OFFICIAL NOTICE
INDUSTRIAL WELFARE COMMISSION
ORDER NO. 12-2001
REGULATING
WAGES, HOURS AND WORKING CONDITIONS IN THE
MOTION PICTURE INDUSTRY
Effective January 1, 2002 as amended
Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations, effective January 1, 2019, pursuant to SB 3, Chapter 4, Statutes of 2016 and section 1182.13 of the Labor Code

This Order Must Be Posted Where Employees Can Read It Easily
means for carrying out exempt functions. The work actually performed by the employee during the course of the work week must,
work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a
Fair Labor Standards Act effective as of the date of this order: (29 C.F.R. §§ 541.201-205, 541.207-208, 541.210, 541.215). Exempt
and non-exempt work shall be construed in the same manner as such terms are construed in the following regulations under the
experience, or knowledge, or capacity (as such terms are defined for purposes of this section), or
therein; and
'operations of his employer or his employer's customers, or
institution, or of a department of subdivision thereof, in work directly related to the academic instruction or training carried on

foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations
for carrying out exempt functions. The work actually performed by the employee during the course of the work week must, first and
shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means

first and foremost, be examined and the amount of time the employee spends on such work, together with the employer for f
expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this rec
part of or necessarily incident to any of the above work; or
purposes
which
pends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident
hardware, software, or system functional specifications.

This hourly rate of pay is not less than forty-one dollars ($41.00). The Office of Policy, Research
–
2

The application of systems analysis techniques and procedures, including consulting with users, to determine
—

The design, development, documentation, analysis, creation, testing, or modification of computer systems
—
exclusively for on-screen media or who writes or provides content material intended to be read by customers, subscribers, or visitors to computer-related media such as the World Wide Web or CD-ROMs.

AmeriCorps, carried out using assistance provided under Section 12571 of Title 42 of the United States Code. (See Stats. 2000, ch. 365, amending Labor Code § 1171.)

The employee is suffered or permitted to work, whether or not required to do so.

3. HOURS AND DAYS OF WORK

A fixed and regularly recurring period of 168 hours, seven (7) consecutive 24-hour periods.

The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of CAD/CAM, but who is not in a computer systems analysis or programming occupation.

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.

The employee is a trainee or employee in an entry-level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software.

The employee is engaged in any of the activities set forth in subparagraph (h) for the purpose of creating imagery for effects used in the motion picture, television, or theatrical industry.

The employee is an engineer, drafter, machinist, or other professional whose work is highly dependent upon or facilitated by the use of computers and computer software programs and who is skilled in computer-aided design software, including but not limited to that of a general extra, stand-in, photographic double, sports player, silent bit, or dress extra; or as an extra employed in television film production, or primarily allied with theatrical or television, motion picture productions, including but not limited to 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.

The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of CAD/CAM, but who is not in a computer systems analysis or programming occupation.

The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of CAD/CAM, but who is not in a computer systems analysis or programming occupation.

The employee is an engineer, drafter, machinist, or other professional whose work is highly dependent upon or facilitated by the use of computers and computer software programs and who is skilled in computer-aided design software, including but not limited to that of a general extra, stand-in, photographic double, sports player, silent bit, or dress extra; or as an extra employed in television film production, or primarily allied with theatrical or television, motion picture productions, including but not limited to 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.

The employee is engaged in any of the activities set forth in subparagraph (h) for the purpose of creating imagery for effects used in the motion picture, television, or theatrical industry.

The employee is a trainee or employee in an entry-level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software.

The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of CAD/CAM, but who is not in a computer systems analysis or programming occupation.

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.

The employee is a trainee or employee in an entry-level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software.
the alternative workweek agreement on an occasional basis to meet the personal needs of the employee without the payment of
the employee receives one and one-half (1½) times such employee
is required to work the reduced hours.

workweek agreement shall be paid at double the employee
pursuant to this section shall provide for not less than four (4) hours of work in any shift. Nothing in this section shall prohibit an
eight (8) hours, and double the employee
computed by using the employee
Such employees shall not be employed more than eight (8) hours in any workday or more than 40 hours in any workweek unless

they are required and do report until dismissed, provided the employee is compensated for such overtime at not less than:

beyond the schedule established by the agreement up to 12 hours a day or beyond 40 hours per week shall be paid at one and
procedures set forth in this wage order, a regularly scheduled alternative workweek schedule of not more than ten (10) hours per
work days and work hours are regularly recurring. The actual days worked within that alternative workweek schedule need not be

specified. The employer may propose a single work schedule that would become the standard schedule for workers in the work  unit,

overtime compensation at a rate of one and one-half (1½) times the employee

s regular rate of pay for all hours worked in excess of 12 hours in any workday, and for

