

**ASSEMBLY BILL**

**No. 2613**

---

---

**Introduced by Assembly Member Mullin**

February 24, 2006

---

---

An act to add Section 515.8 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2613, as introduced, Mullin. Employment: overtime compensation: teachers.

Existing law provides that 8 hours of labor constitutes a day's work. Under existing law, any work in excess of 8 hours in one workday and any work in excess of 40 hours in any one workweek and the first 8 hours worked on the 7th day of work in any one workweek is required to be compensated at the rate of no less than 1½ times the regular rate of pay for an employee.

Existing law authorizes the Industrial Welfare Commission to establish exemptions from the requirement that an overtime rate of compensation be paid for executive, administrative, and professional employees primarily, as defined, engaged in exempt duties and if certain conditions are met.

This bill would provide that these overtime compensation requirements shall not apply to an individual employed as a teacher, as described under federal regulations implementing the Fair Labor Standards Act. This bill would provide that employed as a teacher for purposes of this provision means that the employee is primarily engaged in duties that are in the nature of those described under those federal regulations.

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 515.8 is added to the Labor Code, to  
2 read:

3 515.8. (a) Section 510 shall not apply to an individual  
4 employed as a teacher, as described in Section 541.303 of Title  
5 29 of the Code of Federal Regulations, as that regulation existed  
6 on January 1, 2007.

7 (b) For purposes of this section, “employed as a teacher”  
8 means that the employee is primarily, as defined in subdivision  
9 (e) of Section 515, engaged in duties that are in the nature of  
10 those described in Section 541.303 of Title 29 of the Code of  
11 Federal Regulations, as that regulation existed on January 1,  
12 2007.

O