

Introduced by Senator Calderon

February 18, 2010

An act to amend Section 512 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1182, as introduced, Calderon. Employment: meal periods.

Existing law requires an employer to provide an employee with one meal period during a work period of more than 5 hours and 2 meal periods during a work period of 10 hours, as prescribed.

This bill would make nonsubstantive changes to these provisions.

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 512 of the Labor Code is amended to
2 read:
3 512. (a) An employer may not employ an employee for a work
4 period of more than five hours per day without providing the
5 employee with a meal period of not less than 30 minutes, except
6 that if the total work period per day of the employee is no more
7 than six hours, the meal period may be waived by mutual consent
8 of both the employer and employee. An employer may not employ
9 an employee for a work period of more than 10 hours per day
10 without providing the employee with a second meal period of not
11 less than 30 minutes, except that if the total hours worked is no
12 more than 12 hours, the second meal period may be waived by

1 mutual consent of the employer and the employee, *but* only if the
2 first meal period was not waived.

3 (b) Notwithstanding subdivision (a), the Industrial Welfare
4 Commission may adopt a working condition order permitting a
5 meal period to commence after six hours of work if the commission
6 determines that the order is consistent with the health and welfare
7 of the affected employees.

8 (c) Subdivision (a) does not apply to an employee in the
9 wholesale baking industry who is subject to an Industrial Welfare
10 Commission wage order and who is covered by a valid collective
11 bargaining agreement that provides for a 35-hour workweek
12 consisting of ~~five seven-hour~~ 7-hour days, payment of ~~1 and~~ $\frac{1}{2}$
13 *one and one-half* the regular rate of pay for time worked in excess
14 of seven hours per day, and a rest period of not less than 10 minutes
15 every two hours.

16 (d) If an employee in the motion picture industry or the
17 broadcasting industry, as those industries are defined in Industrial
18 Welfare Commission Wage Orders 11 and 12, is covered by a
19 valid collective bargaining agreement that provides for meal
20 periods and includes a monetary remedy if the employee does not
21 receive a meal period required by the agreement, ~~then~~ the terms,
22 conditions, and remedies of the agreement pertaining to meal
23 periods apply in lieu of the applicable provisions pertaining to
24 meal periods of subdivision (a) of this section, Section 226.7, and
25 Industrial Welfare Commission Wage Orders 11 and 12.