

**INDUSTRIAL WELFARE COMMISSION ORDER  
NO. 12-80 (Revised) REGULATING**

**WAGES, HOURS, AND WORKING  
CONDITIONS IN THE  
MOTION PICTURE INDUSTRY**

*Article 12. Motion Picture Industry (Order No. 12-80) Sec. 11120. Order  
Regulating Wages, Hours, and Working Conditions in the Motion Picture  
Industry.*

**1. APPLICABILITY OF ORDER**

This Order shall apply to all persons employed in the motion picture industry, including extra players, teachers and welfare workers, whether paid on a time, piece rate, commission, or other basis, except that:

(A) The provisions shall not apply to persons employed in administrative, executive, or professional capacities. No person shall be considered to be employed in an administrative, executive, or professional capacity unless one of the following conditions prevails:

(1) The employee is engaged in work which is primarily intellectual, managerial, or creative, and which requires exercise of discretion and independent judgment, and for which the remuneration is at or equivalent to \$900.00 per month; or

(2) The employee is licensed or certified by the State of California and is engaged in the practice of one of the following recognized professions: law, medicine, dentistry, pharmacy, optometry, architecture, engineering, or accounting.

(B) The provisions of this Order shall not apply to professional actors of either sex.

(C) The provisions of this Order shall not apply to employees when directly employed by the Federal Government, State or any county, incorporated city or town or other municipal corporation, or to outside salespersons.

(D) Provisions of this Order shall not apply to any individual who is the parent, spouse, child, or legally adopted child of the employer.

## 2. DEFINITIONS

(A) "**Commission**" means the Industrial Welfare Commission of the State of California.

(B) "**Division**" means the Division of Labor Standards Enforcement of the State of California.

(C) "**Motion Picture Industry**" means any industry, business, or establishment operated for the purpose of motion picture or television film production, or primarily allied with theatrical or television, motion picture productions, including but not limited to motion pictures for entertainment, commercial, religious, or educational purposes, whether made by film, tape, or otherwise.

(D) "**Employ**" means to engage, suffer, or permit to work.

(E) "**Employee**" means any person employed by an employer.

(F) "**Employer**" means any person as defined in Section 18 of the Labor Code, who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person.

(G) "**Extra Player**" means any person employed by an employer in the production of motion pictures to perform any work, including but not limited to that of a general extra, stand-in, photographic double, sports player, silent bit, or dress extra; or as extras employed in dancing, skating, swimming, diving, riding, driving, or singing; or as extras employed to perform any other actions, gestures, facial expressions, or pantomime.

(H) "**Hours worked**" means the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so.

(I) "**Location**" means any place other than the studio premises of the employer, at which the employer shoots all or a portion of a motion picture.

(J) "**Minor**" means, for the purpose of this Order, any person under the age of eighteen (18) years.

(K) **"Outside Salesperson"** means any person, 18 years of age or over, who customarily and regularly works more than half the working time away from the employer's place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities.

(L) **"Primarily"** as used in Section 1, Applicability, means more than one-half the employee's work time.

(M) **"Split shift"** means a work schedule which is interrupted by non-paid non-working periods established by the employer, other than bona fide rest or meal periods.

(N) **"Wages"** (See California Labor Code, Section 200)

(O) **"Workday"** means any consecutive 24 hours beginning at the same time each calendar day.

(P) **"Workweek"** means any seven (7) consecutive days, starting with the same calendar day each week. "Workweek" is a fixed and regularly recurring period of 168 hours, seven (7) consecutive 24-hour periods.

