



CALIFORNIA NURSING PRACTICE ACT

Website: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=02001-03000&file=2725-2742>

Scope of Regulation Excerpt from Business and Professions Code Division 2, Chapter 6. Article 2

Section 2725. Legislative intent: Practice of Nursing Defined

2725. (a) In amending this section at the 1973-74 session, the Legislature recognizes that nursing is a dynamic field, the practice of which is continually evolving to include more sophisticated patient care activities. It is the intent of the Legislature in amending this section at the 1973-74 session to provide clear legal authority for functions and procedures that have common acceptance and usage. It is the legislative intent also to recognize the existence of overlapping functions between physicians and registered nurses and to permit additional sharing of functions within organized health care systems that provide for collaboration between physicians and registered nurses. These organized health care systems include, but are not limited to, health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and public or community health services.

(b) The practice of nursing within the meaning of this chapter means those functions, including basic health care, that help people cope with difficulties in daily living that are associated with their actual or potential health or illness problems or the treatment thereof, and that require a substantial amount of scientific knowledge or technical skill, including all of the following:

(1) Direct and indirect patient care services that ensure the safety, comfort, personal hygiene, and protection of patients; and the performance of disease prevention and restorative measures.

(2) Direct and indirect patient care services, including, but not limited to, the administration of medications and therapeutic agents, necessary to implement a treatment, disease prevention, or rehabilitative regimen ordered by and within the scope of licensure of a physician, dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety Code.

(3) The performance of skin tests, immunization techniques, and the withdrawal of human blood from veins and arteries.

(4) Observation of signs and symptoms of illness, reactions to treatment, general behavior, or general physical condition, and (A) determination of whether the signs, symptoms, reactions, behavior, or general appearance exhibit abnormal characteristics, and (B) implementation, based on observed abnormalities, of appropriate reporting, or referral, or standardized procedures, or changes in treatment regimen in accordance with standardized procedures, or the initiation of emergency procedures.

(c) "Standardized procedures," as used in this section, means either of the following:

(1) Policies and protocols developed by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code through collaboration among administrators and health professionals including physicians and nurses.

(2) Policies and protocols developed through collaboration among administrators and health professionals, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

The policies and protocols shall be subject to any guidelines for standardized procedures that the Division of Licensing of the Medical Board of California and the Board of Registered Nursing may jointly promulgate. If promulgated, the guidelines shall be administered by the Board of Registered Nursing.

(d) Nothing in this section shall be construed to require approval of standardized procedures by the Division of Licensing of the Medical Board of California, or by the Board of Registered Nursing.

(e) No state agency other than the board may define or interpret the practice of nursing for those licensed pursuant to the provisions of this chapter, or develop standardized procedures or protocols pursuant to this chapter, unless so authorized by this chapter, or specifically required under state or federal statute. "State agency" includes every state office, officer, department, division, bureau, board, authority, and commission.

2725.1. (a) Notwithstanding any other provision of law, a registered nurse may dispense drugs or devices upon an order by a licensed physician and surgeon or an order by a certified nurse-midwife, nurse practitioner, or physician assistant issued pursuant to Section 2746.51, 2836.1, or 3502.1, respectively, if the registered nurse is functioning within a licensed primary care clinic as defined in subdivision (a) of Section 1204 of, or within a clinic as defined in subdivision (b), (c), (h), or (j) of Section 1206 of, the Health and Safety Code.

(b) No clinic shall employ a registered nurse to perform dispensing duties exclusively. No registered nurse shall dispense drugs in a pharmacy, keep a pharmacy, open shop, or drugstore for the retailing of drugs or poisons. No registered nurse shall compound drugs. Dispensing of drugs by a registered nurse, except a certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51 or a nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, shall not include substances included in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code). Nothing in this section shall exempt a clinic from the provisions of Article 13 (commencing with Section 4180) of Chapter 9.

(c) Nothing in this section shall be construed to limit any other authority granted to a certified nurse-midwife pursuant to Article 2.5 (commencing with Section 2746), to a nurse practitioner pursuant to Article 8 (commencing with Section 2834), or to a physician assistant pursuant to Chapter 7.7 (commencing with Section 3500).

(d) Nothing in this section shall be construed to affect the sites or types of health care facilities at which drugs or devices are authorized to be dispensed pursuant to Chapter 9 (commencing with Section 4000).

2725.2. (a) Notwithstanding any other provision of law, a registered nurse may dispense self-administered hormonal contraceptives approved by the federal Food and Drug Administration (FDA) and may administer injections of hormonal contraceptives approved by the FDA in strict adherence to standardized procedures developed in compliance with subdivision (c) of Section 2725.

- (b) The standardized procedure described in subdivision (a) shall include all of the following:
- (1) Which nurse, based on successful completion of training and competency assessment, may dispense or administer the hormonal contraceptives.
 - (2) Minimum training requirements regarding educating patients on medical standards for ongoing women's preventive health, contraception options education and counseling, properly eliciting, documenting, and assessing patient and family health history, and utilization of the United States Medical Eligibility Criteria for Contraceptive Use.
 - (3) Demonstration of competency in providing the appropriate prior examination comprised of checking blood pressure, weight, and patient and family health history, including medications taken by the patient.
 - (4) Which hormonal contraceptives may be dispensed or administered under specified circumstances, utilizing the most recent version of the United States Medical Eligibility Criteria for Contraceptive Use.
 - (5) Criteria and procedure for identification, documentation, and referral of patients with contraindications for hormonal contraceptives and patients in need of a follow-up visit to a physician and surgeon, nurse practitioner, certified nurse-midwife, or physician assistant.
 - (6) The extent of physician and surgeon supervision required.
 - (7) The method of periodic review of the nurse's competence.
 - (8) The method of periodic review of the standardized procedure, including, but not limited to, the required frequency of review and the person conducting that review.
 - (9) Adherence to subdivision (a) of Section 2242 in a manner developed through collaboration with health care providers, including physicians and surgeons, certified nurse-midwives, nurse practitioners, physician assistants, and registered nurses. The appropriate prior examination shall be consistent with the evidence-based practice guidelines adopted by the federal Centers for Disease Control and Prevention in conjunction with the United States Medical Eligibility Criteria for Contraceptive Use.
 - (10) If a patient has been seen exclusively by a registered nurse for three consecutive years, the patient shall be evaluated by a physician and surgeon, nurse practitioner, certified nurse-midwife, or physician assistant prior to continuing the dispensation or administration of hormonal contraceptives.
- (c) Nothing in this section shall be construed to affect the sites or types of health care facilities at which drugs or devices are authorized to be dispensed pursuant to Chapter 9 (commencing with Section 4000).

2725.3. (a) A health facility licensed pursuant to subdivision (a), (b), or (f), of Section 1250 of the Health and Safety Code shall not assign unlicensed personnel to perform nursing functions in lieu of a registered nurse and may not allow unlicensed personnel to perform functions under the direct clinical supervision of a registered nurse that require a substantial amount of scientific knowledge and technical skills, including, but not limited to, any of the following:

- (1) Administration of medication.
- (2) Venipuncture or intravenous therapy.
- (3) Parenteral or tube feedings.
- (4) Invasive procedures including inserting nasogastric tubes, inserting catheters, or tracheal suctioning.
- (5) Assessment of patient condition.

(6) Educating patients and their families concerning the patient's health care problems, including post-discharge care.

(7) Moderate complexity laboratory tests.

(b) This section shall not preclude any person from performing any act or function that he or she is authorized to perform pursuant to Division 2 (commencing with Section 500) or pursuant to existing statute or regulation as of July 1, 1999.

2725.4 Abortion by aspiration techniques; Requirements

Notwithstanding any other provision of this chapter, the following shall apply:

(a) In order to perform an abortion by aspiration techniques pursuant to Section 2253, a person with a license or certificate to practice as a nurse practitioner or a certified nurse-midwife shall complete training recognized by the Board of registered Nursing. Beginning January 1, 2014, and until January 1, 2016, the competency-based training protocols established by Health Workforce Pilot Project (HWPP) No. 171 through the Office of Statewide Health Planning and Development shall be used.

(b) In order to perform an abortion by aspiration techniques pursuant to Section 2253, a person with a license or certificate to practice as a nurse practitioner or a certified nurse-midwife shall adhere to standardized procedures developed in compliance with subdivision (c) of Section 2725 that specify all of the following:

- 1. The extent of supervision by a physician and surgeon with relevant training and expertise.**
- 2. Procedures for transferring patients to the care of the physician and surgeon or a hospital**
- 3. Procedures for obtaining assistance and consultation from a physician and surgeon.**
- 4. Procedures for providing emergency care until physician assistance and consultation are available.**
- 5. The method of periodic review of the provisions of the standardized procedures**

(c) A nurse practitioner or certified nurse-midwife who has completed training and achieved clinical competency through HWPP No. 171 shall be authorized to perform abortions by aspiration techniques pursuant to Section 2253 without prior completion of training and validation of clinical competency.

2725.5. "Advanced practice registered nurse" means those licensed registered nurses who have met the requirements of Article 2.5 (commencing with Section 2746), Article 7 (commencing with Section 2825), Article 8 (commencing with Section 2834), or Article 9 (commencing with Section 2838).

2726. Except as otherwise provided herein, this chapter confers no authority to practice medicine or surgery.

2727. This chapter does not prohibit:

- (a) Gratuitous nursing of the sick by friends or members of the family.
- (b) Incidental care of the sick by domestic servants or by persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.
- (c) Domestic administration of family remedies by any person.

(d) Nursing services in case of an emergency. "Emergency," as used in this subdivision includes an epidemic or public disaster.

(e) The performance by any person of such duties as required in the physical care of a patient and/or carrying out medical orders prescribed by a licensed physician; provided, such person shall not in any way assume to practice as a professional, registered, graduate or trained nurse.

2727.5. A person licensed under this chapter who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of that person's employment shall not be liable for any civil damages as the result of acts or omissions by that person in rendering the emergency care.

This section shall not grant immunity from civil damages when the person is grossly negligent.

2728. If adequate medical and nursing supervision by a professional nurse or nurses is provided, nursing service may be given by attendants, psychiatric technicians, or psychiatric technician interim permittees in institutions under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services or subject to visitation by the State Department of Public Health or the Department of Corrections and Rehabilitation. Services so given by a psychiatric technician shall be limited to services which he or she is authorized to perform by his or her license as a psychiatric technician. Services so given by a psychiatric technician interim permittee shall be limited to skills included in his or her basic course of study and performed under the supervision of a licensed psychiatric technician or registered nurse.

The Director of State Hospitals, the Director of Developmental Services, and the State Public Health Officer shall determine what shall constitute adequate medical and nursing supervision in any institution under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services or subject to visitation by the State Department of Public Health.

Notwithstanding any other provision of law, institutions under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services may utilize graduates of accredited psychiatric technician training programs who are not licensed psychiatric technicians or psychiatric technician interim permittees to perform skills included in their basic course of study when supervised by a licensed psychiatric technician or registered nurse, for a period not to exceed nine months.

2728.5. Except for those provisions of law relating to directors of nursing services, nothing in this chapter or any other provision of law shall prevent the utilization of a licensed psychiatric technician or psychiatric technician interim permittee in performing services used in the care, treatment, and rehabilitation of mentally ill, emotionally disturbed, or developmentally disabled persons within the scope of practice for which he or she is licensed or authorized in facilities under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services or licensed by the State Department of Public Health, that he or she is licensed to perform as a psychiatric technician, or authorized to perform as a psychiatric technician interim permittee including any nursing services under Section 2728, in facilities under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services or subject to visitation by the State Department of Public Health.

2729. Nursing services may be rendered by a student when these services are incidental to the course of study of one of the following:

- (a) A student enrolled in a board-approved prelicensure program or school of nursing.
- (b) A nurse licensed in another state or country taking a board-approved continuing education course or a postlicensure course.

2730. If he does not represent or hold himself out as a professional nurse licensed to practice in this State and if he has an engagement, made in another State or country, requiring him to accompany and care for a patient temporarily residing in this State during the period of such engagement, a nurse legally qualified by another State or country may give nursing care to such patient in this State.

2731. This chapter does not prohibit nursing or the care of the sick, with or without compensation or personal profit, when done by the adherents of and in connection with the practice of the religious tenets of any well recognized church or denomination, so long as they do not otherwise engage in the practice of nursing.

2732. No person shall engage in the practice of nursing, as defined in Section 2725, without holding a license which is in an active status issued under this chapter except as otherwise provided in this act.

Every licensee may be known as a registered nurse and may place the letter "R. N." after his name.

2732.05. (a) Every employer of a registered nurse, every employer of a registered nurse required to hold any board-issued certification, and every person acting as an agent for such a nurse in obtaining employment, shall ascertain that the nurse is currently authorized to practice as a registered nurse or as a registered nurse pursuant to a board-issued certification within the provisions of this chapter. As used in this section, "board-issued certification" includes, but is not limited to, certification as a nurse practitioner, nurse practitioner with a furnishing number, nurse anesthetist, nurse midwife, nurse midwife with a furnishing number, public health nurse, clinical nurse specialist, or board listed psychiatric mental health nurse.

