

AMENDED IN ASSEMBLY SEPTEMBER 5, 2007

AMENDED IN ASSEMBLY AUGUST 30, 2007

AMENDED IN SENATE APRIL 23, 2007

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 812

Introduced by Senator Correa

February 23, 2007

An act to add Section 1186.5 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as amended, Correa. Alternative workweek schedules: pharmacists.

Existing law generally requires premium overtime rates of pay for work in excess of 8 hours in a day and work in excess of 40 hours in a workweek with specified exceptions, including where the employer and employees have agreed to an alternative workweek pursuant to specified procedures. The Industrial Welfare Commission, pursuant to constitutionally authorized delegated powers from the Legislature, has established regulations, denominated wage orders, governing wages, hours, and working conditions in various industries. Pharmacists, depending on the nature of their work, may be regulated by Wage Order 7, relating to the mercantile industry, or Wage Order 4, relating to professional, technical, clerical, mechanical, and similar occupations, including employees in the health care industry. Although both wage orders permit the adoption of alternative workweek schedules by agreement for those employees performing work in those industries, Wage Order 7 requires that any such agreement provide not less than

2 consecutive days off within a workweek, whereas, Wage Order 4 has no such restriction.

This bill would provide that pharmacists engaged in the practice of pharmacy who are employed in the mercantile industry, pursuant to Wage Order 7, *shall* be permitted to adopt alternative workweek schedules ~~pursuant to~~ *allowed by* Wage Order 4, ~~as it is applicable to pharmacists employed~~ *including alternative workweeks that can be adopted by employees working in the health care industry.*

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 1186.5 is added to the Labor Code, to
 2 read:
 3 1186.5. Notwithstanding any other provision of law,
 4 pharmacists engaged in the practice of pharmacy who are employed
 5 in the mercantile industry, as defined by Wage Order 7 of the
 6 Industrial Welfare Commission, shall be permitted to adopt
 7 alternative workweek schedules ~~pursuant to Wage Order 4, as it~~
 8 ~~is applicable to pharmacists employed in the health care industry.~~
 9 *allowed by the provisions of Wage Order 4, including the*
 10 *provisions for alternative workweeks that can be adopted by*
 11 *employees working in the health care industry.*

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