### **3. HOURS AND DAYS OF WORK**

(A) The following overtime provisions are applicable to employees eighteen (18) years of age or over and to employees sixteen (16) or seventeen (17) years of age who are not required by law to attend school: such employees shall not be employed more than eight (8) hours in any workday or more than forty (40) hours in any workweek unless the employee receives one and one-half (1 1/2) times the employee's regular rate of pay for all work over eight (8) hours in any workday or in excess of forty (40) hours in any workweek or for all hours worked by the employee on the sixth or seventh consecutive workday. Employment beyond the foregoing limits is permissible only under the following conditions:

(1) Employees may be employed up to a maximum of sixteen (16) hours including meal periods in any one day from the time they are required and do report until dismissed, provided the employee is compensated for such overtime at not less than:

(a) For daily employees and weekly employees, excluding weekly employees guaranteed more than forty (40) hours a workweek and "on call"

employees, one and one-half (1 1/2) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours up to and including twelve (12) hours in any one workday, except as to a location where transportation is provided by the employer, or an overnight location, then up to and including fourteen (14) hours, and for the first eight (8) hours worked on the seventh (7th) consecutive workday; and

(b) Double the employee's regular rate of pay for all hours worked in excess of twelve (12) hours in any workday, except as to a location where transportation is provided by the employer, or an overnight location and then not less than double the employee's regular rate of pay for all hours worked in excess of fourteen (14) hours in any workday, and for all hours worked in excess of eight (8) hours on the seventh (7th) consecutive workday.

(c) Overtime payments shall not be compounded and all payments made by the employer for daily overtime on the basis herein above specified shall be applied toward any sum for weekly overtime.

(B) No employer shall be deemed to have violated the provisions of the above subsection (A) by instituting, pursuant to a written agreement voluntarily executed by the employer and at least two-thirds (2/3) of the affected employees before the performance of the work, a regularly scheduled week of work which includes not more than four (4) working days of not more than ten (10) hours each so long as the employee receives at least two (2) consecutive days off within each workweek, provided that:

(1) The employer is not required to pay the premium wage rate prescribed in subsection (A) for the 9th and 10th hours worked during such workdays;

(2) If an employee on such a four-day schedule is

required or permitted to work more than ten (10) hours in any workday, the premium wage rate provisions in subsection (A) above shall apply to such employee for those hours worked in excess of the 10th hour of that workday;

(3) Any employee on such a schedule who is required or permitted to work on more than four (4) workdays shall be compensated at the rate of not less than one and one-half (1 1/2) times the employee's regular rate of pay for the first eight (8) hours on such additional workdays and double the employee's regular rate of pay for work in excess of eight (8) hours on those workdays.

(4) After a lapse of twelve (12) months and upon petition of a majority of the affected employees a new vote shall be held and a two-thirds (2/3) vote of the affected employees will be required to reverse the agreement above. If such agreement is revoked the employer shall comply within sixty (60) days. Upon a proper showing by the employer of undue hardship, the Division may grant an extension of the time for compliance.

(C) Extra players employed in excess of eight (8) hours in any workday from the time the extra player is required and does report until dismissed, shall be paid daily overtime compensation as follows:

(1) One and one-half (1 1/2) times the extra player's rate of pay for the ninth (9th) and tenth (10th) work hours of employment and not less than double the extra player's rate of pay for all hours worked thereafter, computed in units of one-tenth (1/10) hours.

(2) Weekly Overtime. The total sum paid to an extra player who works more than forty (40) hours in such workweek for a particular employer shall be the extra player's regular hourly rate of pay times forty (40), plus one and one-half (1 1/2) times such regular hourly rate of pay for all hours worked in excess of forty (40) during such workweek. The regular hourly rate shall be determined by dividing the amount of the weekly salary by the number of regular hours in a workweek.

(3) An extra player employed by the week shall receive payment of daily overtime for all hours or

fractions thereof worked beyond eight (8) hours in any workday on which such daily overtime occurs as provided above, provided that overtime payments shall not be compounded and all payments made by the employer for daily overtime on the basis herein above specified shall be applied toward any sum due for weekly overtime.

(D) One and one-half (1 1/2) times a minor's regular rate of pay shall be paid for all hours worked on the sixth (6th) consecutive workday except that minors sixteen (16) and seventeen (17) years old who are not required by law to attend school and may therefore be employed for the same hours as an adult are subject to subsections (A), (B) or (C) above.

