

AMENDED IN ASSEMBLY JUNE 2, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 67

Introduced by Assembly Member Gonzalez

December 17, 2014

An act to add Section 511.5 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 67, as amended, Gonzalez. Double Pay on the Holiday Act of 2015.

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 1 ½ times the regular rate of pay for an employee. Existing law also provides that hours worked in excess of 12 hours in one day as well as hours worked in excess of 8 hours on any 7th day of work are to be compensated at the rate of no less than twice the regular rate of pay of an employee. A violation of these overtime wage provisions constitutes a crime.

This bill would enact the Double Pay on the Holiday Act of 2015 that would require an employer to pay at least 2 times the regular rate of pay to ~~an employee~~ *specified employees* for work on a ~~family holiday~~ *holiday*, as defined.

Because this bill would expand the definition of a crime, it 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. Section 511.5 is added to the Labor Code, to
2 read:

3 511.5. (a) This section shall be known, and may be cited, as
4 the Double Pay on the Holiday Act of 2015.

5 (b) Any work on a family holiday shall be compensated *by the*
6 *employer* at no less than twice the employee's regular rate of pay.

7 (c) The provisions of this section are in addition to and
8 independent of any other rights, remedies, or procedures available
9 under any other law to an aggrieved employee.

10 (d) As used in this section:

11 (1) "Employee" does not include ~~an employee~~ *the following*:

12 (A) *An employee* covered by a valid collective bargaining
13 agreement if the agreement expressly provides for the wages, hours
14 of work, and working conditions of employees, and expressly
15 provides for ~~paid sick days or a paid leave or paid time off policy~~
16 ~~that permits the use of sick days for those employees, final and~~
17 ~~binding arbitration of disputes concerning the application of its~~
18 holiday premium pay ~~provisions~~, *for those employees*, premium
19 wage rates for all overtime hours worked, and regular hourly rate
20 of pay of not less than 30 percent more than the state minimum
21 wage.

22 (B) *An employee who is exempt from the payment of an overtime*
23 *rate of compensation for executive, administrative, and*
24 *professional employees pursuant to wage orders issued by the*
25 *Industrial Welfare Commission described in Section 515.*

26 (2) "Employer" means any person employing another under
27 any arrangement or contract of hire and includes the state, political
28 subdivisions of the state, and municipalities.

29 (3) "Family holiday" means ~~either~~:

30 (A) ~~December 25 of each year.~~

1 ~~(B)~~—The *the* fourth Thursday of November of each year.

2 SEC. 2. No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.