 1182.9, 1182.10, and 1183.5 of, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1000, as introduced, Burton. Employment: workday and overtime compensation.

Existing law generally specifies that 8 hours of labor constitute a day's work, unless otherwise stipulated in a contract, and also empowers the Industrial Welfare Commission to adopt orders respecting wages in the various occupations, trades, and industries, as specified.

This bill would enact the Eight-Hour-Day Preservation Workplace Flexibility Act of 1999. The bill, with certain exceptions, would require overtime pay at 1¹/₂ times the regular rate of pay for hours worked over 8 hours in a defined workday and double regular pay for hours worked over 12 hours in a regularly scheduled workday. The bill would make exceptions for (1) employees working an alternative workweek schedule under the bill, (2) employees covered by a collective bargaining agreement that provides for wages, hours of work, working conditions, and overtime compensation, (3) specified administrative, professional, and other classes of employees designated by the Industrial Welfare Commission, as specified, and (4) the first 4 hours of makeup work performed during the same workweek to make

up for specified time taken off. The bill would specify procedures by which employees may approve prescribed alternative workweek schedules. The bill would require employers to provide employees with a meal period of at least 30 minutes if the work period is more than 5 hours per day, with a specified exception, and would require the employer to provide employees having a work period of more than 10 hours with 2 meal periods of at least 30 minutes, with a specified exception. The bill would authorize the Industrial Welfare Commission to adopt regulations regarding the conduct of employee workweek elections, disclosures, review of work units by the Labor Commissioner under the bill, and petition processing. The bill would make employers liable for prescribed civil penalties for failure to pay the overtime wages required by the bill, and would provide for issuance of citations and hearings thereon by the Labor Commissioner.

The bill would require the Division of Labor Standards Enforcement to implement the bill within its existing budget. The bill would require the Industrial Welfare Commission to adopt orders respecting wages, hours, and working conditions to conform to the bill. The bill would repeal existing provisions that require employers to provide notice to employees of intent to use a flexible scheduling technique permitted under an order of the commission that authorize employers operating ski establishments to institute a 56-hour workweek, that exempt certain employees on licensed commercial passenger fishing boats from minimum wage and maximum hour orders of the commission, and that make certain stable employees subject to the standards governing wages, hours, and working conditions of agricultural employees with certain exceptions.

Because violations of the provisions added by the bill would be a misdemeanor, the bill 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. This act shall be known, and may be
2 cited, as the Eight-Hour-Day Preservation and
3 Workplace Flexibility Act of 1999.

4 SEC. 2. The Legislature finds and declares all of the
5 following:

6 (a) The eight-hour workday is the mainstay of
7 protection for California's working people, and has been
8 for over 80 years.

9 (b) In 1911, California enacted the first daily overtime
10 law setting the eight-hour daily standard, long before the
11 federal government enacted overtime protections for
12 workers.

13 (c) Without the eight-hour limitation, many
14 employers would lengthen the workday to 12 or more
15 hours, resulting in extreme fatigue and stress to workers.

16 (d) Ending daily overtime would result in a substantial
17 pay cut for California workers who currently receive
18 daily overtime.

19 (e) Numerous studies have linked long work hours to
20 increased rates of accident and injury.

21 (f) Family life suffers when either or both parents are
22 kept away from home for an extended period of time on
23 a daily basis.

24 (g) In 1998, the Industrial Welfare Commission
25 adopted wage orders that deleted the requirement to pay
26 premium wages after eight hours of work per day in five
27 wage orders regulating eight million workers.

28 (h) Therefore, the Legislature affirms the importance
29 of the eight-hour workday, declares that it should be
30 protected, and reaffirms the state's unwavering
31 commitment to upholding the eight-hour workday as a
32 fundamental protection for working people.

33 SEC. 3. Section 510 of the Labor Code is amended to
34 read:

35 510. (a) *As used in this chapter:*



1 (1) “Workday” means any consecutive 24 hours
2 beginning at the same time each calendar day.

3 (2) “Workweek” means a fixed and regularly
4 recurring period of 168 consecutive hours, consisting of
5 seven consecutive workdays that start with the same
6 calendar day each week.

7 (3) “Alternative workweek schedule” means any
8 regularly scheduled workweek requiring an employee to
9 work more than eight hours in a workday.