**(VIOLATIONS OF CHILD LABOR LAWS** are subject to civil penalties of from \$500 to \$10,000 as well as to criminal penalties provided herein. Refer to California Labor Code Sections 1285 to 1311 and 1390 to 1398 for additional restrictions on the employment of minors.)

(E) No employee shall be required to report to work unless ten (10) hours have elapsed since the termination of the previous day's employment.

(F) Hot meals and hot drinks shall be provided for employees who are required to work after 12 o'clock midnight, except off-production employees regularly scheduled to work after midnight.

(G) When employees are required to work at night and are not dismissed in time to permit their return to their homes by public service transportation, transportation shall be provided by the employer.

(H) Except as provided in subsections (D) and (F), this section shall not apply to any employee covered by a collective bargaining agreement if said agreement provides premium wage rates for overtime work and a cash wage rate for such employee of not less than one dollar (\$1.00) per hour more than the minimum wage.

#### **4. MINIMUM WAGES**

(A) Every employer shall pay to each employee wages not less than four dollars and seventy-five cents (\$4.75) per hour for all hours worked, effective October 1, 1996; not less than five dollars (\$5.00) per hour for all hours worked, effective March 1, 1997; not less than five dollars and fifteen cents (\$5.15) per

hour for all hours worked, effective September 1, 1997; and not less than five dollars and seventy-five cents (\$5.75) per hour for all hours worked, effective March 1, 1998, except:

(1) LEARNERS. Employees 18 years of age or over, during their first one hundred and sixty (160) hours of employment in occupations in which they have no previous similar or related experience, may be paid not less than eighty-five percent (85%) of the minimum wage rounded to the nearest nickel.

(2) MINORS may be paid not less than eighty-five percent (85%) of the minimum wage rounded to the nearest nickel provided that the number of minors employed at said lesser rate shall not exceed twenty-five percent (25%) of the persons regularly employed in the establishment. An employer of less than ten (10) persons may employ three (3) minors at said lesser rate. The twenty-five percent (25%) limitation on the employment of minors shall not apply during school vacations.

**NOTE:** Under certain conditions, the full minimum wage may be required for minors. See Labor Code Section 1391.2 (b).

(B) Every employer shall pay to each employee, on the established payday for the period involved, not less than the applicable minimum wage for all hours worked in the payroll period, whether the remuneration is measured by time, piece, commission, or otherwise.

(C) Every employer shall pay extra players employed on a daily basis in cash or negotiable checks at the time of dismissal, or by negotiable check mailed within twenty-four (24) hours thereafter, Saturdays, Sundays, and holidays excepted.

(D) When an employee works a split shift, one hour's pay at the minimum wage shall be paid in addition to the minimum wage for that workday, except when the employee resides at the place of employment.

(E) Costume Fitting. Extra players who are required to fit costumes at the place of employment or at costumers designated by the employer, shall be paid not less than a full day's agreed wage if not given employment in the productions for which the extra was fitted.

(F) Night Work, Wet Work or Dangerous Work. Employers

shall notify extra players at the time of the call of the character of the work when extras are required to do night work, wet work, or work of a rough or dangerous character; and if the employer fails to do so, the employee shall have the option of refusing to work and shall be paid for all time consumed. If the personal wardrobe or property of extras is damaged through the nature of the work, extras shall be compensated therefor.

(G) Interviews. Interviews or auditions for extra players which exceed one and one-half (1 1/2) hours in length shall be paid for at not less than the minimum wage.

(H) The provisions of this section shall not apply to apprentices regularly indentured under the State Division of Apprenticeship Standards.

## **5. REPORTING TIME PAY**

(A) Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay, which shall not be less than the minimum wage.

(B) If an employee is required to report for work a second time in any one workday and is furnished less than two hours of work on the second reporting, said employee shall be paid for two hours at the employee's regular rate of pay, which shall not be less than the minimum wage.