(b) Every employer of a temporary licensee or interim permittee and every person acting as an agent for a temporary licensee or interim permittee in obtaining employment shall ascertain that the person is currently authorized to practice as a temporary licensee or interim permittee.

(c) As used in this section, the term "agent" includes, but is not limited to, a nurses' registry and a traveling nurse agency.

Examination by an employer or agent of evidence satisfactory to the board showing the nurse's, licensee's, or permittee's current authority to practice under this chapter, prior to employment, shall constitute a determination of authority to so practice.

Nothing in this section shall apply to a patient, or other person acting for a specific patient, who engages the services of a registered nurse or temporary licensee to provide nursing care to a single patient.

2732.1. (a) An applicant for license by examination shall submit a written application in the form prescribed by the board.

Upon approval of the application, the board may issue an interim permit authorizing the applicant to practice nursing pending the results of the first licensing examination following completion of his or her nursing course or for a maximum period of six months, whichever occurs first.

If the applicant passes the examination, the interim permit shall remain in effect until a regular renewable license is issued by the board. If the applicant fails the examination, the interim permit shall terminate upon notice thereof by first-class mail.

(b) The board upon written application may issue a license without examination to any applicant who is licensed or registered as a nurse in a state, district or territory of the United States or Canada having, in the opinion of the board, requirements for licensing or registration equal to or higher than those in California at the time the application is filed with the Board of Registered Nursing, if he or she has passed an examination for the license or registration that is, in the board's opinion, comparable to the board's examination, and if he or she meets all the other requirements set forth in Section 2736.

(c) Each application shall be accompanied by the fee prescribed by this chapter for the filing of an application for a regular renewable license.

The interim permit shall terminate upon notice thereof by first-class mail, if it is issued by mistake or if the application for permanent licensure is denied.

2733. (a) Upon approval of an application filed pursuant to subdivision (b) of Section 2732.1, and upon the payment of the fee prescribed by subdivision (k) of Section 2815, the board may issue a temporary license to practice professional nursing, and a temporary certificate to practice as a certified nurse midwife, certified nurse practitioner, certified public health nurse, certified clinical nurse specialist, or certified nurse anesthetist for a period of six months from the date of issuance.

A temporary license or temporary certificate shall terminate upon notice thereof by certified mail, return receipt requested, if it is issued by mistake or if the application for permanent licensure is denied.

(b) Upon written application, the board may reissue a temporary license or temporary certificate to any person who has applied for a regular renewable license pursuant to subdivision (b) of Section 2732.1 and who, in the judgment of the board has been excusably delayed in completing his or her application for or the minimum requirements for a regular renewable license, but the board may not reissue a temporary license or temporary certificate more than twice to any one person.

2734. Upon application in writing to the board and payment of the biennial renewal fee, a licensee may have his license placed in an inactive status for an indefinite period of time. A licensee whose license is in an inactive status may not practice nursing. However, such a licensee does not have to comply with the continuing education standards of Section 2811.5.

2736. (a) An applicant for licensure as a registered nurse shall comply with each of the following:

(1) Have completed such general preliminary education requirements as shall be determined by the board.

(2) Have successfully completed the courses of instruction prescribed by the board for licensure, in a program in this state accredited by the board for training registered nurses, or have

successfully completed courses of instruction in a school of nursing outside of this state which, in the opinion of the board at the time the application is filed with the Board of Registered Nursing, are equivalent to the minimum requirements of the board for licensure established for an accredited program in this state.

(3) Not be subject to denial of licensure under Section 480.

(b) An applicant who has received his or her training from a school of nursing in a country outside the United States and who has complied with the provisions of subdivision (a), or has completed training equivalent to that required by subdivision (a), shall qualify for licensure by successfully passing the examination prescribed by the board.

2736.1. (a) The course of instruction for an applicant who matriculates on or after September 1, 1985, shall include training in the detection and treatment of alcohol and chemical substance dependency.

(b) The course of instruction for an applicant who matriculates on or after January 1, 1995, shall include training in the detection and treatment of client abuse, including, but not limited to, spousal or partner abuse. The requirement for coursework in spousal or partner abuse detection and treatment shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.

2736.5. (a) Any person who has served on active duty in the medical corps of any of the Armed Forces of the United States and who has successfully completed the course of instruction required to qualify him or her for rating as a medical service technician—independent duty, or other equivalent rating in his particular branch of the Armed Forces, and whose service in the Armed Forces has been under honorable conditions, may submit the record of such training to the board for evaluation.

(b) If such person meets the qualifications of paragraphs (1) and (3) of subdivision (a) of Section 2736, and if the board determines that his or her education would give reasonable assurance of competence to practice as a registered nurse in this state, he or she shall be granted a license upon passing the standard examination for such licensure.

(c) The board shall, by regulation, establish criteria for evaluating the education of applicants under this section.

(d) The board shall maintain records of the following categories of applicants under this section:

(1) Applicants who are rejected for examination, and the areas of such applicants' preparation which are the causes of rejection.

(2) Applicants who are qualified by their military education alone to take the examination, and the results of their examinations.

(3) Applicants who are qualified to take the examination by their military education plus supplementary education, and the results of their examinations.

(e) The board shall attempt to contact by mail or other means individuals meeting the requirements of subdivision (a) who have been or will be discharged or separated from the Armed Forces of the United States, in order to inform them of the application procedure provided by this section. The board may enter into an agreement with the federal government in order to secure the names and addresses of such individuals.

2736.6. The board shall determine by regulation the additional preparation in nursing, in a school approved by the board, which is required for a vocational nurse, licensed under Chapter 6.5 (commencing with Section 2840) of this division, to be eligible to take the examination for licensure under this chapter as a registered nurse. The board shall not require more than 30 units in nursing and related science subjects to satisfy such preparation.

2737. An applicant for a license authorizing him to practice nursing in this State under this chapter, upon the filing of his application shall pay the fee required by this chapter.

2738. The board shall hold not less than two examinations each year at such times and places as the board may determine.

2740. Examinations shall be written, but in the discretion of the board may be supplemented by an oral or practical examination in such subjects as the board determines. All examinations shall be conducted by such persons and in such manner and under such rules and regulations as the board may prescribe.

The board shall finally pass or reject all applicants. Its actions shall be final and conclusive and not subject to review by any court or other authority.

2741. An application for reexamination shall be accompanied by the fees prescribed by this chapter.

2742. The board shall issue a license to each applicant who passes the examination and meets all other licensing requirements. The form of the license shall be determined in accordance with Section 164.



OFFICIAL NOTICE

INDUSTRIAL WELFARE COMMISSION

ORDER NO. 5-2001

REGULATING

WAGES, HOURS AND WORKING CONDITIONS IN THE

PUBLIC HOUSEKEEPING INDUSTRY

Effective July 1, 2002 as amended

Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations, effective January 1, 2023, 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

Please Post With This Side Showing
OFFICIAL NOTICE

Effective July 1, 2002 as amended

*Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations,
effective January 1, 2023, pursuant to SB3, Chapter 4, Statutes of 2016 and
section 1182.13 of the Labor Code*



**INDUSTRIAL WELFARE COMMISSION
ORDER NO. 5-2001
REGULATING
WAGES, HOURS AND WORKING CONDITIONS IN THE
PUBLIC HOUSEKEEPING INDUSTRY**

TAKE NOTICE: To employers and representatives of persons working in industries and occupations in the State of California: The Department of Industrial Relations amends and republishes the minimum wage and meals and lodging credits in the Industrial Welfare Commission's Orders as a result of legislation enacted (SB 3, Ch. 4, Stats of 2016, amending section 1182.12 of the California Labor Code), and pursuant to section 1182.13 of the California Labor Code. The amendments and republishing make no other changes to the IWC's Orders.

1. APPLICABILITY OF ORDER

This order shall apply to all persons employed in the public housekeeping industry whether paid on a time, piece rate, commission, or other basis, except that:

(A) Except as provided in Sections 1,2,4,10, and 20, the provisions of this order shall not apply to student nurses in a school accredited by the California Board of Registered Nursing or by the Board of Vocational Nurse and Psychiatric Technician Examiners are exempted by the provisions of sections 2789 or 2884 of the Business and Professions Code;

(B) Provisions of sections 3 through 12 shall not apply to persons employed in administrative, executive, or professional capacities. The following requirements shall apply in determining whether an employee's duties meet the test to qualify for an exemption to those sections:

(1) Executive Exemption. A person employed in an executive capacity means any employee:

(a) Whose duties and responsibilities involve the management of the enterprise in which he or she is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretion and independent judgment; and

(e) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such items are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.102, 541.104-111, and 541.115-116. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the work week must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

(f) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.

(2) Administrative Exemption. A person employed in an administrative capacity means any employee:

(a) Whose duties and responsibilities involve either:

(i) The performance of office or non-manual work directly related to management policies or general business operations of his employer or his employer's customers; or

(ii) The performance of functions directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c) Who regularly and directly assists a proprietor or an employee employed in a bona fide executive or administrative capacity (as such terms are defined for purposes of this section); or

(d) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge; or

(e) Who executes under only general supervision special assignments and tasks; and

(f) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such terms are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.201-205, 541.207-208, 541.210, and 541.215.

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

(g) Such employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.

(3) Professional Exemption. A person employed in a professional capacity means any employee who meets *all* of the following requirements:

(a) Who is licensed or certified by the State of California and is primarily engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting; or

(b) Who is primarily engaged in an occupation commonly recognized as a learned or artistic profession. For the purposes of this subsection, "learned or artistic profession" means an employee who is primarily engaged in the performance of:

(i) Work requiring knowledge of an advanced type in a field or science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or work that is an essential part of or necessarily incident to any of the above work; or

(ii) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the above work; and

(iii) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

(c) Who customarily and regularly exercises discretion and independent judgment in the performance of duties set forth in paragraph (a).

(d) Who earns a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515 (c) as 40 hours per week.

(e) Subparagraph (b) above is intended to be construed in accordance with the following provisions of federal law as they existed as of the date of this Wage Order: 29 C.F.R. Sections 541.207, 541.301(a)-(d), 541.302, 541.306, 541.307, 541.308, and 541.310.

(f) Notwithstanding the provisions of this subparagraph, pharmacists employed to engage in the practice of pharmacy, and registered nurses employed to engage in the practice of nursing, shall not be considered exempt professional employees, nor shall they be considered exempt from coverage for the purposes of this subsection unless they individually meet the criteria established for exemption as executive or administrative employees.

(g) Subparagraph (f) above, shall not apply to the following advanced practice nurses:

(i) Certified nurse midwives who are primarily engaged in performing duties for which certification is required pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code.

(ii) Certified nurse anesthetists who are primarily engaged in performing duties for which certification is required pursuant to Article 7 (commencing with Section 2825) of Chapter 6 of Division 2 of the Business and Professions Code.

(iii) Certified nurse practitioners who are primarily engaged in performing duties for which certification is required pursuant to Article 8 (commencing with Section 2834) of Chapter 6 of Division 2 of the Business and Professions Code.

(iv) Nothing in this subparagraph shall exempt the occupations set forth in clauses (i), (ii), and (iii) from meeting the requirements of subsection 1(B)(3)(a)-(d), above.

(h) Except as provided in subparagraph (i), an employee in the computer software field who is paid on an hourly basis shall be exempt, if *all* of the following apply:

(i) The employee is primarily engaged in work that is intellectual or creative and requires the exercise of discretion and independent judgment.

(ii) The employee is primarily engaged in duties that consist of one or more of the following:

—The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications.

—The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to, user or system design specifications.

—The documentation, testing, creation, or modification of computer programs related to the design of software or hardware for computer operating systems.

(iii) The employee is highly skilled and is proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering. A job title shall not be determinative of the applicability of this exemption.

(iv) The employee's hourly rate of pay is not less than forty-one dollars (\$41.00). The Office of Policy, Research and Legislation shall adjust this pay rate on October 1 of each year to be effective on January 1 of the following year by an amount equal to the percentage increase in the California Consumer Price Index for Urban Wage Earners and

Clerical Workers.¹

(i) The exemption provided in subparagraph (h) does not apply to an employee if *any* of the following apply:

(i) 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 engineering.

(ii) The employee is in a computer-related occupation but has not attained the level of skill and expertise necessary to work independently and without close supervision.

(iii) The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of computer hardware and related equipment.

(iv) 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 CAD/CAM, but who is not in a computer systems analysis or programming occupation.

(v) The employee is a writer engaged in writing material, including box labels, product descriptions, documentation, promotional material, setup and installation instructions, and other similar written information, either for print or for onscreen 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.

(vi) 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.

(C) Except as provided in Sections 1, 2, 4, 10, and 20, the provisions of this order shall not apply to any employees directly employed by the State or any political subdivision thereof, including any city, county, or special district.

(D) The provisions of this order shall not apply to outside salespersons.

