

Assembly Bill No. 124

Passed the Assembly September 11, 2007

Chief Clerk of the Assembly

Passed the Senate September 7, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 226.75 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 124, Price. Meal and rest periods.

Existing law authorizes the Industrial Welfare Commission to adopt orders respecting wages, hours, and working conditions.

Existing law also prohibits an employer from requiring an employee to work during a meal or rest period mandated by the commission. Any employer that requires an employee to work during a meal or rest period mandated by an order of the commission is required to pay the employee one hour's pay for each workday that the meal or rest period is not provided.

This bill would extend the protections afforded to employees covered by an order of the commission to pool lifeguards and stage assistants who are employed by a city, county, or special district, to the extent not in conflict with the provisions of a memorandum of understanding reached between an employer and a recognized employee organization.

The people of the State of California do enact as follows:

SECTION 1. Section 226.75 is added to the Labor Code, to read:

226.75. (a) Pool lifeguards and stage assistants employed by any city, county, or special district, shall not be required by their employer to work during any meal or rest period required for nonexempt employees by Section 512 or by an order of the Industrial Welfare Commission.

(b) If an employer fails to provide an employee a meal or rest period in accordance with subdivision (a), the employer shall pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest period is not provided.

(c) If any provision of this section is in conflict with the provisions of a memorandum of understanding reached between

an employer and a recognized employee organization, the memorandum of understanding shall be controlling without further legislative action.

Approved _____, 2007

Governor