STATE OF CALIFORNIA

PETE WILSON, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Labor Standards Enforcement
Legal Section
455 Golden Gate Avenue, Room 3166
San Francisco, CA 94102

January 30, 1992

Laura E. Innes
Carr, McClellan, Ingersoll, et al.
One California Street, 22nd Floor
San Francisco, CA 94111

Re: **Reporting Time Pay**

Dear Ms. Innes:

Ms. Anne Hipshman has asked me to respond to your letter of January 10, 1992, regarding the above subject.

In your letter you state that your client does not schedule daily hours of work for its employees. Based on this fact you feel that your client need only pay the two-hour minimum reporting time pay required by Section 5 of Wage Order 7-80.

Please be advised that in California "[E]ight hours of labor constitutes a day's work, unless it is otherwise expressly stipulated by the parties to a contract." (Labor Code §510)

Absent a specific agreement for a different number of hours, the work day will be considered to be "eight". The agreement must contain a "specific" number of hours which constitute the workday.

As you know, remedial legislation such as the IWC Orders are to be broadly construed to remedy the evil they are designed to correct. For that reason, any attempt to state a specific number of hours which does not reflect the average number of hours worked, in practice, would be considered a subterfuge to avoid the provisions of the IWC Order and would be void.

I hope this adequately addresses the questions you raised in your letter to Ms. Hipshman.

Yours truly,

H. Thomas Cadell, Jr.

H. THOMAS CADELL, JR.
Chief Counsel

c.c. Anne Hipshman