10 (b) Eight hours of labor constitutes a day’s work,
11 ~~unless it is otherwise expressly stipulated by the parties to~~
12 ~~a contract.~~ Time Hours worked in excess of eight hours in
13 one workday shall be compensated at the rate of one and
14 one-half times the regular rate of pay of an employee, and
15 hours worked in excess of 12 hours in a regularly
16 scheduled workday or in excess of eight hours on the
17 seventh day of any workweek, shall be compensated at
18 the rate of twice the regular rate of pay of an employee.

19 The requirements of this subdivision do not apply to the
20 payment of overtime compensation to an employee in an
21 exempt class established pursuant to Section 515 or to an
22 employee working (1) pursuant to an alternative
23 workweek schedule adopted pursuant to Section 511, or
24 (2) pursuant to a collective bargaining agreement as
25 provided in Section 514.

26 (c) Time spent commuting to and from the first place
27 at which an employee’s presence is required by the
28 employer shall not be considered to be a part of a day’s
29 work, when the employee commutes in a vehicle that is
30 owned, leased, or subsidized by the employer and is used
31 for the purpose of ridesharing, as defined in Section 522
32 of the Vehicle Code. ~~Nothing in this~~

33 (d) This section ~~shall be construed to~~ does not affect,
34 change, or limit an employer’s liability under the
35 workers’ compensation law.

36 SEC. 4. Section 511 is added to the Labor Code, to
37 read:

38 511. (a) The employees of an employer may adopt a
39 regularly scheduled alternative workweek that
40 authorizes work by the affected employees for no longer



1 than 10 hours per day without the payment to the
2 affected employees of an overtime rate of compensation.
3 An affected employee working pursuant to an alternative
4 workweek schedule adopted pursuant to this section shall
5 be paid an overtime rate of compensation of one and
6 one-half times the regular rate of pay of the employee for
7 any work in excess of the regularly scheduled hours
8 established by the alternative workweek agreement up to
9 12 hours per workday, and for any work in excess of 40
10 hours per workweek, and an overtime rate of
11 compensation of double the regular rate of pay of the
12 employee for any work in excess of 12 hours per workday
13 and for any work in excess of 8 hours on those days worked
14 beyond the regularly scheduled workdays established by
15 the alternative workweek agreement.

16 (b) (1) An employer may submit a proposal seeking
17 the adoption of an alternative workweek schedule not
18 more than once every 12 months to the same work unit
19 of affected employees. A proposal to adopt an alternative
20 workweek schedule may be deemed adopted only if it
21 receives approval by at least two-thirds of all affected
22 employees in the work unit.

23 (2) Upon the submission to the employer of a petition
24 signed by at least one-third of all affected employees
25 requesting an election to repeal an alternative workweek
26 schedule, the employer shall schedule an election to
27 permit the affected employees to vote on the proposal to
28 repeal the alternative workweek schedule. The election
29 to repeal an alternative workweek schedule shall be held
30 not more than 30 days after the petition is submitted to
31 the employer, except that the election shall be held not
32 less than 12 months after the date that the same group of
33 employees voted in an election held to adopt or repeal an
34 alternative workweek schedule. A proposal to repeal an
35 alternative workweek schedule shall be deemed adopted
36 if it receives approval by a majority of all affected
37 employees in the work unit.

38 (3) At least 15 days prior to an election on a proposal
39 to adopt an alternative work schedule or an election on
40 a petition to repeal an alternative workweek schedule,



1 the employer shall provide each affected employee with
2 a written disclosure of (A) the time and location of
3 balloting, (B) the effects of the adoption of the proposal
4 on the wages, hours, and benefits of the employees, (C)
5 the right of employees to repeal the proposal, (D) the
6 right of employees to have the election conducted by a
7 neutral party pursuant to paragraph (4), and (E) the
8 right of employees to request review by the Labor
9 Commissioner of any designated work unit pursuant to
10 paragraph (6). This written disclosure shall be distributed
11 at a meeting held during the regular work hours, and at
12 the jobsite of, the affected employees. An employer shall
13 provide that disclosure in a non-English language, as well
14 as in English, if at least 5 percent of the affected
15 employees primarily speak that non-English language.
16 The employer shall mail the written disclosure to
17 employees who do not attend the meeting. The failure by
18 the employer to distribute this written disclosure at the
19 meeting and by mail, as required by this paragraph, shall
20 render void an election approving an employer-proposed
21 alternative workweek schedule. Failure by an employer
22 to have an election conducted following receipt of a
23 petition to repeal an alternative workweek, as provided
24 in paragraph (2), shall render the alternative workweek
25 schedule void.

