

NEW WAGE ORDERS DUE OCTOBER 1, 2000

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Employment Law Reporter, Ervin Cohen & Jessup LLP

The Industrial Wage Commission recently completed hearings on various wage and hour issues. The results of these hearings will be included in new orders that will take effect on October 1, 2000; until that time, the March Interim Wage Order will remain in force. Among the changes will be the requirement that a non-exempt employee be provided a premium of one additional hour of regular pay in the event the employer fails to provide a required meal period or ten-minute rest break. This change serves to underscore the need for employers to document any voluntary waiver of a second meal period or of an unpaid meal period by an employee.

Another significant change is the adoption of revised procedures for establishing alternative work week schedules. These include providing employees with a written alternative work week proposal that specifies shift durations and the number of days in each work week. A written disclosure must be provided to the employees describing how the schedule affects wages, hours and benefits and, following appropriate notice, a meeting must be held at least fourteen days prior to an election to discuss the effect of the alternative work week schedule. The notice must be provided in English and in any language which is a primary language of at least 5% of the workers to be affected. Other rules remain unchanged: the election must be by secret ballot and must pass by at least two-thirds of the work unit. The results of the election must be reported to the Department of Industrial Relations within thirty days. Further, in order to avoid overtime liability, the schedule may consist of no more than ten-hour days in a forty-hour work week, although exceptions do exist for the health care and ski industries.

Stay tuned: We will have further updates when the new wage orders are issued.

PROFESSIONALS

Kelly O. Scott

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