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

(F) The provisions of this order shall not apply to any individual participating in a national service program, such as 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.)

2. DEFINITIONS

(A) An "alternative workweek schedule" means any regularly scheduled workweek requiring an employee to work more than eight (8) hours in a 24-hour period.

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

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

(D) "Emergency" means an unpredictable or unavoidable occurrence at unscheduled intervals requiring immediate action.

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

(F) "Employee" means any person employed by an employer, and includes any lessee who is charged rent, or who pays rent for a chair, booth, or space and

(1) who does not use his or her own funds to purchase requisite supplies, and

(2) who does not maintain an appointment book separate and distinct from that of the establishment in which the space is located, and

(3) who does not have a business license where applicable.

(G) "Employees in the Healthcare Industry" means any of the following:

(1) Employees in the healthcare industry providing patient care; or

(2) Employees in the healthcare industry working in a clinical or medical department, including pharmacists dispensing prescriptions in any practice setting; or

(3) Employees in the healthcare industry working primarily or regularly as a member of a patient care delivery team

(4) Licensed veterinarians, registered veterinary technicians and unregistered animal health technicians providing patient care.

(H) "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.

(I) "Healthcare Emergency" consists of an unpredictable or unavoidable occurrence at unscheduled intervals relating to healthcare delivery, requiring immediate action.

(J) "Healthcare Industry" is defined as hospitals, skilled nursing facilities, intermediate care and residential care facilities, convalescent care institutions, home health agencies, clinics operating twenty-four (24) hours per day, and clinics performing surgery, urgent care, radiology, anesthesiology, pathology, neurology or dialysis.

(K) "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, and in the case of an employee who is required to reside on the employment premises, that time spent carrying out assigned duties shall be counted as hours

¹ Pursuant to Labor Code section 515.5, subdivision (a)(4), the Office of the Director - Research, Department of Industrial Relations, has adjusted the minimum hourly rate of pay specified in this subdivision to be \$49.77, effective January 1, 2007. This hourly rate of pay is adjusted on October 1 of each year to be effective on January 1, of the following year, and may be obtained at <https://www.dir.ca.gov/OPRL/ComputerSoftware.htm> or by mail from the Department of Industrial Relations.

worked. Within the health care industry, the term "hours worked" means the time during which an employee is suffered or permitted to work for the employer, whether or not required to do so, as interpreted in accordance with the provisions of the Fair Labor Standards Act.

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

(M) "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.

(N) "Personal attendant" includes baby sitters and means any person employed by a non-profit organization covered by this order to supervise, feed or dress a child or person who by reason of advanced age, physical disability or mental deficiency needs supervision. The status of "personal attendant" shall apply when no significant amount of work other than the foregoing is required.

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

(P) "Public Housekeeping Industry" means any industry, business, or establishment which provides meals, housing, or maintenance services whether operated as a primary business or when incidental to other operations in an establishment not covered by an industry order of the Commission, and includes, but is not limited to the following:

(1) Restaurants, night clubs, taverns, bars, cocktail lounges, lunch counters, cafeterias, boarding houses, clubs, and all similar establishments where food in either solid or liquid form is prepared and served to be consumed on the premises;

(2) Catering, banquet, lunch service, and similar establishments which prepare food for consumption on or off the premises;

(3) Hotels, motels, apartment houses, rooming houses, camps, clubs, trailer parks, office or loft buildings, and similar establishments offering rental of living, business, or commercial quarters;

(4) Hospitals, sanitariums, rest homes, child nurseries, child care institutions, homes for the aged, and similar establishments offering board or lodging in addition to medical, surgical, nursing, convalescent, aged, or child care;

(5) Private schools, colleges, or universities, and similar establishments which provide board or lodging in addition to educational facilities;

(6) Establishments contracting for development, maintenance or cleaning of grounds; maintenance or cleaning of facilities and/or quarters of commercial units and living units; and

(7) Establishments providing veterinary or other animal care services.

(Q) "Shift" means designated hours of work by an employee, with a designated beginning time and quitting time.

(R) "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.

(S) "Teaching" means, for the purpose of section 1 of this Order, the profession of teaching under a certificate from the Commission for Teacher Preparation and Licensing or teaching in an accredited college or university.

(T) "Wages" include all amounts of 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.

(U) "Workday" and "day" mean any consecutive 24-hour period beginning at the same time each calendar day.

(V) "Workweek" and "week" mean 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) Daily Overtime - General Provisions

(1) The following overtime provisions are applicable to employees 18 years of age or over and to employees 16 or 17 years of age who are not required by law to attend school and are not otherwise prohibited by law from engaging in the subject work. Such employees shall not be employed more than eight (8) hours in any workday or more than 40 hours in any workweek unless the employee receives one and one-half ($1\frac{1}{2}$) times such employee's regular rate of pay for all hours worked over 40 hours in the workweek. Eight (8) hours of labor constitutes a day's work. Employment beyond eight (8) hours in any workday or more than six (6) days in any workweek is permissible provided the employee is compensated for such overtime at not less than:

(a) One and one-half ($1\frac{1}{2}$) 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 workday, and for the first eight (8) hours worked on the seventh (7th) consecutive day of work in a workweek; and

(b) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight (8) hours on the seventh (7th) consecutive day of work in a workweek.

(c) The overtime rate of compensation required to be paid to a nonexempt full-time salaried employee shall be computed by using the employee's regular hourly salary as one fortieth ($1/40$) of the employee's weekly salary.

(2) Employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, are receiving 24 hour residential care, may, without violating any provision of this section, be compensated as follows:

(a) An employee who works in excess of 40 hours in a workweek shall be compensated at one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay for all hours over 40 hours in the workweek.

(b) An employee shall be compensated at two (2) times the employee's regular rate of pay for all hours in excess of 48 hours in the workweek.

(c) An employee shall be compensated at two (2) times the employee's regular rate of pay for all hours in excess of 16 in a workday.

(d) No employee shall work more than 24 consecutive hours until said employee receives not less than eight (8) consecutive hours off-duty immediately following the 24 consecutive hours of work. Time spent sleeping shall not be included as hours worked.

(e) Section (A)(2) above shall apply to employees of 24 hour non-medical out of home licensed residential facilities of 15 beds or fewer for the developmentally disabled, elderly, and mentally ill adults.

This section, (3)(A)(2)(e), shall sunset on July 1, 2005.

(B) Alternative Workweek Schedules

(1) No employer shall be deemed to have violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order, a regularly scheduled alternative workweek schedule of not more than ten (10) hours per day within a 40 hour workweek without the payment of an overtime rate of compensation. All work performed in any workday beyond the schedule established by the agreement up to twelve (12) hours a day or beyond 40 hours per week shall be paid at one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay. All work performed in excess of twelve (12) hours per day and any work in excess of eight (8) hours on those days worked beyond the regularly scheduled number of workdays established by the alternative workweek agreement shall be paid at double the employee's regular rate of pay. Any alternative workweek agreement adopted 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 employer, at the request of the employee, to substitute one day of work for another day of the same length in the shift provided by the alternative workweek agreement on an occasional basis to meet the personal needs of the employee without the payment of overtime. No hours paid at either one and one-half ($1\frac{1}{2}$) or double the regular rate of pay shall be included in determining when 40 hours have been worked for the purpose of computing overtime compensation.

(2) If an employer, whose employees have adopted an alternative workweek agreement permitted by this order requires an employee to work fewer hours than those that are regularly scheduled by the agreement, the employer shall pay the employee overtime compensation at a rate of one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours, and double the employee's regular rate of pay for all hours worked in excess of 12 hours for the day the employee is required to work the reduced hours.

(3) An employer shall not reduce an employee's regular rate of hourly pay as a result of the adoption, repeal or nullification of an alternative workweek schedule.

(4) An employer shall explore any available reasonable alternative means of accommodating the religious belief or observance of an affected employee that conflicts with an adopted alternative workweek schedule, in the manner provided by subdivision (j) of Section 12940 of the Government Code.

(5) An employer shall make a reasonable effort to find a work schedule not to exceed eight (8) hours in a workday, in order to accommodate any affected employee who was eligible to vote in an election authorized by this Section and who is unable to work the alternative workweek schedule established as the result of that election.

(6) An employer shall be permitted, but not required, to provide a work schedule not to exceed eight (8) hours in a workday to accommodate any employee who is hired after the date of the election and who is unable to work the alternative workweek schedule established by the election.

(7) Arrangements adopted in a secret ballot election held pursuant to this order prior to 1998, or under the rules in effect prior to 1998, and before the performance of the work, shall remain valid after July 1, 2000 provided that the results of the election are reported by the employer to the Office of Policy, Research and Legislation by January 1, 2001, in accordance with the requirements of Section C below (Election Procedures). If an employee was voluntarily working an alternative workweek schedule of not more than ten (10) hours a day as of July 1, 1999, that alternative workweek was based on an individual agreement made after January 1, 1998 between the employee and employer, and the employee submitted, and the employer approved, a written request on or before May 30, 2000 to continue the agreement, the employee may continue to work that alternative workweek schedule without payment of an overtime rate of compensation for the hours provided in the agreement. An employee may revoke his or her voluntary authorization to continue such a schedule with 30 days written notice to the employer. New arrangements can only be entered into pursuant to the provisions of this section. Notwithstanding the foregoing, if a health care industry employer implemented a reduced rate for 12 hour shift employees in the last quarter of 1999 and desires to re-implement a flexible work arrangement that includes 12 hour shifts at straight time for the same work unit, the employer must pay a base rate to each affected employee in the work unit that is no less than that employee's base rate in 1999 immediately prior to the date of the rate reduction.

(8) Notwithstanding the above provisions regarding alternative workweek schedules, no employer of employees in the healthcare industry shall be deemed to have violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order a regularly scheduled alternative workweek schedule that includes work days exceeding ten (10) hours but not more than 12 hours within a 40-hour workweek without the payment of overtime compensation, provided that:

(a) An employee who works beyond 12 hours in a workday shall be compensated at double the employee's regular rate of pay for all hours in excess of (12);

(b) An employee who works in excess of 40 hours in a workweek shall be compensated at one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay for all hours over 40 hours in the workweek;

(c) Any alternative workweek agreement adopted pursuant to this section shall provide for not less than four (4) hours of work in any shift.

(d) The same overtime standards shall apply to employees who are temporarily assigned to a work unit covered

by this subsection;

(e) Any employer who instituted an alternative workweek schedule pursuant to this subsection shall make a reasonable effort to find another work assignment for any employee who participated in a valid election prior to 1998 pursuant to the provisions of Wage Orders 4 and 5 and who is unable to work the alternative workweek schedule established.

(f) An employer engaged in the operation of a licensed hospital or in providing personnel for the operation of a licensed hospital who institutes, pursuant to a valid order of the Commission, a regularly scheduled alternative workweek that includes no more than three 12-hour workdays, shall make a reasonable effort to find another work assignment for any employee who participated in the vote which authorized the schedule and is unable to work the 12-hour shifts. An employer shall not be required to offer a different work assignment to an employee if such a work assignment is not available or if the employee was hired after the adoption of the 12 hour, three (3) day alternative workweek schedule.

(9) No employee assigned to work a 12 hour shift established pursuant to this Order shall be required to work more than 12 hours in any 24 hour period unless the Chief Nursing Officer or authorized executive declares that:

(a) A "healthcare emergency", as defined, exists in this Order, and

(b) All reasonable steps have been taken to provide required staffing, and

(c) Considering overall operational status needs, continued overtime is necessary to provide required staffing.

(10) Provided further that no employee shall be required to work more than 16 hours in a 24-hour period unless by voluntary mutual agreement of the employee and employer, and no employee shall work more than 24 consecutive hours until said employee receives not less than eight (8) consecutive hours off-duty immediately following the 24 consecutive hours of work.

(11) Notwithstanding subsection (B)(9) above, an employee may be required to work up to 13 hours in any 24-hour period if the employee scheduled to relieve the subject employee does not report for duty as scheduled and does not inform the employer more than two (2) hours in advance of that scheduled shift that he/she will not be appearing for duty as scheduled.

(C) Election Procedures

Election procedures for the adoption and repeal of alternative workweek schedules require the following:

(1) Each proposal for an alternative workweek schedule shall be in the form of a written agreement proposed by the employer. The proposed agreement must designate a regularly scheduled alternative workweek in which the specified number of 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, or a menu of work schedule options, from which each employee in the unit would be entitled to choose. If the employer proposes a menu of work schedule options, the employee may, with the approval of the employer, move from one menu option to another.

(2) In order to be valid, the proposed alternative workweek schedule must be adopted in a secret ballot election, before the performance of work, by at least a two-thirds (2/3) vote of the affected employees in the work unit. The election shall be held during regular working hours at the employees' work site. For purposes of this subsection, "affected employees in the work unit" may include all employees in a readily identifiable work unit, such as a division, a department, a job classification, a shift, a separate physical location, or a recognized subdivision of any such work unit. A work unit may consist of an individual employee as long as the criteria for an identifiable work unit in this subsection is met.