(C) The foregoing reporting time pay provisions are not applicable when:

(1) Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities; or

(2) Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system; or

(3) The interruption of work is caused by an Act of God or other cause not within the employer's control.

(D) This section shall not apply to an employee on paid standby status who is called to perform assigned work at a time other than the employee's scheduled reporting time.



## **6. LICENSES FOR HANDICAPPED WORKERS**

A license may be issued by the Division authorizing employment of a person whose earning capacity is impaired by physical disability or mental deficiency at less than the minimum wage. Such licenses shall be granted only upon joint application of employer and employee and employee's representative if any.

A special license may be issued to a nonprofit organization such as a sheltered workshop or rehabilitation facility fixing special minimum rates to enable the employment of such persons without requiring individual licenses of such employees.

All such licenses and special licenses shall be renewed on a yearly basis or more frequently at the discretion of the Division.

(See California Labor Code, Sections 1191 and 1191.5.)

## **7. RECORDS**

(A) Every employer shall keep accurate information with respect to each employee including the following:

- (1) Full name, home address, occupation and social security number.
- (2) Birthdate, if under 18 years, and designation as a minor.
- (3) Time records showing when the employee begins and ends each work period. Meal periods, split shift intervals and total daily hours worked shall also be recorded. Meal periods during which operations cease and authorized rest periods need not be recorded.
- (4) Total wages paid each payroll period, including value of board, lodging, or other compensation actually furnished to the employee.
- (5) Total hours worked in the payroll period, and applicable rates of pay. This information shall be made readily available to the employee upon reasonable request.
- (6) When a piece rate or incentive plan is in operation, piece rates or an explanation of the incentive plan formula shall be provided to

employees. An accurate production record shall be maintained by the employer.

(B) Every employer shall semimonthly or at the time of each payment of wages furnish each employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee's social security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item.

(C) All required records shall be in the English language and in ink or other indelible form, properly dated, showing month, day and year, and shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California. An employee's records shall be available for inspection by the employee upon reasonable request.

(D) Clocks shall be provided in all major work areas or within reasonable distance thereto insofar as practicable.

## **8. CASH SHORTAGE AND BREAKAGE**

No employer shall make any deduction from the wage or require any reimbursement from an employee for any cash shortage, breakage, or loss of equipment, unless it can be shown that the shortage, breakage, or loss is caused by a dishonest or willful act, or by the gross negligence of the employee.

[The former second sentence which was part of this section, effective January 1, 1980, was removed, effective April 24, 1989, based on a judicial determination that it was inconsistent with California law and, therefore, invalid and unenforceable. *People v. Industrial Welfare Commission et al.*, Santa Cruz Superior Court No. 85071.]

## **9. UNIFORMS AND EQUIPMENT**

(A) When uniforms are required by the employer to be worn by the employee as a condition of employment, such uniforms shall be provided and maintained by the employer. The term "uniform" includes wearing apparel and accessories of distinctive design or color.

**NOTE:** This section shall not apply to protective apparel regulated by the Occupational Safety and Health Standards Board.

(B) When tools or equipment are required by the employer or are necessary to the performance of a job, such tools and equipment shall be provided and maintained by the employer, except that an employee whose wages are at least two (2) times the minimum wage provided herein may be required to provide and maintain hand tools and equipment customarily required by the trade or craft. This subsection (B) shall not apply to apprentices regularly indentured under the State Division of Apprenticeship Standards.

**NOTE:** This section shall not apply to protective equipment and safety devices on tools regulated by the Occupational Safety and Health Standards Board.

(C) A reasonable deposit may be required as security for the return of the items furnished by the employer under provisions of subsections (A) and (B) of this section upon issuance of a receipt to the employee for such deposit. Such deposits shall be made pursuant to Section 400 and following of the Labor Code or an employer with the prior written authorization of the employee may deduct from the employee's last check the cost of an item furnished pursuant to (A) and (B) above in the event said item is not returned. No deduction shall be made at any time for normal wear and tear. All items furnished by the employer shall be returned by the employee upon completion of the job.

