

Official notice IWC- summary of amendments to Wage Order 9

To employers and representatives of persons working in industries and occupations in the State of California.

TAKE NOTICE that on October 17, 2003, the Industrial Welfare Commission (hereinafter “IWC”) has according to the powers invested in it by the California Labor Code and the California Constitution, Article 14, Section 1, promulgated amendments to Sections 2 (C) and (L)(definitions), Section 11 (Meal Periods), and Section 12 (Rest Periods) of Wage Order 9-2001, regulating employees in the transportation industry. These amendments affect all employees covered by Wage Order 9-2001. The other sections of Wage Order 9-2001 have not been changed.

SUMMARY

This summary must be made available to employees in accordance with the IWC’s orders.

This is a summary. Copies of the full text of the amended wage order 9-2001 may be obtained at www.dir.ca.gov/IWC or by mail from the IWC.

Definitions, Sections 2 (C) and 2 (L)

The IWC amended Section 2 of Wage Order 9-2001 to include new Paragraph (C) and new paragraph (L). Paragraph (C) defines a “commercial driver” as anyone who operates a vehicle described in subdivision (B) of Section 15210 of the California Vehicle Code. Paragraph (L) defines a “public transit bus driver” as a commercial driver who operates a transit bus and is employed by a government entity.

Meal Periods, Section 11 (F)

New Section 11 (F) provides that “This section shall not apply to any public transit driver covered by a valid bargaining agreement if the agreement expressly provides for meal periods for those employees, final and binding arbitration of disputes concerning application of its meal period provisions, premium wage rates for all overtime hours worked, and regular hourly pay of not less than 30 percent more than the State minimum wage rate.

Rest Periods, Section 12 (C)

New Section 12 (C) provides that “This section shall not apply to any public transit bus driver covered by a valid collective bargaining agreement if the agreement expressly provides for rest periods for those employees, final and binding arbitration of disputes concerning application of its rest period provisions, premium wage rates for all overtime hours worked, and regular hourly rate of pay of not less than 30 percent more than the State.”

These amendments were unanimously adopted by the IWC based on a greater than two-thirds vote of the wage board recommending to the IWC that the amendments be adopted.

No other changes to the provisions of Wage Order 9-2001 were recommended or adopted.

These Amendments to Wage Order 9-2001 shall be in effect as of July 1, 2004.

Questions about enforcement of this Wage Order should be directed to the Division of Labor Standards Enforcement. Consult the white pages of your telephone directory under CALIFORNIA, State of, Industrial Relations, for the address and telephone number of the office nearest you. The Division has offices in the following cities: Bakersfield; Eureka; Fresno; Long beach; Los Angeles; Oakland; Redding; Sacramento; Salinas; San Bernardino; San Diego; San Francisco; San Jose; Santa Ana; Santa Barbara; Santa Rosa; Stockton; and Van Nuys.