(3) Prior to the secret ballot vote, any employer who proposed to institute an alternative workweek schedule shall have made a disclosure in writing to the affected employees, including the effects of the proposed arrangement on the employees' wages, hours, and benefits. Such a disclosure shall include meeting(s), duly noticed, held at least fourteen (14) days prior to voting, for the specific purpose of discussing the effects of the alternative workweek schedule. An employer shall provide that disclosure in a non-English 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 shall make the election null and void.

(4) Any election to establish or repeal an alternative workweek schedule shall be held at the work site of the affected employees. The employer shall bear the costs of conducting any election held pursuant to this section. Upon a complaint by an affected employee, and after an investigation by the Labor Commissioner, the Labor Commissioner may require the employer to select a neutral third party to conduct the election.

(5) Any type of alternative workweek schedule that is authorized by the Labor Code may be repealed by the affected 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 (2/3) vote of the affected employees shall be required to reverse the alternative workweek schedule. The election to repeal the alternative workweek schedule shall be held not more than 30 days after the petition is submitted to the employer, except that the election shall be held not less than 12 months after the date that the same group of employees voted in an election held to adopt or repeal an alternative workweek schedule. However, where an alternative workweek schedule was adopted between October 1, 1999 and October 1, 2000, a new secret ballot election to repeal that alternative workweek schedule shall not be subject to the 12-month interval between elections. The election shall take place during regular working hours at the employees' work site. If the alternative workweek schedule is revoked, the employer shall comply within 60 days. Upon proper showing of undue hardship, the Division of Labor Standards Enforcement may grant an extension of time for compliance.

(6) Only secret ballots may be cast by affected employees in the work unit at any election held pursuant to this section. The results of any election conducted pursuant to this section shall be reported by the employer to the Office of Policy, Research and Legislation within 30 days after the results are final, and the report of election results shall be a public document.

The report shall include the final tally of the vote, the size of the unit, and the nature of the business of the employer.

(7) Employees affected by a change in the work hours resulting from the adoption of an alternative workweek schedule may not be required to work those new work hours for at least 30 days after the announcement of the final results of the election.

(8) Employers shall not intimidate or coerce employees to vote either in support of or in opposition to a proposed alternative work- week. No employees shall be discharged or discriminated against for expressing opinions concerning the alternative workweek election or for opposing or supporting its adoption or repeal. However, nothing in this section shall prohibit an employer from expressing his/her position concerning that alternative workweek to the affected employees. A violation of this subsection shall be subject to Labor Code section 98 et seq.

(D) No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises shall be deemed to have violated any provision of this section if, pursuant to an agreement or understanding arrived at between the employer and employee before performance of work, a work period of 14 consecutive days is accepted in lieu of the workweek of seven (7) consecutive days for purposes of overtime computation and if, for any employment in excess of 80 hours in such 14 day period, the employee receives compensation at a rate not less than one and one-half ($1\frac{1}{2}$) times the regular rate at which the employee is employed.

(E) This section does not apply to organized camp counselors who are not employed more than 54 hours and not more than six (6) days in any workweek except under the conditions set forth below. This section shall also not apply to personal attendants as defined in Section 2 (N), nor to resident managers of homes for the aged having less than eight (8) beds; provided that persons employed in such occupations shall not be employed more than 40 hours nor more than six (6) days in any workweek, except under the following conditions:

In the case of emergency, employees may be employed in excess of forty (40) hours or six (6) days in any workweek provided the employee is compensated for all hours in excess of 40 hours and days in excess of six (6) days in the workweek at not less than one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay. However, regarding organized camp counselors, in case of emergency they may be employed in excess of 54 hours or six (6) days, provided that they are compensated at not less than one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay for all hours worked in excess of 54 hours and six (6) days in the workweek.

(F) One and one-half ($1\frac{1}{2}$) times a minor's regular rate of pay shall be paid for all work over 40 hours in any workweek except minors 16 or 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 subsection (A), (B), (C), or (D) above.

(VIOLATIONS OF CHILD LABOR LAWS are subject to civil penalties of from \$500 to \$10,000 as well as to criminal penalties. Refer to California Labor Code sections 1285 to 1312 and 1390 to 1399 for additional restrictions on the employment 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.)

(G) An employee may be employed on seven (7) workdays in a workweek when the total hours of employment during such workweek do not exceed 30 and the total hours of employment in any one workday thereof do not exceed six (6).

(H) If a meal period occurs on a shift beginning or ending at or between the hours of 10 p.m. and 6 a.m., facilities shall be available for securing hot food and drink or for heating food or drink, and a suitable sheltered place shall be provided in which to consume such food or drink.

(I) The provisions of this section are not applicable to employees whose hours of service are regulated by:

(1) The United States Department of Transportation Code of Federal Regulations, title 49, sections 395.1 to 395.13, Hours of Service of Drivers, or

(2) Title 13 of the California Code of Regulations, subchapter 6.5, section 1200 and following sections, regulating hours or drivers.

(J) The daily overtime provisions of subsection (A) above shall not apply to ambulance drivers and attendants scheduled for 24 hours shifts of duty who have agreed in writing to exclude from daily time worked not more than three (3) meal periods of not more than one hour each and a regularly scheduled uninterrupted sleeping period of not more than eight (8) hours. The employer shall provide adequate dormitory and kitchen facilities for employees on such a schedule.

(K) The provisions of Labor Code Sections 551 and 552 regarding one (1) day's rest in seven (7) shall not be construed to prevent an accumulation of days of rest when the nature of the employment reasonably requires the employee to work seven (7) or more consecutive days; provided, however, that in each calendar month, the employee shall receive the equivalent of one (1) day's rest in seven (7).

(L) Except as provided in subsections (F) and (K), this section shall not apply to any employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage.

(M) Notwithstanding subsection (L) above, where the employer and a labor organization representing employees of the employer have entered into a valid collective bargaining agreement pertaining to the hours of work of the employees, the requirement regarding the equivalent of one (1) day's rest in seven (7) (see subsection (K) above) shall apply, unless the agreement expressly provides otherwise.

(N) 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 personal obligation of the employee, the hours of that make up work time, if performed in the same workweek in which the work time 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 knows in advance that he or she will be requesting make up time for a personal obligation that will recur at a fixed time over a

succession of weeks, the employee may request to make up work time for up to four (4) weeks in advance; provided, however, that the make up work must be performed in the same week that the work time was lost. An employee shall provide a signed written request for each occasion that the employee makes a request to make up work time pursuant to this Section. While an employer may inform an employee of this make up time option, the employer is prohibited from encouraging or otherwise soliciting an employee to request the employer's approval to take personal time off and make up the work hours within the same workweek pursuant to this Section.

4. MINIMUM WAGES

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

- (1) All employers, regardless of the number of employees, shall pay to each employee fifteen dollars and fifty cents (\$15.50) per hour for all hours worked, effective January 1, 2023.
- (2) Prior to January 1, 2023, any employer who employs 26 or more employees shall pay to each employee wages not less than the following:
 - (a) Thirteen dollars (\$13.00) per hour for all hours worked, effective January 1, 2020;
 - (b) Fourteen dollars (\$14.00) per hour for all hours worked, effective January 1, 2021; and
 - (c) Fifteen dollars (\$15.00) per hour for all hours worked, effective January 1, 2022.
- (3) Prior to January 1, 2023, any employer who employs 25 or fewer employees shall pay to each employee wages not less than the following:
 - (a) Twelve dollars (\$12.00) per hour for all hours worked, effective January 1, 2020;
 - (b) Thirteen dollars (\$13.00) per hour for all hours worked, effective January 1, 2021;
 - (c) Fourteen dollars (\$14.00) per hour for all hours worked, effective January 1, 2022.

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. LEARNERS. Employees 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 85 percent of the minimum wage rounded to the nearest nickel.

(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) 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.

(D) 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 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) 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) Birth date, 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, break- age, 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.

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. Notwithstanding any other provision of this section, employees in beauty salons, schools of beauty culture offering beauty care to the public for a fee, and barber shops may be required to furnish their own manicure implements, curling irons, rollers, clips, haircutting scissors, combs, blowers, razors, and eyebrow tweezers. 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.

10. MEALS AND LODGING

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

(B) "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.

(C) 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: For an employer who employs:	JANUARY 1, 2020		JANUARY 1, 2021		JANUARY 1, 2022		JANUARY 1, 2023
	26 or More Employees	25 or Fewer Employees	26 or More Employees	25 or Fewer Employees	26 or More Employees	25 or Fewer Employees	All Employers regardless of number of Employees
LODGING Room occupied alone	\$61.13 /week	\$56.43 /week	\$65.83 /week	\$61.13 /week	\$70.53 /week	\$65.83 /week	\$72.88 /week

Room shared	\$50.46 /week	\$46.58 /week	\$54.34 /week	\$50.46 /week	\$58.22 /week	\$54.34 /week	\$60.16 /week
Apartment — two thirds (2/3) of the ordinary rental value, and in no event more than:	\$734.21 /month	\$677.75 /month	\$790.67 /month	\$734.21 /month	\$847.12 /month	\$790.67 /month	\$875.33 /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:	\$1086.07 /month	\$1002.56 /month	\$1169.59 /month	\$1086.07 /month	\$1253.10 /month	\$1169.59 /month	\$1294.83 /month
MEALS							
Breakfast	\$4.70	\$4.34	\$5.06	\$4.70	\$5.42	\$5.06	\$5.60
Lunch	\$6.47	\$5.97	\$6.97	\$6.47	\$7.47	\$6.97	\$7.72
Dinner	\$8.68	\$8.01	\$9.35	\$8.68	\$10.02	\$9.35	\$10.35

(D) 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.

(E) 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 five (5) hours without a meal period of not less than 30 minutes, except that when a work period of not more than six (6) hours will complete the day's work the meal period may be waived by mutual consent of the employer and employee. Unless the employee is relieved of all duty during a 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. The written agreement shall state that the employee may, in writing, revoke the agreement at any time.

(B) If an employer fails to provide an employee a meal period in accordance with the applicable provisions of this Order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each work day that the meal period is not provided.

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

(D) Notwithstanding any other provision of this order, employees in the health care industry who work shifts in excess of eight (8) total hours in a workday may voluntarily waive their right to one of their two meal periods. In order to be valid, any such waiver must be documented in a written agreement that is voluntarily signed by both the employee and the employer. The employee may revoke the waiver at any time by providing the employer at least one day's written notice. The employee shall be fully compensated for all working time, including any on-the-job meal period, while such a waiver is in effect.

(E) Employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, are receiving 24 hour residential care, and employees of 24 hour residential care facilities for the elderly, blind or developmentally disabled individuals may be required to work on-duty meal periods without penalty when necessary to meet regulatory or approved program standards and one of the following two conditions is met:

- (1) The residential care employees eats with residents during residents' meals and the employer provides the same meal at no charge to the employee; or
- (2) The employee is in sole charge of the resident(s) and, on the day shift, the employer provides a meal at no charge to the employee.

(F) An employee, except for the night shift, may exercise the right to have an off-duty meal period upon 30 days' notice to the employer for each instance where an off-duty meal is desired, provided that, there shall be no more than one off-duty meal period every two weeks.

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 (3½) hours. Authorized rest period time shall be counted, as hours worked, for which there shall be no deduction from wages.

(B) If an employer fails to provide an employee a rest period in accordance with the applicable provisions of this Order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each work day that the rest period is not provided.

(C) However, employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, are receiving 24 hour residential care and employees of 24 hour residential care facilities for elderly, blind or developmentally disabled individuals may, without penalty, require an employee to remain on the premises and maintain general supervision of residents during rest periods if the employee is in sole charge of residents. Another rest period shall be authorized and permitted by the employer when an employee is affirmatively required to interrupt his/her break to respond to the needs of residents.

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 non-working hours. When the occupation requires a change of clothing, changerooms 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) Suitable resting facilities shall be provided in an area separate from the toilet rooms and shall be available to employees during work hours.

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

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 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.

18. FILING REPORTS

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

19. INSPECTION

(See California Labor Code, Section 1174)

20. PENALTIES

(See Labor Code, Section 1199)

(A) In addition to any other civil penalties provided by law, any employer or any other person acting on behalf of the employer who violates, or causes to be violated, the provisions of this order, shall be subject to the civil penalty of:

(1) Initial Violation — \$50.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to the amount which is sufficient to recover unpaid wages.

(2) Subsequent Violations — \$100.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to an amount which is sufficient to recover unpaid wages.

(3) The affected employee shall receive payment of all wages recovered.

(B) The Labor Commissioner may also issue citations pursuant to Labor Code § 1197.1 for non-payment of wages for overtime work in violation of this order.

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 workday. 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.