26 (4) Only secret ballots may be cast by affected
27 employees at any election held pursuant to this section.
28 Upon written request by an employee to his or her
29 employer, or to the Labor Commissioner, made no later
30 than 10 days prior to the date set for the election, the
31 employer shall cause the election to be conducted by a
32 neutral third party who has experience in conducting
33 employee elections. The Labor Commissioner shall
34 maintain a list of approved neutral third-party
35 organizations with experience in conducting employee
36 elections. Any written request made by an employee to
37 the Labor Commissioner is confidential and the name of
38 the requester may not be disclosed to the employer. The
39 Labor Commissioner shall notify the employer not less
40 than five days prior to the date of the election that the



1 election is required to be conducted by a neutral third
2 party. Any election pursuant to this section shall be held
3 during the regular work hours and at the jobsite of the
4 affected employees. The employer shall bear the costs of
5 conducting any election held pursuant to this section.

6 (5) Employees affected by a change in work hours
7 resulting from the adoption or repeal of an alternative
8 workweek schedule may not be required to work those
9 new work hours for at least 45 days after the
10 announcement of the final results of the election.

11 (6) No work unit may be established by an employer
12 solely for purposes of adopting or repealing an alternative
13 workweek schedule. The Labor Commissioner shall
14 review and approve, reject, or modify the designation of
15 any work unit of affected employees by an employer if a
16 written request is made to the Labor Commissioner by an
17 employee of the employer at least 15 days prior to the
18 date that the election is held on the proposed adoption or
19 repeal of an alternative workweek schedule. For
20 purposes of this section, a “work unit” includes all
21 employees, except those made exempt by the Industrial
22 Welfare Commission pursuant to Section 515, who share
23 a community of interest concerning the conditions of
24 their employment in a readily identifiable category, such
25 as an employer-wide unit, a division, a department, a job
26 classification, a jobsite, or a recognized subdivision of any
27 of these.

28 (7) An employer shall not reduce an employee’s
29 regular rate of hourly pay as a result of the adoption or
30 repeal of an alternative workweek schedule.

31 (c) An employer shall make a reasonable effort to find
32 an alternative work assignment for any affected
33 employee who voted in an election authorized by this
34 section and is unable to work the hours established as the
35 result of the election. An employer is not required to
36 make a reasonable effort to find an alternative work
37 assignment for any employee who was hired after the
38 date of the election. An employer shall explore any
39 available reasonable alternative means of
40 accommodating the religious belief or observance of an



1 affected employee that conflicts with an adopted
2 alternative workweek schedule, in the manner provided
3 by subdivision (j) of Section 12940 of the Government
4 Code.

5 (d) Upon giving at least 45 days' advance notice to
6 affected employees, an employer may permanently
7 rescind an alternative workweek schedule at any time
8 due to a business necessity. An alternative workweek
9 schedule may not be adopted for at least 12 months after
10 it has been rescinded by the employer. An alternative
11 workweek schedule may not temporarily be suspended.

12 (e) The results of any election conducted pursuant to
13 this section shall be reported by an employer to the
14 Division of Labor Standards Enforcement within 30 days
15 after the results are final. The division annually shall
16 prepare and issue a report by March 1 to the Legislature
17 that documents the total number of employers by
18 industry that implemented or repealed an alternative
19 workweek schedule, and the total number of affected
20 employees who adopted or repealed an alternative
21 workweek schedule, pursuant to this section, during the
22 previous calendar year.

23 (f) Any type of alternative workweek schedule that is
24 authorized by this code and that is in effect on January 1,
25 2000, may be repealed by the affected employees
26 pursuant to this section. Any alternative workweek
27 schedule that was implemented pursuant to wage order
28 1, 4, 5, 7, or 9 of the Industrial Welfare Commission is void,
29 unless it provides for a regular schedule of not more than
30 10 hours' work in a workday and was adopted by a
31 two-thirds vote of affected employees in a secret ballot
32 election pursuant to one of those wage orders as in effect
33 prior to January 1, 1998.

34 (g) The Industrial Welfare Commission may adopt
35 regulations regarding the conduct of employee
36 workweek elections, employee disclosures, and
37 processing of employee petitions as provided in this
38 section or in any order of the commission.