(D) No extra player shall be required by the employer to wear any wardrobe, consisting of wearing apparel and/or accessories, after prior use thereof by another, unless it shall have been first cleaned or laundered and/or made sanitary at the employer's expense.

## **10. MEALS AND LODGING**

(A) "**Meal**" means an adequate, well-balanced serving of a variety of wholesome, nutritious foods.

"**Lodging**" means living accommodations available to the employee for full-time occupancy which are adequate, decent, and sanitary according to usual and customary standards. Employees shall not be required to share a bed.

(B) Meals or lodging may not be credited against the minimum wage without a voluntary written agreement between the employer and the employee. When credit for meals or lodging is used to meet part of the employer's minimum wage obligation, the amounts so credited may not be more than the following:

	Effective January 1, 1998	Effective March 1, 1998
Room occupied alone	\$24.25 per week	\$27.05 per week
Room shared	\$20.00 per week	\$22.30 per week
Apartment--two-thirds (2/3) of the ordinary rental value, and in no event more than	\$290.80 per month	\$324.70 per month
Where a couple are both employed by the employer, two-thirds (2/3) of the ordinary rental value, and in no event more than	\$430.20 per month	\$480.30 per month
Meals:		
Breakfast	\$1.80	\$2.05
Lunch	\$2.55	\$2.85
Dinner	\$3.40	\$3.80

(C) Meals evaluated as part of the minimum wage must be bona fide meals consistent with the employee's work shift. Deductions shall not be made for meals not received nor lodging not used.

(D) If, as a condition of employment, the employee must live at the place of employment or occupy quarters owned or under the control of the employer, then the employer may not charge rent in excess of the values listed herein.

## 11. MEAL PERIODS

(A) No employer shall employ any person for a work period of more than six (6) hours without a meal period of not less than thirty (30) minutes nor more than one (1) hour. Subsequent meal periods for all employees shall be called not later than six (6) hours after the termination of the preceding meal period.

(B) Unless the employee is relieved of all duty during a thirty (30) minute meal period, the meal period shall be considered an "on duty" meal period and counted as time worked. An "on duty" meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the parties an on-the-job paid meal period is agreed to.

(C) In all places of employment where employees are required to eat on the premises, a suitable place for that purpose shall be designated.

## **12. REST PERIODS**

(A) Every employer shall authorize and permit all employees to take rest periods, which insofar as practicable shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time per four (4) hours or major fraction thereof.

However, a rest period need not be authorized for employees whose total daily work time is less than three and one-half (3 1/2) hours. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

(B) Swimmers, dancers, skaters, and other performers engaged in strenuous physical activities shall have additional interim rest periods during periods of actual rehearsal or shooting.

## **13. CHANGE ROOMS AND RESTING FACILITIES**

(A) Employers shall provide suitable lockers, closets, or equivalent for the safekeeping of employees' outer clothing during working hours, and when required, for their work clothing during nonworking hours. When the occupation requires a change of clothing, change rooms or equivalent space shall be provided in order that employees may change their clothing in reasonable privacy and comfort. These rooms or spaces may be adjacent to but shall be separate from toilet rooms and shall be kept clean.

**NOTE:** This section shall not apply to change rooms and storage facilities regulated by the Occupational Safety and Health Standards Board.

(B) Locker Rooms. Employers shall provide for adequate safekeeping of extra players' clothing during working hours. An adequate number of clothes racks shall be provided on sets or locations where extras are employed. If a locker is not provided on sets or on locations during time of employment of extras, a responsible party shall be put in charge of any clothing or property belonging to extra players.

(C) Separate dressing rooms shall be provided at studios or locations for extra players of each sex.