QUESTIONS ABOUT ENFORCEMENT of the Industrial Welfare Commission orders and reports of violations should be directed to the Labor Commissioner's Office. A listing of offices is on the back of this wage order. For the address and telephone number of the office nearest you, information can be found on the internet at <http://www.dir.ca.gov/DLSE/dlse.html> or under a search for "California Labor Commissioner's Office" on the internet or any other directory. The Labor Commissioner has offices in the following cities: Bakersfield, El Centro, Fresno, Long Beach, Los Angeles, Oakland, Redding, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Barbara, Santa Rosa, Stockton, Van Nuys.

SUMMARIES IN OTHER LANGUAGES

The Department of Industrial Relations will make summaries of wage and hour requirements in this Order available in Spanish, Chinese and certain other languages when it is feasible to do so. Mail your request for such summaries to the Department at:
P.O. Box 420603, San Francisco, CA 94142-0603.

RESUMEN EN OTROS IDIOMAS

El Departamento de Relaciones Industriales confeccionará un resumen sobre los requisitos de salario y horario de esta Disposición en español, chino y algunos otros idiomas cuando sea posible hacerlo. Envíe por correo su pedido por dichos resúmenes al Departamento a: P.O. Box 420603, San Francisco, CA 94142-0603.

其他文字的摘錄

工業關係處將摘錄本規則中有關工資和工時的規定，用西班牙文、中文印出。其他文字如有需要，也將同樣辦理。如果您有需要，可以來信索閱，請寄到：

Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

For further information or to file your complaints, visit <https://www.dir.ca.gov/dlse/dlse.html> or contact the State of California at the following department offices:

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

BAKERSFIELD

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

REDDING

Labor Commissioner's Office/DLSE
250 Hemsted Drive, 2nd Floor, Suite A
Redding, CA 96002
530-225-2655

SAN JOSE

Labor Commissioner's Office/DLSE
100 Paseo De San Antonio, Room 120
San Jose, CA 95113
408-277-1266

EL CENTRO

Labor Commissioner's Office/DLSE
1550 W. Main St.
El Centro, CA 92243
92243
760-353-0607

SACRAMENTO

Labor Commissioner's Office/DLSE
2031 Howe Ave, Suite 100
Sacramento, CA 95825
916-263-1811

SANTA ANA

Labor Commissioner's Office/DLSE
2 MacArthur Place Suite 800
Santa Ana, CA 92707
714-558-4910

FRESNO

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

SALINAS

Labor Commissioner's Office/DLSE
950 E. Blanco Rd., Suite 204
Salinas, CA 93901
831-443-3041

SANTA BARBARA

Labor Commissioner's Office/DLSE
411 E. Canon Perdido, Room 3
Santa Barbara, CA 93101
805-568-1222

LONG BEACH

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

SAN BERNARDINO

Labor Commissioner's Office/DLSE
464 West 4th Street, Room 348
San Bernardino, CA 92401
909-383-4334

SANTA ROSA

Labor Commissioner's Office/DLSE
50 "D" Street, Suite 360
Santa Rosa, CA 95404
707-576-2362

LOS ANGELES

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

SAN DIEGO

Labor Commissioner's Office/DLSE
7575 Metropolitan Dr., Room 210
San Diego, CA 92108
619-220-5451

STOCKTON

Labor Commissioner's Office/DLSE
31 E. Channel Street, Room 317
Stockton, CA 95202
209-948-7771

OAKLAND

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

SAN FRANCISCO

Labor Commissioner's Office/DLSE
455 Golden Gate Ave. 10th Floor
San Francisco, CA 94102
415-703-5300

VAN NUYS

Labor Commissioner's Office/DLSE
6150 Van Nuys Boulevard, Room 206
Van Nuys, CA 91401
818-901-5315

OAKLAND – HEADQUARTERS

Labor Commissioner's Office/DLSE
1515 Clay Street, Room 1302
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:

Prevailing Wage Hotline (415) 703-4774

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

WHICH IWC ORDER?

Classifications

This pamphlet is intended as a guide in determining the classifications of businesses and occupations under the Industrial Welfare Commission Orders.

These guidelines and classifications of employees are general in nature and the existence of specific facts and circumstances of the employment relationship and operations of a particular employer may require a different determination of proper classification that the general one set forth herein.

As new types of businesses and occupations are constantly coming into existence, there undoubtedly are businesses and occupations that have not been included herein. Additionally, as industry practices and business structures evolve, circumstances may dictate the change in classification of a particular occupation from one wage order to another wage order.

Employers are advised that while courts may find this pamphlet to be useful in determining the classification of business and occupations under the Industrial Welfare Commission Orders, courts are not required to follow the classifications of occupations listed herein and that compliance with the guidelines suggested herein do not establish a “safe harbor” for classifying an employee within a particular wage order.

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CLASSIFICATION OF EMPLOYEES: INDUSTRY OR OCCUPATION ORDER?

In order to determine which Industrial Welfare Commission (IWC) Order applies to an employer or a business, it is first necessary to determine if a business is covered by an industry order. An industry order (IWC Orders 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 13) regulates wages, hours and working conditions in specific industries. An order is an industry order if the title of the order contains the word “industry.” Otherwise, the order is an occupational order (IWC Orders 4, 14, 15, 16 and 17). Wage, hour and working condition regulations contained in an occupational order only apply when a business is not covered by an industry order.

Examples of IWC Orders, industry or occupational?

1. IWC Order 1 (manufacturing industry) applies to an office assistant employed by a company that builds automobiles because the company is covered by an industry order.
2. IWC Order 4 (an occupational order) applies to an office assistant employed in a law firm because a law firm is not covered by an industry order.
3. IWC Order 5 (public housekeeping industry) applies to a nurse employed by a hospital because a hospital is covered by an industry order.
4. IWC Order 4 (an occupational order) applies to a nurse employed by a doctor’s office because a doctor’s office is not covered by an industry order.
5. IWC Order 7 (mercantile industry) applies to a bookkeeper in a retail store operation because retail stores are covered by an industry order.
6. IWC Order 4 (an occupational order) applies to a bookkeeper in an accounting firm because an accounting firm is not covered by an industry order.

Note: It is very important that you first determine if a business is covered by any industry order. If not, you must look to one of the occupational orders for coverage. Please refer to the index of businesses and occupations for examples of proper application.

A business is classified according to the main purpose of the business except in IWC Order 5 (see section below on Incidental Housekeeping Activities). Large businesses may conduct a variety of operations and it may appear initially that different industry orders could apply. However, when those operations are part of the main business, only one order will apply.

Example:

A business’s main purpose is operating a warehouse and incidental thereto employs a separate sales staff to sell goods. IWC Order 9 covers this operation even though sales are covered under IWC Order 7 because the main purpose of the business is to operate a warehouse.

SEPARATE UNITS OF MULTI-PURPOSE COMPANIES

Distinct operations in multi-purpose businesses may be covered by different industry orders if they are operated for different business purposes, and the management is separately organized at all levels.

Example:

A retail department store (IWC Order 7) owns a restaurant (IWC Order 5) that is located on the department store premises but is operated as a separate corporate entity. These businesses are covered by different industry orders because they are operated for different business purposes, and the management is separately organized at all levels.

Please note that problems in determining correct order coverage occur when businesses are of a mixed nature. They are best resolved by making a broad assessment of the principal purpose of the business. This does not mean auditing receipts to compare income from sales and service, but determining the nature of the business by simple observation and common sense.

INCIDENTAL HOUSEKEEPING ACTIVITIES

IWC Order 5 does not limit coverage to businesses whose main purpose is providing meals, housing, or maintenance services whether operated as a primary business or when incidental to other operations in an establishment not covered by an industry order.

Examples:

IWC Order 1 covers a factory that operates a cafeteria. IWC Order 5 does not cover it.

IWC Order 5 covers a private school which is not covered by an industry order and which provides dormitories or dining facilities.

Where a concessionaire contracts to operate lodging or dining facilities, IWC Order 5 covers the concessionaire's business, but the rest of the enterprise (school or factory) is classified otherwise.

CLASSIFICATION OF CROPS AND ACTIVITIES UNDER IWC ORDERS 8, 13, and 14

Agricultural occupations covered by Order 14 are related to the maintenance of soil, buildings and machinery which constitute the basic farm facilities, and to the cultivation and handling of farm commodities up through harvest, including field packing and transportation to the place of first processing or distribution.

Not all employees of farm employers are covered by Order 14. If the grower has a packing or processing operation in a permanently fixed structure or moving packing plant, the packing or processing operations workers would fall under Wage Order 13.

A. Activities under Order 13 must be performed:

1. On the farmer's own crop
2. In a permanent structure or on a moving packing plant (lettuce, carrots, dry onions)
3. In preparation for market (i.e. distribution)

B. Order 8 applies to similar operations on the farm if they include:

1. Handling any agricultural products, other than the grower's own after harvest or
2. Any packing of a purchased crop or
3. Cooperative warehousing, cooling, grading, sorting, packing, ginning, etc., or
4. Preparing any product for distribution except for the farmer's own product.

Commodity	Order 14	Order 13
Almonds	Growing, spraying, knocking, gathering, sun or solar drying in the field	Hulling, shelling, sorting, grading, processing, packing, all drying in a structure including oven drying or dehydrator drying, fumigating, shipping
Apples	Growing, spraying, tree propping, thinning, picking	Washing, sorting, grading, fumigating, Packing, shipping
Apricots	Growing, spraying, thinning, picking, hand cutting, spreading, sun or solar drying in the field	Sorting, grading, moisturizing, all drying in a structure including oven drying or dehydrator drying, packing, packaging, shipping
Artichokes	Planting, growing, weeding, thinning, picking, field packing	Washing, sorting, grading, trimming, packing, shipping
Asparagus	Planting, growing, weeding, thinning, harvesting, field packing	Washing, sorting, grading, trimming, packing, shipping
Avocados	Growing, spraying, tree propping, picking	Washing, sorting, grading, packing, shipping
Beans (dry)	Planting, growing, weeding, harvesting	Shelling, washing, sorting, grading, packing, shipping, packaging
Beans (snap)	Planting, growing, weeding, harvesting	Washing, sorting, grading, trimming, packing, shipping

Broccoli	Planting, growing, weeding, thinning, harvesting, field packing	Sorting, grading, trimming, packing, shipping
Brussel Sprouts	Planting, growing, weeding, thinning, harvesting, field packing	Sorting, grading, trimming, packing, shipping
Bush Berries	Growing, tying, weeding, harvesting, field packing	No known activities under Order 13
Cabbage	Planting, growing, weeding, thinning, harvesting	Sorting, grading, trimming, packing, shipping
Cauliflower	Planting, growing, weeding, thinning, harvesting	Sorting, grading, trimming, packing, shipping
Carrots	Planting, growing, weeding, thinning, harvesting	In shed or on moving packing plant: washing, sorting, trimming, topping, packing, packaging, shipping
Celery	Planting, growing, weeding, thinning, harvesting	Sorting, grading, trimming, packing, shipping
Cherries	Growing, spraying, tree propping, picking	Sorting, grading, sizing, packing, shipping
Corn, sweet	Planting, growing, thinning weeding, harvesting	Sorting, grading, trimming, packing, shipping
Cotton	Growing, thinning, chopping, picking	Cotton gin if operated by grower on own crop
Cucumbers	Planting, growing, thinning, hoeing, harvesting	Washing, grading, sizing, packing, shipping
Dates	Growing, de-thorning, pollinating, tying down, picking, bulk packing in the field	Sorting, grading, sizing, packing, shipping
Eggs	All operations if no candling done	All egg room operations if candling done
Figs	Growing, spraying, thinning, picking, sun or solar drying in the field	Grading, sorting, packing, fumigating, all drying in a structure including oven drying or dehydrator drying, shipping
Flowers, cut	Planting, growing, typing, de-budding, cutting, field grading, bunching, (last two operations done in fields, sun sheds, and sheds, connected with greenhouses)	Final grading and packing for shipment, combining with any purchased plant materials in preparing for market
Garlic	Planting, growing, thinning, weeding, hand-topping, sacking, cracking seeds only for farmer's own use in replanting	Sorting, grading, packaging, packing, shipping, preparing seeds for market
Grain	Planting, cultivating, harvesting	All drying in a structure including oven drying or dehydrator drying, fumigating, weighing, grading
Grapefruit	Growing, spraying, thinning,	Sorting, grading, labeling, packing,

	picking	shipping
Grapes, table	Growing, thinning, girdling, pruning, typing, picking, pick-packing (field)	Sorting, trimming, packing, fumigating, labeling, shipping
Grapes, wine	Growing, thinning, girdling, pruning, typing, picking, pick-packing (field)	Wine production – all activities or Order 8 if grapes used are not grown “on the farm”
Hay	Planting, growing, cutting, stacking, bailing	No known activities under Order 13
Honey	Removing from hive and cone, rendering (rendering can be last operation in field or first operation in shed)	Rendering, heating, bottling, labeling, cooling, whipping, place in cartons, packing for shipment
Hops	Planting, growing, stringing, weaving, separating, sun or solar drying in the field, bulk bailing	Recompressing or any processing and packaging after bulk bailing
Lemons	Growing, spraying, thinning, picking	Sorting, grading, labeling, packing, shipping
Lettuce	Planting, growing, hoeing, harvesting, field packing	In shed or on moving packing plant: sorting, trimming, packing, shipping
Melons	Planting, capping, hoeing, picking, cutting	Sorting, sizing, labeling, packing, shipping
Milk	Feeding and care of livestock, milking	Cooling, separating, pasteurizing
Nectarines	Growing, spraying, thinning, picking, hand-cutting, spreading, sun or solar field drying	Sorting, grading, moisturizing, all drying in a structure including oven drying or dehydrator drying, packing, packaging, shipping
Nursery Products Cuttings	Planting, growing, tying, cutting, rooting	Grading and packing, rooted cuttings for shipment
Olives	Growing, spraying, thinning, picking	Curing, processing
Onions, dry	Growing, weeding, thinning, harvesting, hand-topping, sacking	In shed or on moving packing plant: sorting, trimming, (processing, if for frozen pack), packing, packaging, sacking, shipping
Onions, green	Growing, weeding, thinning, harvesting	Washing, sorting, trimming, bunching, packing, shipping
Oranges	Growing, spraying, picking	Sorting, grading, washing, labeling, packing, shipping
Peaches	Growing, spraying, thinning, picking, hand-cutting, spreading, sun or solar field drying	Sorting, grading, moisturizing, all drying in a structure including oven drying or dehydrator drying, packing, packaging, shipping