(iv) The overtime rate of compensation required to be paid to a nonexempt full-time salaried employee shall be

(i) For daily employees and weekly employees, excluding weekly employees guaranteed more than 40 hours a

s regular hourly salary as one fortieth (1/40) of the employee

s weekly salary.
be subject to Labor Code section 98

from expressing his/her position concerning that alternative workweek to the affected employees. A violation of this paragraph shall
workweek election or for opposing or supporting its adoption or repeal. However, nothing in this section shall prohibit an employer
report until dismissed, shall be paid daily overtime compensation as follows:

and Legislation within 30 days after the results are final, and the report of election results shall be a public document. The
language, as well as in English, if at least five (5) percent of the affected employees primarily speak that non-English language.
The employer shall mail the written disclosure to employees who do not attend the meeting. Failure to comply with this paragraph
repeal an alternative workweek schedule. The election shall take place during regular working hours at the employ
shall make the election null and void.

shall not be compounded and all payments made by the employer for daily overtime on the basis herein above specified shall be
beyond eight (8) hours in any workday on which such daily overtime occurs as provided above, provided that overtime payments

employees. Upon a petition of one-third (1/3) of the affected employees, a new secret ballot election shall be held and a two-thirds
select a neutral third party to conduct the election.

(2/3) vote of the affected employees shall be required to reverse the alternative workweek schedule. The election to repeal the

employees. The employer shall bear the costs of conducting any election held pursuant to this section. Upon a complaint by an
employees. The criteria for an identifiable work unit in this subsection is met.

service transportation, transportation shall be provided by the employer.

may include all employees in a readily identifiable work unit, such as a division, a department, a job classification, a shift, a separate
of minors and for descriptions of criminal and civil penalties for violation of the child labor laws. Employers should ask school
districts about any required work permits.)

hot meals and hot drinks shall be provided for employees who are required to work after 12
production employees regularly scheduled to work after midnight.

hourly rate of pay for all hours worked in excess of 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.

day employment.

E) One and one-half (1 1/2) times a minor

F) One and one-half (1 1/2) times the extra player

G) Hot meals and hot drinks shall be provided for employees who are required to work after 12

H) When employees are required to work at night and are not dismissed in time to permit their return to their homes by public

I) The provisions of Labor Code §§ 551 and 552 regarding one (1) day
4.  **MINIMUM WAGES**  

(A) Every employer shall pay to each employee wages not less than the following:

1. Ten dollars ($10.00) per hour for all hours worked, effective January 1, 2016 through December 31, 2017;  
2. Eleven dollars ($11.00) per hour for all hours worked, effective January 1, 2018;  
3. Twelve dollars ($12.00) per hour for all hours worked, effective January 1, 2019; and  
4. Thirteen dollars ($13.00) per hour for all hours worked, effective January 1, 2020.

(B) If an employer is required to report for work a second time in any one workday and is furnished less than two (2) hours of said employee's regular rate of pay, which shall not be less than the minimum wage, the employee shall be paid for two (2) hours at the employee's regular rate of pay, which shall not be less than the minimum wage for all hours worked in the payroll period, whether the remuneration is measured by time, piece, commission, or otherwise.

(C) When an employee works a split shift, one (1) hour of the time worked at the end of the shift shall be considered as full time and paid for at the employee's regular rate of pay, which shall not be less than the minimum wage.

(D) The provisions of this section shall not apply to apprentices regularly indentured under the State Division of Apprenticeship and Traineeship, except when the apprentice resides at the place of employment.

(E) The provisions of this section shall not apply to any employee on paid standby status who is called to perform assigned work at a time other than the employee's usual or scheduled day off or during the employee's rest in seven (7) days unless the agreement expressly provides otherwise.