39 SEC. 5. Section 512 is added to the Labor Code, to
40 read:



1 512. Sections 510 and 511 do not apply to an employee
2 covered by a valid collective bargaining agreement that
3 expressly provides for the wages, hours of work, and
4 working conditions of the employees and provides
5 premium wage rates for overtime work.

6 SEC. 6. Section 513 is added to the Labor Code, to
7 read:

8 513. An employer may not employ an employee for a
9 work period of more than five hours per day without
10 providing the employee with a meal period of not less
11 than 30 minutes, except that if the total work period per
12 day of the employee is not more than six hours, the meal
13 period may be waived by mutual consent of both the
14 employer and employee. An employer may not employ
15 an employee for a work period of more than 10 hours per
16 day without providing the employee with a second meal
17 period of not less than 30 minutes, except that if the total
18 work period per day is not more than 12 hours and the
19 first meal period is not waived, the second meal period
20 may be waived by mutual consent of both the employer
21 and employee.

22 SEC. 7. Section 514 is added to the Labor Code, to
23 read:

24 514. If an employer approves the written request of
25 an employee to make up work time that is lost as a result
26 of a personal obligation of the employee, the first four
27 hours of that makeup work, if performed in the same
28 workweek in which the work time was lost, may not be
29 counted towards computing the total number of hours
30 worked in a day for purposes of the overtime
31 requirements specified in subdivision (b) of Section 510.

32 SEC. 8. Section 515 is added to the Labor Code, to
33 read:

34 515. (a) Except as otherwise provided in this section,
35 the Industrial Welfare Commission may establish
36 exemptions from the requirements of Section 510 for
37 payment of premium compensation for overtime work of
38 executive, administrative, professional, and other classes
39 of salaried employees. These exemptions may apply only
40 to employees who are primarily engaged in duties that



1 meet the test of the exemption and who earn a monthly
2 salary equivalent to not less than three times the state
3 minimum wage for full-time employment.

4 (b) For purposes of this section:

5 (1) "Full-time employment" means employment for
6 40 hours or more per workweek, but, in calculating salary
7 equivalence for purposes of subdivision (a), an employee
8 who works in excess of 40 hours per workweek shall be
9 deemed to work 40 hours in a workweek and no
10 additional hours may be considered.

11 (2) An employee shall be deemed to be primarily
12 engaged in particular duties if more than one-half of the
13 employee's work time is devoted to performing those
14 duties.

15 (c) Persons employed as licensed pharmacists or
16 registered nurses may not be exempted pursuant to
17 subdivision (a), unless they individually meet the criteria
18 for exemption as executive or administrative employees,
19 and they may not be exempted as professional employees.

20 (d) Persons employed as outside salespersons may not
21 be exempted pursuant to subdivision (a), unless their
22 employment meets all of the following criteria:

23 (A) The person customarily and regularly spends
24 more than one-half of his or her work time away from the
25 employer's place of business.

26 (B) The person is paid on a salary or commission basis.

27 (C) The person's work duties require more than 70
28 percent of his or her actual work time to be devoted to
29 sales of products or services. The delivery of products or
30 performance of services, such as stocking of shelves, shall
31 not be deemed to be sales activity for purposes of this
32 subdivision.

33 SEC. 9. Section 516 is added to the Labor Code, to
34 read:

35 516. The Industrial Welfare Commission may adopt
36 regulations consistent with this chapter necessary to
37 provide assurance of fairness regarding the conduct of
38 employee workweek elections, employee disclosures,
39 employee requests to the Labor Commissioner to review
40 designations of work units, and processing of employee



1 petitions as provided for in this chapter or in any
2 commission wage order.

3 SEC. 10. Section 557 is added to the Labor Code, to
4 read:

5 557. (a) Any employer or other person acting on
6 behalf of an employer who pays or causes to be paid to any
7 employee a wage for overtime work in violation of
8 subdivision (a) of Section 510 or subdivision (a) of Section
9 511 shall be subject to a civil penalty as follows:

10 (1) For any initial violation, fifty dollars (\$50) for each
11 affected employee for each pay period for which the
12 employee was underpaid.

13 (2) For each subsequent violation, one hundred
14 dollars (\$100) for each affected employee for each pay
15 period for which the employee was underpaid.