Pears	Growing, spraying, tree-propping, picking, hand-cutting, spreading, sun or solar field drying	Sorting, grading, moisturizing, all drying in a structure including oven drying or dehydrator drying, packaging, shipping
Peas	Planting, growing, hoeing, picking, field packing	Washing, sorting, trimming, packing, shipping
Peppers	Planting, growing, picking, thinning, field packing	Washing, waxing, packing, shipping
Plants	Planting, growing, tying, potting and repotting, transporting to market	Seasonal, fancy or decorative potting
Plums	Growing, spraying, thinning, picking	Sorting, grading, packing, shipping
Pomegranates	Growing, spraying, thinning, picking	Sorting, grading, packing, labeling, shipping
Potatoes	Planting, growing, weeding, harvesting, sacking	Washing, sorting, sacking
Potatoes, seed	Planting, growing, weeding, harvesting, sacking	Sorting and cutting for seed, sacking
Prunes	Growing, spraying, thinning, picking, sun or solar field drying	Sorting, grading, moisturizing all drying in a structure including oven drying or dehydrator drying, fumigating, packing, packaging, shipping
Raisins	Growing, girdling, pruning, harvesting, sun or solar field drying	Sorting, grading, moisturizing, all drying in a structure including oven drying or dehydrator drying, fumigating, packing, packaging, shipping
Rice	Planting, growing, harvesting	No known activities under Order 13
Strawberries	Planting, growing, weeding, thinning, picking, boxing	Sorting, grading, packing, labeling, shipping
Strawberry Plants	Planting, growing, weeding	Trimming, inspecting, packaging, packing, shipping
Tangerines	Growing, spraying, picking	Washing, sorting, packing, shipping
Tomatoes	Planting, growing, weeding, thinning, harvesting, field packing	Washing, sorting, packing, shipping
Tomatoes, Canning	Sorting on harvesting machine	No known activities under Order 13
Vegetables, Misc.	Planting, growing, weeding, thinning, harvesting, field packing	Washing, sorting, trimming, packing, shipping
Walnuts	Growing, spraying, knocking, gathering, sun or solar field drying	Hulling, shelling, sorting, processing, packing, all drying in a structure including oven drying or dehydrator drying, fumigating, shipping

EXEMPT EMPLOYEES/OCCUPATIONS

These employees/occupations are exempt from specified sections of the Industrial Welfare Commission Orders. They are *not* exempt from provisions of the Labor Code. Exempt occupations must meet the criteria stated in Section 1, Applicability and/or Section 2, Definitions, of the applicable IWC Orders. Each order must be reviewed carefully.

Accountants	Exempt from Sections 3-12, orders 1-13, 15, and 16
Actors, professional	<i>ONLY</i> Sections 1, 2, 4, 10 and 20 of Orders 10, 11, and 12 are applicable; exempt from all other provisions of Orders 10, 11, and 12
Administrative, executive, professional employees	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Architects	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Attendants, personal	<i>ONLY</i> Sections 1, 2, 4, 10 and 15 of Order 15 are applicable; exempt from all other provisions of Order 15
Attorneys	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Baby sitters (under 18 years, sitting for child of employer in employer's home)	Exempt from Order 15
Carnival (traveling) operators (full-time)	<i>ONLY</i> Sections 1, 2, 4, 10 and 20 of Order 10 are applicable; exempt from all other provisions of Order 10
Certified Public Accountants	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Dentists	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Doctors	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Engineers	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Government Employees	<i>ONLY</i> Sections 1, 2, 4, 10, and 20 of all Orders are applicable, with one exception: Irrigation District employees are covered under the provisions of Order 14
Inside Salespersons	Exempt from Subsections 3(A), (B) and (C) of Orders 4 and 7, if earnings equal more than 1 ½ times the minimum wage and if more than ½ of employees compensation represents commissions
Individuals participating in a national service program	Exempt from all Orders
Employees engaged in work that is primarily intellectual, managerial, or creative in nature	Exempt from Order 14 if employee exercises discretion and independent judgment, and remuneration is not less than two times the monthly State minimum wage for full-time employment
Irrigators	Exempt from Subsection 3(A) or Order 14 if more than ½ of week's working time is spent as an irrigator
Lawyers	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Nurse, student	<i>ONLY</i> Section 1, 2, 4, 10, and 20 of Order 5 are applicable to student nurses of a bona fide nursing school, exempt from all other provisions of Order 5
Minor baby sitters (under 18, sitting	Exempt from Order 15

for child of employer in employer's home	
Oculists	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Operators, full-time, employed by traveling carnivals	<i>ONLY</i> Sections 1, 2, 4, 10 and 20 of Order 10 are applicable; exempt from all other provisions of Order 10
Optometrists	Exempt from Sections 3-12, Orders 1-13, 15, and 16
Outside Salespersons	Exempt from all Orders (also Labor Code section 1171)
Parent, spouse, child or legally adopted child of the employer	Exempt from all Orders
Personal attendants	<i>ONLY</i> Sections 1, 2, 4, 10 and 15 of Order 15 are applicable; exempt from all other provisions of Order 15
Professional actors	<i>ONLY</i> Sections 1, 2, 4, 10 and 20 of Orders 10, 11, and 12 are applicable; exempt from all other provisions of Orders 10, 11, and 12
Salespersons, outside	Exempt from all Orders (also Labor Code section 1171)
Salespersons, inside	Exempt from Subsections 3(A), (B) and (C) of Orders 4 and 7, if earnings equal more than 1 ½ times the minimum wage and if more than ½ of employees compensation represents commissions
Shepherders	Exempt from Sections 3, 4(A)-(D), 5, 6, 9, 11, 12, and 13 of Order 14. Entire Order is applicable to any workweek during which a shepherd employee is engaged in any non-sheep herding agricultural or other work
Students in schools of beauty culture offering beauty care to the public for a fee	Exempt from Order 2
Student nurses	<i>ONLY</i> Section 1, 2, 4, 10, and 20 of Order 5 are applicable to student nurses of a bona fide nursing school, exempt from all other provisions of Order 5
Teachers	Exempt from Sections 3-12, Orders 1-13, 15, and 16

IWC ORDER COVERAGE

Order 1 – MANUFACTURING INDUSTRY

Definition, Section 2 (H)

“Manufacturing Industry” means any industry, business, or establishment operated for the purpose of preparing, producing, making, altering, repairing, finishing, processing, inspecting, handling, assembling, wrapping, bottling, or packaging goods, articles, or commodities, in whole or in part; EXCEPT when such activities are covered by Order in the : Canning, Preserving, and Freezing Industry; Industries Handling Products After Harvest; Industries Preparing Agricultural Products for Market, on the Farm; or Motion Picture Industry.

Aircraft and aircraft parts, manufacturing
Apparel products, manufacturing
Assembly (any manufacturing)
Automobile manufacturing
Auto-wrecking (non-retail)
Blueprinting
Book and magazine publishers
Cement
Ceramics
Coating lumber products
Communications equipment, manufacturing
Concrete
Copy making services
Dental laboratories
Developing, printing or editing of film (except in motion picture industry, see Order 12)
Electronic products, manufacturing
Film processing (except in motion picture industry, see Order 12)
Food manufacture (secondary processing)
Food processing
 Baby formulas (except canned fruits, etc., see Order 3)
 Bakeries (non-retail)
 Bottling (soft drinks)
 Breweries
 Candy
 Cane sugar refining (of purchased raw sugar or syrup)
 Citrus by-products
 Cottonseed oil
 Dehydrated soups and mixes
 Ice cream (beyond first processing)
 Margarine
 Meat
 Pet foods, dry
 Pizza manufacturing
 Potato and corn chip manufacturing
 Preparing fruit and vegetables for restaurants, bakeries, etc.
 Salad oil
 Soft drinks, bottling
 Tortilla manufacturing
 Yeast
Food products, manufacturing

Galvanizing
Garment manufacturing
Iron works
Laboratories, dental and optical
Lumber products
Machinery, metal products
Magazine and book publishers
Meat processing
Metal fabrication
Metal products, machinery
Microfilm services
Needle trades
Oil refining
Optical laboratories
Paper products
Photocopy services
Plastic products
Pre-fabricated housing (except on-site installation, see Order 16)
Public/private utilities, electrical only (for telephone, natural gas and water, utilities see Order 4)
Publishing
Records, tapes and compact disks (reproduction for wholesale)
Recycling processing plants that alter/transform material (for non-processing recycling centers, see Order 4)
Refineries, Oil
Refineries, sugar
Repacking bulk products
Reweaving (except by laundries/dry cleaners, see Order 6)
Rubber manufacturing
Sawmills
Sheet metal shops
Shipbuilding (except repair, see Order 9)
Shoe manufacturing and repair
Steel smelters/plants
Sugar refineries
Taxidermy
Textile products, manufacturing
Utilities, public/private, electrical only (for telephone, natural gas and water, utilities see Order 4)
Wastewater treatment facilities

Order 2 – PERSONAL SERVICE INDUSTRY

Definition, Section 2 (J)

“Personal Service Industry” means any industry, business or establishment operated for the purpose of rendering, directly or indirectly, any service, operation or process used or useful in the care, cleansing or beautification of the body, skin, nails, or hair, or in the enhancement of personal appearance or health, including but not limited to, beauty salons, schools of beauty culture offering beauty care to the public for a fee, barber shops, bath and massage parlors, physical conditioning, weight control salons, health clubs, and mortuaries.

Barbershops
Bath parlors
Beauty shops
Body building gymnasium, facility
Funeral parlors
Gymnasiums, body building
Health clubs
Massage parlors
Mortuaries
Physical conditioning centers
Schools of beauty culture offering beauty care to the public for a fee (students are exempt)
Sun tanning parlors
Weight control salons

Order 3 – CANNING, FREEZING, AND PRESERVING INDUSTRY

Definition, Section 2(B)

“Canning, Freezing, and Preserving Industry” means any industry, business or establishment operated for the purpose of canning soups, or of cooking, canning, curing, freezing, pickling, salting, bottling, preserving, or otherwise processing any fruits or vegetables, seafood, meat, poultry, or rabbit product, when the purpose of such processing is the preservation of the product and includes all operations incidental thereto.

Canned pet food
Canned soups, stews, hash, etc.
Canning: fish, fruit, meat, poultry, rabbit, vegetables
Fish; canning, freezing
Freezing: fish, fruit, meat, poultry, rabbit, vegetables
Fruit; canning, freezing
Fruit jellies and preserves
Hash, canned
Juice concentrates
Meat: canning, freezing
Pet foods, canned
Poultry: canning, freezing
Rabbit: canning, freezing
Vegetables: canning, freezing

Order 4 – PROFESSIONAL, TECHNICAL, CLERICAL, MECHANICAL and SIMILAR OCCUPATIONS

Definition, Section 2(O)

“Professional, Technical, Clerical, Mechanical and Similar Occupations” includes professional, semiprofessional, managerial, supervisory, laboratory, research, technical, clerical, office work, and mechanical occupations. Said occupations shall include, but not be limited to, the following: accountants; agents; appraisers; artists; attendants; audio-visual technicians; bookkeepers; bundlers; billposters; canvassers; carriers; cashiers; checkers; clerks; collectors; communications and sound technicians; compilers; copy holders; copy readers; copy writers; computer programmers and operators; demonstrators and display representatives; dispatchers; distributors; door-keepers; drafters; elevator operators; estimators; editors; graphic arts technicians; guards; guides; hosts; inspectors; installers; instructors; interviewers; investigators; librarians; laboratory workers; machine operators; mechanics; mailers; messengers; medical and dental technicians and technologists; models; nurses; packagers; photographers; porters and cleaners; process servers; printers; proof readers; sales persons and sales agents; secretaries; sign erectors; sign painters; social workers; solicitors; statisticians; stenographers; teachers; telephone, radio-telephone, telegraph and call-out operators; tellers; ticket agents; tracers; typists; vehicle operators; x-ray technicians; their assistants and other related occupations listed as professional, semiprofessional, technical, clerical, mechanical, and kindred occupations.