(F) If an employer approves a written request of an employee to make-up work time that is or would be lost as a result of a legal holiday or day of similar significance, the employee shall be paid for that make-up work time at the employee's regular rate of pay, which shall not be less than the minimum wage. A written request signed by the employee stating purpose and agreement of the request shall be required. Said agreement must be signed by the employee and the employer and shall be kept in the employee's personnel file. Said agreement shall state the time or times at which the employee will perform the make-up work time and the number of hours which shall be computed as part of the employee's total work time in the workweek. Said agreement shall also provide payment at the rate of one and one-half (1 1/2) times the employee's regular rate of pay, which shall not be less than the minimum wage for all hours worked in excess of 11 hours in one (1) day or 40 hours in one (1) workweek. If an employee has entered into a valid collective bargaining agreement pertaining to the hours of work of the employee, the provisions of such agreement shall control.

(G) The provisions of this section shall not apply to any employee who is called to report for work at a time other than the employee's regular or usual schedule day, but in such case, unless the agreement expressly provides otherwise, the provisions of subsection (I) shall apply, unless the employee residing at the place of employment.

(H) Employees during their first 160 hours of employment in occupations in which they have no previous similar or related experience, may be paid not less than 85 percent of the minimum wage rounded to the nearest nickel.

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

1. The provisions of this subsection shall not be construed to create an express promise that an employer will call an employee to perform work, but the employer shall be entitled to call any employee to perform work at a time other than the employee's regular or usual schedule day.

2. Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities; or

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

4. The inter ruption of work is caused by an Act of God or other cause not within the employer's control.

(J) Except as provided in subsections (E) and (I), this section shall not apply to any employee covered by a valid collective bargaining agreement pertaining to the hours of work of the employee, the provisions of which shall control.

(K) Notwithstanding subsection (J) above, where the employer and a labor organization representing employees of the employee, the hours of that make-up work time, if performed in the same workweek in which the work was lost, may not be counted toward computing the total number of hours worked in a day for purposes of the overtime requirements, except for hours in excess of 11 hours of work in one (1) day or 40 hours of work in one (1) workweek. If an employee has entered into a valid collective bargaining agreement pertaining to the hours of work of the employee, the provisions of such agreement shall control.

(L) If an employer approval a written request of an employee to make-up work time that is or would be lost as a result of a legal holiday or day of similar significance, the employee shall be paid for that make-up work time for two (2) hours at the employee's regular rate of pay, which shall not be less than the minimum wage for all hours worked in the payroll period, whether the remuneration is measured by time, piece, commission, or otherwise.

Employees treated as employed by a single qualified taxpayer pursuant to Revenue and Taxation Code section 23626 are treated as employees of that single taxpayer.
6. LICENSES FOR DISABLED WORKERS

(A) 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.

(B) 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.

(C) 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) The following records shall be kept:

1. A record of the name and address of every employee, his social security number, and his wage or rate of pay, and hours worked during each payroll period.
2. A record of the name and address of every employee, his social security number, and the date each employee commenced and terminated work, and his earnings.
3. A record of the name and address of every employee, his social security number, and the dates the employee's rate of pay was changed.

(B) Any record or report required to be kept by this section shall be made in such form as to be readily available for inspection by any authorized representative of the State of California, and shall be kept by the employer for a period of not less than two years after the termination of the employment.

8. When tools, equipment, or uniforms are furnished to employees, the employer shall keep accurate information with respect to each employee including the following:

(A) The name and address of every employee to whom tools, equipment, or uniforms are furnished.
(B) The nature of each item furnished.
(C) The purpose for which the item is furnished.

9. UNIFORMS AND EQUIPMENT

(A) Every employer shall be provided and maintained by the employer. The term “uniform” includes wearing apparel and accessories of distinctive design or color.

(B) Every employer shall be provided and maintained by the employer. The term “uniform” includes wearing apparel and accessories of distinctive design or color.

10. MEALS AND LODGING

(A) “Meal” means an adequate, well-balanced serving of food.
(B) “Lodging” means living accommodations available for use by employees.

NOTE: When tools, equipment, or uniforms are furnished to employees, the employer shall keep accurate information with respect to each employee including the following:

1. The name and address of every employee to whom tools, equipment, or uniforms are furnished.
2. The nature of each item furnished.
3. The purpose for which the item is furnished.
### LODGING

Room occupied alone .................................................................
Room shared .............................................................................

Apartment — two thirds (2/3) of the ordinary rental value, and in no event more than ........................................

Where a couple are both employed by the employer, two thirds (2/3) of the ordinary rental value, and in no event more than ........

### MEALS

**Breakfast** ...............................................................................
**Lunch** .................................................................................
**Dinner** .................................................................................