16 (b) If upon inspection or investigation the Labor
17 Commissioner determines that an employer or other
18 person acting on behalf of an employer paid or caused to
19 be paid a wage for overtime work in violation of
20 subdivision (a) of Section 510 or subdivision (a) of Section
21 511, the Labor Commissioner may issue a citation to the
22 employer or person. The citation may be served
23 personally or by registered mail in accordance with
24 subdivision (c) of Section 11505 of the Government Code.
25 Each citation shall be in writing and shall describe the
26 nature of the violation, including reference to the
27 statutory provision or provisions alleged to have been
28 violated.

29 (c) If a person receiving the citation desires to contest
30 the citation or the proposed assessment of a civil penalty
31 therefor, the person shall, within 15 business days after
32 service of the citation, notify the office of the Division of
33 Labor Standards Enforcement that appears on the
34 citation of his or her request for an informal hearing. The
35 Labor Commissioner or his or her deputy or agent shall,
36 within 30 days of receiving this notice, hold a hearing, at
37 the conclusion of which the citation or proposed
38 assessment of a civil penalty shall be affirmed, modified,
39 or dismissed. If the person receiving the citation does not
40 request a hearing from the Labor Commissioner within



1 that time, the proposed civil penalty shall be deemed a
2 final order of the Labor Commissioner and shall not be
3 subject to further administrative review. The
4 determination of the Labor Commissioner after the
5 conclusion of the hearing shall be deemed the final order
6 of the Labor Commissioner and shall not be subject to
7 further administrative review.

8 The Labor Commissioner shall promptly take all
9 appropriate action to enforce the citation and recover the
10 civil penalty prescribed thereon or found to be due after
11 a hearing. The Labor Commissioner may maintain an
12 action in any court of competent jurisdiction to recover
13 the amount of civil penalties found to be due.

14 A person to whom a citation has been issued may, in lieu
15 of contesting a citation pursuant to this section, transmit
16 to the office of the Labor Commissioner designated on
17 the citation the amount of the civil penalty specified by
18 the citation for the violation within 15 business days after
19 issuance of the citation.

20 (d) The civil penalties provided for in this section are
21 in addition to any other civil or criminal penalty provided
22 by law.

23 SEC. 11. Section 1182.2 of the Labor Code is repealed.

24 ~~1182.2. (a) The Legislature finds that the hours and~~
25 ~~days of work of employees employed in California in the~~
26 ~~seasonal ski industry are subject to fluctuations which are~~
27 ~~beyond the control of their employers. The Legislature~~
28 ~~further finds that the economic interests of these~~
29 ~~employees are best served when minimum limitations~~
30 ~~are placed upon their hours and days of work.~~
31 ~~Accordingly, no employer who operates a ski~~
32 ~~establishment shall be in violation of any provision of this~~
33 ~~code or any applicable order of the Industrial Welfare~~
34 ~~Commission by instituting a regularly scheduled~~
35 ~~workweek of not more than 56 hours, provided that any~~
36 ~~employee shall be compensated at a rate of not less than~~
37 ~~one and one-half times the employee's regular rate of pay~~
38 ~~for any hours worked in excess of 56 hours in any~~
39 ~~workweek.~~



1 ~~(b) As used in this section, “ski establishment” means~~
2 ~~an integrated, geographically limited recreational area~~
3 ~~comprised of the basic skiing facilities, together with all~~
4 ~~operations and facilities related thereto.~~

5 ~~(e) This section shall apply only during any month of~~
6 ~~the year when Alpine or Nordic skiing activities,~~
7 ~~including snowmaking and grooming activities, are~~
8 ~~actually being conducted by the ski establishment.~~

9 SEC. 12. Section 1182.3 of the Labor Code is amended
10 to read:

11 1182.3. No employee licensed pursuant to Article 3
12 (commencing with Section 7850) of Chapter 1 of Part 3
13 of Division 6 of the Fish and Game Code, ~~or who is~~
14 ~~employed on a commercial passenger fishing boat~~
15 ~~licensed pursuant to Article 5 (commencing with Section~~
16 ~~7920) of Chapter 1 of Part 3 of Division 6 of the Fish and~~
17 ~~Game Code,~~ shall be subject to a minimum wage or
18 maximum hour order of the commission.