(D) Suitable resting facilities shall be provided in an area separate from the toilet rooms and shall be available to employees during work hours.

(E) A stretcher, or a cot suitable for use as a stretcher, shall be provided on every stage or location.

#### **14. SEATS**

(A) All working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats.

(B) When employees are not engaged in the active duties of their employment and the nature of the work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area and employees shall be permitted to use such seats when it does not interfere with the performance of their duties.

#### **15. TEMPERATURE**

(A) The temperature maintained in each work area shall provide reasonable comfort consistent with industry-wide standards for the nature of the process and the work performed.

(B) If excessive heat or humidity is created by the work process, the employer shall take all feasible means to reduce such excessive heat or humidity to a degree providing reasonable comfort. Where the nature of the employment requires a temperature of less than 60° F., a heated room shall be provided to which employees may retire for warmth, and such room shall be maintained at not less than 68°.

(C) A temperature of not less than 68° shall be maintained in the toilet rooms, resting rooms, and change rooms during hours of use.

(D) Federal and State energy guidelines shall prevail over any conflicting provision of this section.

#### **16. ELEVATORS**

Adequate elevator, escalator or similar service consistent with industry-wide standards for the nature of the process and the work performed shall be provided when employees are employed four floors or more above or below ground level.

#### **17. EXEMPTIONS**

(A) If, in the opinion of the Division after due investigation, it is found that the enforcement of any provision contained in Section 7, Records; Section 11, Meal Periods; Section 12, Rest Periods; Section 13, Change Rooms and Resting Facilities; Section 14, Seats; Section 15, Temperature; or Section 16, Elevators, would not materially affect the welfare or comfort of employees and would work an undue hardship on the employer, exemption may be made at the discretion of the Division. Such exemptions shall be in writing to be effective and may be revoked after reasonable notice is given in writing. Application for exemption shall be made by the employer or by the employee and/or the employee's representative to the Division in writing. A copy of the application shall be posted at the place of employment at the time the application is filed with the Division.

(B) Exemptions from the requirements of Sections 13, 14, 15 and 16 will be allowed during location operations without written permit or application; provided, however, that such exemptions may be revoked if the employer fails to provide working areas and facilities which are sanitary and as adequate as the nature of the location permits.

## **18. FILING REPORTS**

(See California Labor Code, Section 1174(a))

## **19. INSPECTION**

(See California Labor Code, Section 1174)

## **20. PENALTIES**

(See California Labor Code, Section 1199)

## **21. SEPARABILITY**

If the application of any provision of this Order, or any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Order should be held invalid or unconstitutional or unauthorized or prohibited by statute, the remaining provisions thereof shall not be affected thereby, but shall continue to be given full force and effect as if the part so held invalid or unconstitutional had not been included herein.

## **22. POSTING OF ORDER**

Every employer shall keep a copy of this Order posted in an area frequented by employees where it may be easily read during the work day. Where the

location of work or other conditions make this impractical, every employer shall keep a copy of this Order and make it available to every employee upon request.

#### EXCERPTS FROM THE LABOR CODE

**Section 98.6.** (a) No person shall discharge or in any manner discriminate against any employee because such employee has filed any bona fide complaint or claim or instituted or caused to be instituted any proceeding under or relating to his rights, which are under the jurisdiction of the Labor Commissioner, or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any rights afforded him.

(b) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in the terms and conditions of such employment because such employee has made a bona fide complaint or claim to the division pursuant to this part shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by such acts of the employer. Any employer who willfully refuses to hire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for such rehiring or promotion by a grievance procedure, arbitration or hearing authorized by law, is guilty of a misdemeanor.

**Note:** Nothing in this act shall be construed to entitle an employee to reinstatement or reimbursement for lost wages or work benefits if such employee willfully misrepresents any facts to support a complaint or claim filed with the Labor Commissioner.

**Section 200.** As used in this article: (a) "Wages" includes all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculation.