<table>
<thead>
<tr>
<th>Employees</th>
<th>26 or More</th>
<th>25 or Fewer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Employees</td>
<td>Employees</td>
</tr>
<tr>
<td></td>
<td>$49.38/week</td>
<td>$47.03/week</td>
</tr>
<tr>
<td></td>
<td>$40.76/week</td>
<td>$38.82/week</td>
</tr>
<tr>
<td></td>
<td>$593.05/month</td>
<td>$564.81/month</td>
</tr>
<tr>
<td></td>
<td>$877.27/month</td>
<td>$835.49/month</td>
</tr>
<tr>
<td></td>
<td>$3.80</td>
<td>$3.62</td>
</tr>
<tr>
<td></td>
<td>$5.22</td>
<td>$4.97</td>
</tr>
<tr>
<td></td>
<td>$7.09</td>
<td>$6.68</td>
</tr>
</tbody>
</table>

For an employer who employs:

<table>
<thead>
<tr>
<th></th>
<th>JANUARY 1, 2017</th>
<th>JANUARY 1, 2018</th>
<th>JANUARY 1, 2019</th>
<th>JANUARY 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>26 or More</td>
<td>25 or Fewer</td>
<td>26 or More</td>
<td>25 or Fewer</td>
</tr>
<tr>
<td></td>
<td>Employees</td>
<td>Employees</td>
<td>Employees</td>
<td>Employees</td>
</tr>
<tr>
<td></td>
<td>$49.38/week</td>
<td>$47.03/week</td>
<td>$49.38/week</td>
<td>$47.03/week</td>
</tr>
<tr>
<td></td>
<td>$51.73/week</td>
<td>$49.38/week</td>
<td>$51.73/week</td>
<td>$49.38/week</td>
</tr>
<tr>
<td></td>
<td>$42.70/week</td>
<td>$40.76/week</td>
<td>$42.70/week</td>
<td>$40.76/week</td>
</tr>
<tr>
<td></td>
<td>$621.29/month</td>
<td>$593.05/month</td>
<td>$621.29/month</td>
<td>$593.05/month</td>
</tr>
<tr>
<td></td>
<td>$877.26/month</td>
<td>$877.26/month</td>
<td>$1002.56/month</td>
<td>$1002.56/month</td>
</tr>
<tr>
<td></td>
<td>$3.80</td>
<td>$3.80</td>
<td>$3.80</td>
<td>$3.80</td>
</tr>
<tr>
<td></td>
<td>$5.97</td>
<td>$5.97</td>
<td>$5.97</td>
<td>$5.97</td>
</tr>
<tr>
<td></td>
<td>$8.01</td>
<td>$8.01</td>
<td>$8.01</td>
<td>$8.01</td>
</tr>
</tbody>
</table>

**on duty**

- For feasting in the nature of a meal...

- For the exclusive use of, and in no event more than .........

“on duty”

- For...
(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.

18. 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.

19. Federal and State energy guidelines shall prevail over any conflicting provision of this section.

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

(See Labor Code, Section 1199)

(See California Labor Code, Section 1174)
All complaints are handled confidentially. For further information or to file your complaints, contact the State of California at the following department offices:

California Labor Commissioner's Office, also known as, Division of Labor Standards Enforcement

Labor Commissioner's Office/DLSE
7718 Meany Ave.
Bakersfield, CA 93308
661-587-3060

Labor Commissioner's Office/DLSE
1500 W. Main St.
El Centro, CA 92243
760-350-0607

Labor Commissioner's Office/DLSE
770 E. Shaw Ave., Suite 222
Fresno, CA 93710
559-244-5340

Labor Commissioner's Office/DLSE
300 Oceangate, 3rd Floor
Long Beach, CA 90802
562-590-5048

Labor Commissioner's Office/DLSE
320 W. Fourth St., Suite 450
Los Angeles, CA 90013
213-620-6330

Labor Commissioner's Office/DLSE
1515 Clay Street, Room 801
Oakland, CA 94612
510-622-3273

OAKLAND – HEADQUARTERS
Labor Commissioner's Office/DLSE
1515 Clay Street, Room 401
Oakland, CA 94612
510-285-2118
DLSE2@dir.ca.gov

EMPLOYERS: Do not send copies of your alternative workweek election ballots or election procedures. Only the results of the alternative workweek election shall be mailed to:

Department of Industrial Relations
Office of Policy, Research and Legislation
P.O. Box 420603
San Francisco, CA 94142-0603
(415) 703-4780

—

Prevailing Wage Hotline (415) 703-4774