

AMENDED IN ASSEMBLY JUNE 3, 2015

AMENDED IN ASSEMBLY JUNE 2, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 67

Introduced by Assembly Member Gonzalez
(Coauthors: Assembly Members Calderon, Chu, and McCarty)
(Coauthor: Senator Allen)

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 ~~specified employees~~ *an employee, except employees in specified categories*, for work on a family 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 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 holiday premium pay for those employees, premium
16 wage rates for all overtime hours worked, and regular hourly rate
17 of pay of not less than 30 percent more than the state minimum
18 wage.

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

23 (C) *An employee who is employed by an employer who employs*
24 *25 or fewer employees.*

25 (D) *An employee who is employed as a first responder or*
26 *emergency personnel.*

1 (2) “Employer” means any person employing another under
2 any arrangement or contract of hire and includes the state, political
3 subdivisions of the state, and municipalities.

4 (3) “Family holiday” means the fourth Thursday of November
5 of each year.

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

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