Use of the asterisk (*) in the following list indicates Order 4, an occupational order, covers the named and related occupations *only* when they are not covered by an industry order. They type of business determines the industry order.

- *Accountants
- Accounting firms
- Advertising agencies
- *Agents
- *Agronomist
- Animal care services, no overnight shelter or feeding provided (see Order 5, when overnight shelter or feeding are provided)
- *Appraisers
- Architectural offices
- *Artists
- Associations, business (Chamber of Commerce, retailers’ associations, etc.)
- Athletic agents
- *Attendants
- Attorney offices
- *Audio-visual technicians
- Banks
- *Billposters
- Boats, office and support personnel
- *Bookkeeper
- *Bundlers
- Business Associations (Chamber of Commerce, retailers’ associations, etc.)
- Business services
- Cable TV service and installation
- *Call-out operators
- *Canvassers
- *Carriers
- *Cashiers

Cemeteries
 Charitable agencies (non-profit)
 *Checkers
 Checkrooms
 Churches
 *Cleaners and porters
 *Clerks
 Collection agencies
 *Collectors
 Colleges, private, no board or lodging
 Commercial fishing boats, office and support personnel
 Commercial photography (except in motion picture industry, see Order 12)
 Communications firms
 *Communications technicians
 *Compilers
 *Computer operators, programmers
 Construction, office and support personnel
 Contractors, office and support personnel
 *Copyholders
 *Copyreaders
 *Copywriters
 Credit agencies
 Credit unions
 Crop dusting, office and support personnel
 Dance schools, studios
 Day care centers, no board or lodging provided
 *Demonstrators
 Dental offices
 *Dental technicians and technologists
 Detective agencies, protective and investigative
 Direct mail advertising and service
 *Display representatives
 *Dispatchers
 Doctors' offices
 *Drafters
 *Drivers (vehicle)
 Dumps/landfills
 *Editors
 *Elevator operators
 Employment agencies
 Engineering firms
 *Estimators
 Farm clerical and technical personnel when not covered by Order 14 or industry order
 Farm labor contractors
 Finance companies
 Fishing boats (commercial) office and support personnel
 Geophysical exploration
 *Graphic arts technicians
 *Guards
 *Guides
 Hazardous materials cleanup and handling when contractor's license not required (when contractor's license required, see Order 16)
 *Horticulturist
 *Hosts, hostesses
 *Inspectors
 *Installers when contractor's license not required (when contractor's license required, see Order 16)
 *Instructors
 Insurance companies
 Internet service providers
 *Interviewers
 *Investigators
 Investment houses

Laboratories (independent research, testing, etc.)
 *Laboratory workers
 Labor contractors (office and support personnel)
 Labor unions
 Landfills/dumps
 Legal firms
 *Librarians
 Libraries
 Loan offices
 Logging, office and support personnel
 *Machine operator
 *Mailers
 *Mechanics
 Medical clinics (apart from hospitals)
 *Medical technicians and technologists
 Mining, office and support personnel
 *Models
 Nonprofit organizations (charitable, social agencies)
 *Nurses
 Oculist offices
 *Packagers
 Painting contractors, office and support personnel
 *Photographers
 Photography, commercial
 *Porters and cleaners
 Portrait studios
 *Printers
 Private schools, universities, colleges, no board or lodging provided (when board or lodging are provided, see Order 5)
 *Process servers
 Professional offices (architects, attorneys, doctors, dentists, engineers)
 *Programmers, computer
 *Proofreaders
 Protective agencies
 Public/private utilities, water, natural gas, telephone (for electrical utilities, see Order 1)
 Public works, office and support personnel
 *Radiotelephone operators
 Real estate offices (brokerage only; see also Order 5)
 Recycling centers, non-processing
 Repossession agencies
 Research and development
 *Sales agents
 *Salespersons
 Savings and loan
 Schools, private, no board or lodging provided (when board or lodging are provided, see Order 5)
 *Secretaries
 *Security guards
 Security guard service
 Shopping services
 *Sign erectors
 *Sign painters
 Social agencies
 *Social workers
 *Solicitors
 *Sound technicians
 *Statisticians
 *Stenographers
 Stock brokerage firms
 Talent agents
 Tax Consultants
 *Teachers
 *Telegraph operators
 Telephone/Telegraph companies (includes cell/wireless phone service)
 Telephone answering service

- *Telephone operators
- *Tellers
- Temporary employment agencies
- *Ticket agents
- *Tracers
- Travel agencies
- *Truck drivers
- *Typists
- Universities, private, no board or lodging provided (when board or lodging are provided, see Order 5)
- *Vehicle operators
- Veterinary service, no overnight shelter or feeding provided (when overnight shelter or feeding are provided, see Order 5)
- Water and oil well drilling and servicing firms, office and support personnel
- *X-ray technicians

Use of the asterisk (*) in the following list indicates Order 4, an occupational order, covers the named and related occupations *only* when they are not covered by an industry order. They type of business determines the industry order.

Order 5 – PUBLIC HOUSEKEEPING INDUSTRY

Definition, Section 2(P)

“Public Housekeeping Industry” means any industry, business, or establishment, which provides meals, housing, or maintenance, services whether operated as a primary business or when incidental to other operations in an establishment not covered by an industry order of the Commission, and includes, but is not limited to the following:

- (1) Restaurants, nightclubs, taverns, bars, cocktail lounges, lunch counters, cafeterias, boarding houses, clubs, and all similar establishments where food in either solid or liquid form is prepared and served to be consumed on the premises;
- (2) Catering, banquet, box lunch service, and similar establishments, which prepare food for consumption on or off the premises;
- (3) Hotel, motels, apartment houses, rooming houses, camps, clubs, trailer parks, office or loft buildings, and similar establishments offering rental of living, business or commercial quarters;
- (4) Hospitals, sanitariums, rest homes, child nurseries, child care institutions, homes for the aged, and similar establishments offering board or lodging in addition to medical, surgical, nursing, convalescent, aged or child care.
- (5) Private schools, colleges, or universities, and similar establishments which provide board or lodging in addition to educational facilities;
- (6) Establishments contracting for development, maintenance or cleaning of grounds; maintenance or cleaning of facilities and/or quarters of commercial units and living units; and
- (7) Establishments providing veterinary or other animal care services.

Animal care services with overnight shelter or feeding (when no overnight shelter or feeding are provided, see Order 4)

Animal sanctuaries/shelters with overnight shelter or feeding (when no overnight shelter or
 Feeding are provided, see Order 4)
 Apartment houses
 Bakeries, with tables for patrons' use
 Banquet service
 Bars
 Boarding and care homes for the aged
 Boarding houses
 Box lunch services
 Cafeterias
 Camps, day
 Camps, organized
 Catering service
 Childcare institutions
 Child nurseries
 Cleaning of facilities, grounds, commercial units, living units
 Cocktail lounges
 Colleges, private with board or lodging
 Commissaries
 Convalescent hospitals
 Cookhouses in lumber camps
 Day camps
 Day care centers that provide board or lodging
 Development of grounds
 Donut shops, with tables for patrons' use (if no tables are provided for patrons' use, see Order 7)
 Drinking places
 Dude ranch
 Eating-places
 Farm labor camps with board or lodging
 Fraternity houses
 Homes for the aged
 Hospitals, including convalescent
 Hotels
 Ice cream store, with tables for patrons' use
 Janitorial service
 Landscaping (except initial earth moving and cement work, see Order 16)
 Loft or office buildings
 Logging camps with board or lodging
 Lunch counters
 Lunch wagons
 Maintenance of grounds, facilities, quarters of commercial units and living units
 Mini-storage not connected with transportation firm (if connected with a transportation firm, see Order 9)
 Motels
 Nightclubs, if food or drink is served incidental to main business of offering entertainment (if
 main business is serving food or drink, See Order 10)
 Nurseries, child
 Office and loft buildings
 Organized camps
 Pest control
 Pre-schools
 Property management
 Real estate offices, if business includes property management
 Restaurants
 Rest homes
 Sanitariums
 School, private, with board or lodging
 Sewer/septic cleaning

Sorority houses
Stables, with board and care
Storage, mini, not connected with transportation firm (if connected with a transportation firm, see Order 9)
Taverns
Termite control
Trailer parks
Tree service firms
Universities, private, with board or lodging
Veterinary service that provides overnight shelter or feeding

Note: Order 5 covers all classifications of employees in an Order 5 business, such as a hospital, whether they assist patients, clean rooms, do laundry, drive, keep books, etc. This is also true of other industry orders.

Order 6 – LAUNDRY, LINEN SUPPLY, DRY CLEANING AND DYEING INDUSTRY

Definition, Section 2(H)

“Laundry, Linen Supply, Dry Cleaning and Dyeing Industry” means any industry, business or establishment operated for the purpose of washing, ironing, cleaning, refreshing, restoring, pressing, dyeing, storing, fumigating, mothproofing, or other processes incidental thereto, on articles of fabrics of any kind, including but not limited to clothing, hats, drapery, rugs, curtains, linens, household furnishings, textiles, furs, or leather goods; and includes self-service laundries, self-service dry cleaning establishments, and the collection, distribution, storage, sale or resale at retail or wholesale of the foregoing services.

Carpet cleaning service, including in-home
Diaper service, if laundering included (if laundered elsewhere, see Order 7)
Drapery cleaning service, including in-home
Dry cleaning, including self-service
Dyeing plants
Laundries, including self-service
Laundromats
Linen supply, if laundering included
Rental of uniforms, if laundering/cleaning included (if laundering/cleaning not included, see Order 7)
Self-service laundries/dry cleaners
Uniform rentals, if laundering/cleaning included (if laundering/cleaning not included, see Order 7)

Order 7 – MERCANTILE INDUSTRY

Definition, Section 2(H)

“Mercantile Industry” means any industry, business, or establishment operated for the purpose of purchasing, selling or distributing goods or commodities at wholesale or retail; or for the purpose of renting goods or commodities.

Antique Stores, retail/wholesale
Auction houses
Bakeries, retail, if no tables for patrons’ use (if bakery has tables for patrons’ use, see Order 5)
Building materials, retail/wholesale
Commodity agents and brokers
Commodity rentals
Costume rental
Diaper service, if laundered elsewhere (if laundering included, see Order 6)
Donut shops, if no tables for patrons’ use (if shop has tables for patrons’ use, see Order 5)
Equipment rentals (except vehicles, see Order 9)
Flea markets
Florists, retail/wholesale
Gas stations (with or without car washes or garages)
Hardware stores, retail/wholesale
Ice cream stores, if no tables are provided for patrons’ use
Import-export, retail/wholesale
Irrigation systems (sales)
Linen supply, if laundering not included (if laundering included, see Order 6)
Mail order houses, retail/wholesale
Nurseries, horticultural (main purpose selling)
Optician (except manufacturer, see Order 1)
Rental of commodities and goods
Rental of equipment (except vehicles, see Order 9)
Rental of uniforms, if laundering/cleaning not included (if laundering included, see Order 6)
Retail stores
Rummage sales
Solar equipment (sales)
Telephone soliciting
Thrift shops
Uniform rentals, if laundering/cleaning not included (if laundering included, see Order 6)
Wholesale houses

Note: A retail store operating incidentally as part of another business; such as a gift shop operated by a hotel or hospital, is covered by the industry order applicable to the main business, i.e., the hotel or hospital (Order 5). A retail store operating on the premises of another business where the retail store is neither owned nor operated by the other business is covered by the industry order applicable to its type of business, which in this example, a retail store, is Order 7. A separate establishment under a distinctly separate organization, such as a telephone equipment store under the sales division of a telephone company, would be under Order 7, and not under Order 4, the order applicable to the telephone company. Each such situation must be analyzed on a case-by-case basis, as it depends upon the particular facts of the situation.

Order 8 – INDUSTRIES HANDLING PRODUCTS AFTER HARVEST

Definition, Section 2(H)

“Industries Handling Products After Harvest” means any industry, business or establishment operated for the purpose of grading, sorting, cleaning, drying, cooling, icing, dehydrating, cracking, shelling, candling, separating, slaughtering, picking, plucking, shucking, pasteurizing, fermenting, ripening, molding, or otherwise preparing any agricultural, horticultural, egg, poultry, meat, seafood, rabbit, or dairy product for distribution, and includes all the operations incidental thereto.