**Section 201.** If an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately.

**Section 201.5.** An employer who lays off a group of employees engaged in the production of motion pictures whose unusual or uncertain terms of employment require special computation in order to ascertain the amount due, shall be deemed to have made immediate payment within the meaning of Section 201 if the wages of such employees are paid within such reasonable time as may be necessary for computation or payment thereof; provided, however, that such reasonable time shall not exceed 24 hours after discharge excluding Saturdays, Sundays, and holidays; and provided further, such payment may be mailed and the date of mailing is the date of payment.

**Section 202.** If an employee not having a written contract for a definite period quits his employment, his wages shall become due and payable not later than 72 hours thereafter, unless the employee has given 72 hours previous notice of his intention to quit, in which case the employee is entitled to his wages at the time of quitting.

**Section 226.** (a) Every employer shall semimonthly, or at the time of each payment of wages, furnish each of his or her employees either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check or cash, an itemized statement in writing showing: (1) gross wages earned; (2) total hours worked by each employee whose compensation is based on an hourly wage; (3) all deductions; provided, that all deductions made on written orders of the employee may be aggregated and shown as one item; (4) net wages earned; (5) the inclusive dates of the period for which the employee is paid; (6) the name of the employee and his or her social



security number; and (7) the name and address of the legal entity which is the employer.

**Section 1174.** Every person employing labor in this state shall:

(a) Furnish to the commission, at its request, reports or information which the commission requires to carry out this chapter. Such reports and information shall be verified if required by the commission or any member thereof.

(b) Allow any member of the commission or the employees of the Division of Labor Standards Enforcement free access to the place of business or employment of such person to secure any information or make any investigation which they are authorized by this chapter to ascertain or make. The commission may inspect or make excerpts, relating to the employment of employees, from the books, reports, contracts, payrolls, documents, or papers of such person.

**Section 1191.** For any occupation in which a minimum wage has been established, the commission may issue to an employee who is mentally or physically handicapped, or both, a special license authorizing the employment of the licensee for a period not to exceed one year from date of issue, at a wage less than the legal minimum wage. The commission shall fix a special minimum wage for the licensee. Such license may be renewed on a yearly basis.

**Section 1191.5.** Notwithstanding the provisions of Section 1191, the commission may issue a special license to a nonprofit organization such as a sheltered workshop or rehabilitation facility to permit the employment of employees who have been determined by the commission to meet the requirements in Section 1191 without requiring individual licenses of such employees. The commission shall fix a special minimum wage for such employees. The special license for the nonprofit corporation shall be renewed on a yearly basis, or more frequently as determined by the commission.

**Section 1199.** Every employer or other person acting either individually or as an officer, agent, or employee of another person is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars (\$100) or by imprisonment for not less than 30 days, or by both, who does any of the following:

(a) Requires or causes any employee to work for longer hours than those fixed, or under conditions of labor prohibited by an order of the commission.

(b) Pays or causes to be paid to any employee a wage less than the minimum fixed by an order of the commission.

(c) Violates or refuses or neglects to comply with any provision of this chapter or any order or ruling of the commission.

**Section 1391.2.(a)** Notwithstanding Sections 1391 and 1391.1, any minor under 18 years of age who has been graduated from a high school maintaining a four-year course above the eighth grade of the elementary schools, or who has had an equal amount of education in a private school or by private tuition, or who has been awarded a certificate of proficiency pursuant to Section 48412 of the Education Code, may be employed for the same hours as an adult may be employed in performing the same work.

(b) Notwithstanding the provisions of the orders of the Industrial Welfare Commission, no employer shall pay any minor described in this section in his employ at wage rates less than the rates paid to adult employees in the same establishment for the same quantity and quality of the same classification of work; provided, however, that nothing herein shall

prohibit a variation of rates of pay for such minors and adult employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or other reasonable differentiation, when exercised in good faith.

**Section 2800.** An employer shall in all cases indemnify his employee for losses caused by the employer's want of ordinary care.