19 SEC. 13. Section 1182.9 of the Labor Code is repealed.

20 ~~1182.9. An employer engaged in the operation of a~~
21 ~~licensed hospital or providing personnel for the operation~~
22 ~~of a licensed hospital who institutes, pursuant to an~~
23 ~~applicable order of the commission, a regularly scheduled~~
24 ~~workweek that includes no more than three working days~~
25 ~~of no more than 12 hours each within any workweek, shall~~
26 ~~make a reasonable effort to find an alternative work~~
27 ~~assignment for any employee who participated in the~~
28 ~~vote which authorized the schedule and is unable to work~~
29 ~~12-hour workday schedules. An employer shall not be~~
30 ~~required to offer an alternative work assignment to an~~
31 ~~employee if an alternative work assignment is not~~
32 ~~available or if the employee was hired after the adoption~~
33 ~~of the 12-hour, 3-day workweek schedule.~~

34 SEC. 14. Section 1182.10 of the Labor Code is
35 repealed.

36 ~~1182.10. (a) Notwithstanding any other provision of~~
37 ~~this chapter, or any order of the Industrial Welfare~~
38 ~~Commission, the employment of stable employees~~
39 ~~engaged in the raising, feeding, and management of~~
40 ~~racehorses by a trainer shall be subject to the same~~



1 standards governing wages, hours, and conditions of labor
2 as those established by the commission for employees in
3 agricultural occupations engaged in the raising, feeding,
4 and management of other livestock, except as set forth in
5 subdivision (b):

6 (b) Notwithstanding the provisions of any order of the
7 commission permitting employees employed in
8 agricultural occupations to work 10 hours on each of six
9 workdays in a seven day workweek without the payment
10 of overtime compensation, stable employees shall not be
11 employed more than 10 hours in any workday, nor more
12 than 56 hours during seven days in any workweek.
13 However, stable employees may be employed in excess
14 of 10 hours in any workday, and in excess of 56 hours
15 during seven days in one workweek, if these employees
16 are compensated at a rate of not less than one and
17 one-half times the employees' regular rate of pay for all
18 hours worked in excess of 10 hours in any workday, or 56
19 hours in any workweek.

20 (c) For purposes of this section:

21 (1) "Stable employees" includes, but is not limited to,
22 grooms, hotwalkers, exercise workers, and any other
23 employees engaged in the raising, feeding, or
24 management of racehorses, employed by a trainer at a
25 racetrack or other nonfarm training facility.

26 (2) "Trainer" has the same definition as in Section
27 24001 of the Food and Agricultural Code.

28 (3) "Workday" and "workweek" have the same
29 definition as in the order of the commission applicable to
30 employees employed in agricultural occupations.

31 (4) "Regular rate of pay" includes all wages paid by
32 the trainer to the stable employee for a workweek of not
33 more than 56 hours, but excludes those amounts excluded
34 from regular pay by Section 7(c) of the Fair Labor
35 Standards Act (29 U.S.C. Sec. 207(e)), and excludes the
36 payment of the stable employee's share, if any, of the
37 purse of a race, whether that share is paid by the owner
38 of the racehorse or by the trainer.

39 SEC. 15. Section 1183.5 of the Labor Code is repealed.



1 ~~1183.5. (a) Any employer who intends to use a~~
2 ~~flexible scheduling technique, as permitted by an order~~
3 ~~of the Industrial Welfare Commission, requiring a vote of~~
4 ~~the affected employees shall make a full disclosure in~~
5 ~~writing to each of the affected employees. The notice~~
6 ~~shall include the effects of the proposed scheduling,~~
7 ~~including the employees' wages, hours, and benefits. The~~
8 ~~employer shall not be required to distribute the notice to~~
9 ~~employees on a leave of absence for any cause.~~

10 ~~(b) Within the health care industry, the disclosure~~
11 ~~shall include meetings, duly noticed, for the specific~~
12 ~~purpose of discussing the effects of flexible scheduling.~~

13 ~~(c) Failure to comply with this section shall make the~~
14 ~~election null and void.~~

15 SEC. 16. The Division of Labor Standards
16 Enforcement shall implement the provisions of this act
17 within its existing budget.

18 SEC. 17. As soon as possible following the effective
19 date of this act, the Industrial Welfare Commission shall,
20 at a public meeting, adopt orders respecting wage, hours
21 and working conditions consistent with this act without
22 convening wage boards, which orders shall be final and
23 conclusive for all purposes.

24 SEC. 18. No reimbursement is required by this act
25 pursuant to Section 6 of Article XIII B of the California
26 Constitution because the only costs that may be incurred
27 by a local agency or school district will be incurred
28 because this act creates a new crime or infraction,
29 eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition
32 of a crime within the meaning of Section 6 of Article
33 XIII B of the California Constitution.

