STATE OF CALIFORNIA
GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS
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1986.01.03

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IN REPLY REFER TO:

January 3, 1986

Mr. K. B. Smith
Executive Vice President
California Cotton Ginners Association
1850 N. Gateway Blvd., Suite 144
Fresno, CA 93727

Dear Mr. Smith:

Thank you for your letter of December 22, 1985, outlining the differences of opinion between yourself and our staff concerning Industrial Welfare Commission Order 8-80, Section 12, Rest Periods.

I have examined the records of the Industrial Welfare Commission and found that the language in Section 12, "at the rate of ten (10) minutes net rest time per four (4) hours" was developed after discussion of a proposal to extend the ten minute rest period to fifteen or twenty minutes. The point of the proposal was to insure that the employee would be free from work for ten minutes and the rest period would not include any time to walk or otherwise travel to a place of rest. Rather than adopt such a provision, the Commission opted for the term "net" to cover all the different situations involved where rest periods are concerned.

As you mentioned in your letter, the Commission also reviewed a proposal to permit incremental rest periods to be used in lieu of a full ten minute period. However, the Commission took the opposite position by finding that there should be a full ten minute rest period, particularly where employment is around noisy machinery, noxious fumes or other intrusions on the ambience, and that "net" referred to no travel time.

Therefore, it is my opinion that employees engaged in the cotton gin industry are entitled to a full ten minute rest period as provided in IWC Order 8-80, Section 12.

I hope this answers your questions; if not, please let me know.

Very truly yours,

Lloyd W. Aubry, Jr.
State Labor Commissioner

LWA:ba

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