Beet sugar mills
Citrus and deciduous fruit packing
Cooperatives (farmers’) for warehousing, grading, packing, cooling, etc.
Cotton gins
Dairies (which process milk commercially)
Deciduous and citrus fruit packing
Dried fruit processing
Drying vegetables and fruit
Egg candling and packing
Egg processing (washing, grading and bulk packing any eggs other than farmer’s own)
Feed mills (commercial)
Fresh vegetable and fruit packing
Fruit drying
Fruit (fresh) packing
Ice cream (made from whole milk as first processing)
Meat slaughtering (commercial packing house)
Moving packing plant (operator brings rig into field, works on farmer’s crop on same basis as a commercial packing house)
Nut hulling, cracking, shelling, sorting and hauling
Olive oil
Packing fresh vegetables and fruit
Packing plant, moving (operator brings rig into field, works on farmer’s crop on same basis as a commercial packing house)
Potato grading, sorting and bagging
Poultry processing, commercial packing house
Rice drying (commercial)
Sausage making (at point of first processing)
Slaughtering meat (commercial packing house)
Sugar (beet) mills
Sugar or syrup directly from sugar cane
Vegetable drying
Vegetables (fresh) packing

Note: A grower who processes the product of any other employer is engaged in a “commercial” operation. Most of the operations listed here if done by the grower on his or her own crop would be under Order 13, but the grinding and mixing of feed exclusively for the employer’s own use would be part of the care of farm animals under Order 14, even if done mechanically in a separate building (the grower’s own “feed mill”). All beet sugar mill operations are under Order 8, but cane sugar refining from purchased raw sugar or syrup (typical of the industry in California) is under Order 1. The production of sugar or syrup directly from sugar cane would be under Order 8. A firm in the business of making sausage or cold cuts from purchased cuts of meat would be manufacturing under Order 1.

Order 9 – TRANSPORTATION INDUSTRY

Definition, Section 2(N)

“Transportation Industry” means any industry, business or establishment operated for the purpose of conveying persons or property from one place to another whether by rail, highway, air or water, and all operations and services in connection therewith; and also includes storing or warehousing of goods or property, and the repairing, parking, rental, maintenance, or cleaning of vehicles.

Airlines
Ambulance service
Armored car service
Boat rentals
Boats, cruise, ferry
Bus lines
Buses, tour
Car loading
Car rentals
Car washes, when not in retail business
Courier service
Cruise boats
Express and parcel delivery companies
Ferryboats
Garages, repair (except when operated by vehicle dealer or gas station, see Order 7)
Garages, storage
Garbage collectors
Limousine service
Logging trucks, commercial (for on-site logging, see Order 16)
Maintenance of vehicles, e.g., garages, car washes, etc., if not connected with gas station or vehicle dealer (if connected with gas station or vehicle dealer, See Order 7)
Mini-storage connected with a transportation firm (if not connected with a transportation firm, see Order 5)
Moving and storage warehousing (of commodities moved)
Parcel delivery service
Parking lots
Railways
Rental of vehicles (cars, trucks, boats, ships, airplanes)
Repairs to vehicles (except when operated by vehicle dealer or gas station, see Order 7)
Ship rental
Ship repair
Stevedoring
Storage and moving warehouse (of commodities moved)
Storage garages
Taxi service, including water taxis
Tire aligning and balancing companies
Tour buses, companies
Tow companies
Transportation companies
Trucking, including commercial trucking of farm products
Truck rental
Vehicle rental, including boats and ships
Vehicle repairs (except when operated by vehicle dealer or gas station, see Order 7)
Warehousing and storage (of commodities moved)
Water taxi service

Note: Many kinds of industries employ people to operate and maintain vehicles and warehouses; transportation companies under Order 9 have that as their main purpose. A hotel employee who drives a van is under Order 5; a mechanic employed by a retail chain is under Order 7; a mini-storage facility not connected with a transportation firm is under Order 5; the building of vehicles, including ships, is under Order 1; a farm employee who delivers farm products to the first point of distribution is under Order 14, but a trucking company which is in the business of trucking mostly farm products is under Order 9; employees who balance and align tires are under Order 9, if their employer is in the business of providing that service but under Order 7 if their employer is basically in the business of selling tires.

Order 10 – AMUSEMENT AND RECREATION INDUSTRY

Definition, Section 2(A)

“Amusement and Recreation Industry” means any industry, business or establishment operated for the purpose of furnishing entertainment or recreation to the public, including but not limited to theaters, dance halls, bowling alleys, billiard parlors, skating rinks, riding academies, race tracks, amusement parks, athletic fields, swimming pools, gymnasiums, golf courses, tennis courts, carnivals, and wired music studios.

Academies, riding
Amusement parks
Arena/auditoriums (multipurpose)
Aquariums
Athletic fields
Ballooning
Billiard parlors
Bingo parlors, games
Boating, golf, tennis, etc., clubs
Boats, charter fishing
Botanical Gardens
Bowling alleys
Card rooms
Carnivals
Casinos
Charter fishing boats
Clubs; golf, tennis, boating, etc. (also see Order 5)
Dance halls
Fishing: charter boats, party boats, recreational fishing lakes
Game rooms
Golf courses
Golf, tennis, boating, etc., clubs
Gymnasiums, spectator or participatory sports
Ice skating rinks
Music festival, opera and symphony organizations
Music groups and orchestras
Nightclubs, entertainment is primary purpose (if food or drink is served other than incidentally, see Order 5)
Opera, symphony and music festival organizations
Orchestras and other music groups
Penny arcades
Racetracks
Racing stables
Riding academies, stables
Rodeos
Roller skating rinks

Ski facilities
Ski lifts
Stables, riding academies (primarily recreational), racing
Swimming pools
Symphony, music festival and opera organizations
Tennis courts
Theaters
Theatrical companies
Wired music studios
Zoos

Note: The gymnasiums under Order 10 are those used primarily for spectator or participatory sports and are different from the establishments offering bodybuilding or weight control facilities under Order 2. Musicians may be employed directly by restaurants or hotels under Order 5; by symphony or opera organizations under Order 10; or, in a group which shares receipts, by a leader who can hire or fire them and command more than an equal share of the fees paid for the group's services under Order 10. Food service may be provided incidentally by a firm whose main business is offering entertainment, as in a theater, bowling alley, nightclub or golf club without affecting the classification under Order 10. But a golf club with a public dining room not operated by the golf club (separate ownership or leased from the golf club) is operating a restaurant, and the restaurant employees are covered under the provisions of Order 5.

Order 11 – BROADCASTING INDUSTRY

Definition, Section 2(B)

“Broadcasting Industry” means any industry, business or establishment operated for the purpose of broadcasting or taping and broadcasting programs through the medium of radio or television.

Broadcasting and taping (sound or video)
Radio broadcasting
TV broadcasting

Note: The production of motion pictures on videotapes for a purpose other than broadcasting usually falls under Order 12 (see note following Order 12). If the company both tapes and broadcasts, as in a TV news show, the taping is under Order 11, but if the broadcaster contracts with another firm for the production of a video tape, the taping is an Order 12 operation. Most cable TV companies are in the business primarily for the purpose of selling and providing a communications service and are under Order 4.

Order 12 – MOTION PICTURE INDUSTRY

Definition, Section 2(K)

“Motion Picture Industry” mean 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.

Advertising films, production of
Casting bureaus, motion picture industry
Commercial motion picture production
Distribution of motion pictures to theaters or television
Educational motion pictures, production and distribution
Film, developing and printing, motion picture production
Film libraries, motion picture production
Film production, television
Films, advertising, production of
Libraries, film, motion picture production
Motion picture production, casting bureaus
Motion picture production, theatrical and non-theatrical (commercial, education, religious, etc.)
Motion picture, distribution to theaters and television
Non-theatrical motion picture production (commercial, education, religious, etc.)
Property or wardrobe rental, motion picture production
Religious motion picture production
Rental of property, wardrobe, motion picture production
Television advertising films (production)
Television film production
Theatrical motion picture production
TV advertising films (production)
TV film production
Video production companies producing tapes for industrial, training, or other purposes (but if reproducing the tapes, see Order 1)
Wardrobe or property rental, motion picture industry

Note: A firm producing motion picture programs on videotape for corporate customers would be under Order 12, even if it made and distributed copies; but a firm whose main business is to reproduce tapes (i.e., manufacture them) for wholesale and retail trade would be under Order 1. If video production is incidental to the employer's main business (i.e., a function of the promotional office of an industrial or financial corporation) the order covering the main business would apply.

Order 13 – INDUSTRIES PREPARING AGRICULTURAL PRODUCTS FOR MARKET, ON THE FARM

Definition, Section 2(H)

“Industries Preparing Agricultural Products for Market, on the Farm” means any operation performed in a permanently fixed structure or establishment on the farm or on a moving packing plant on the farm for the purpose of preparing agricultural, horticultural, egg, poultry, meat, seafood, rabbit, or dairy products for market when such operations are done on the premises owned or operated by the same employer who produced the products referred to herein and includes all operations incidental thereto.

Agricultural commodities, packing and processing, on grower’s own land and crops
Dairies (which process own products on farm)
Egg processing and packing for distribution (if it includes candling)
Meat slaughtering (when done on grower’s own product)
Moving packing plant, processing grower’s own crop on grower’s own land
Nut hulling, cracking, shelling, sorting and hauling
Packing and processing agricultural commodities on grower’s own land and crops
Packing plant (moving) processing grower’s own crop on grower’s own land
Packing shed (permanent) processing grower’s own crop on grower’s own land
Poultry processing, when done on grower’s own product
Slaughtering meat (when done on grower’s own land and product)

Note: If the grower’s packing or processing operation handles the product of any other employer, even “a little for a neighbor”, it is a commercial operation under Order 8. Conversely, almost everything done under Order 8 is an Order 13 operation when performed only on the farm employer’s own crop or animal product, but there are rare exceptions; rice drying, for example, is Order 14 or Order 8. If an employee is working under Order 13 and 14, the applicable order for overtime purposes would relate to the activity in which the person was engaged at the time of the overtime was worked.

Order 14 – AGRICULTURAL OCCUPATIONS

Definition, Section 2(D)

“Employed in an agricultural occupation”, means any of the following described occupations:

- (1) The preparation, care, and treatment of farm land, pipeline, or ditches, including leveling for agricultural purposes, plowing, disking, and fertilizing the soil;
- (2) The sowing and planting of any agricultural or horticultural commodity;
- (3) The care of any agricultural or horticultural commodity, as used in this subdivision, “care” includes, but is not limited to, cultivation, irrigation, weed control, thinning, heating, pruning, or tying, fumigating, spraying, and dusting;
- (4) The harvesting of any agricultural or horticultural commodity, including but not limited to, picking, threshing, mowing, knocking off, field chopping, bunching, baling, balling, field packing, and placing in field containers or in the vehicle in which the commodity will be hauled, and transportation on the farm or to a place of first processing or distribution;
- (5) The assembly and storage of any agricultural or horticultural commodity, including but not limited to, loading, road siding, banking, stacking, binding, and piling;
- (6) The raising, feeding and management of livestock, fur bearing animals, poultry, fish, mollusks, and insects, including but not limited to herding, housing, hatching, milking, shearing, handling eggs, and extracting honey;
- (7) The harvesting of fish, as defined by Section 45 of the Fish and Game Code, for commercial sale;
- (8) The conservation, improvement or maintenance of such farm and its tools and equipment;

Agricultural workers
Agronomist
Apiary
Bee hives
Chemical application (on-site agriculture)
Chicken debeaking
Cowboy/Cowgirl
Crop dusting (on-site activities)
Dairies (no processing except cooling)
Egg handling (if no candling is done)
Farm laborers
Fish hatcheries
Harvesting machines, tomato and grain

Hatcheries, commercial
Hatcheries, fish
Hives, bee
Irrigation districts
Irrigators
Milk tester (employed by agricultural employer)
Nurseries, horticultural (primarily a growing operation)
Oyster farms
Ranch hands
Shepherds
Tomato and grain harvesting machines
Tree farms (growing but not logging)
Trout farms, hatcheries
Wranglers

Note: Order 14 occupations generally include all growing occupations up through harvesting, including field packing, loading on trucks, and delivery by farm employees to the point of first processing or distribution (if a farmer has a packing plant, employees who transport products to any point off the farm are under Order 13). Employees directly engaged in the on-farm application of chemicals by a commercial agricultural service are under Order 14, but other employees of a company which is also in the business of selling chemicals are under Order 7; if the firm only contracts to apply the grower's materials or facilitates obtaining chemicals only incidentally, its non-farm employees are under the applicable occupation or industry order.

If during a workday/workweek an employee is working under both Order 13 *and* 14, the applicable order for overtime purposes would relate to the activity in which the person was engaged at the time the overtime was worked.

If the nature of the farm is the growing of timber, including Christmas trees, for commercial purposes and the harvesting requires a timber operator's license pursuant to California Public Resources Code §§4571, 4586, the logging is covered under Order 16.

Order 15 – HOUSEHOLD OCCUPATIONS

Definition, Section 2(I)

“Household Occupations” means all services related to the care of persons or maintenance of a private household or its premises by an employee of a private householder. Said occupations shall include, but not be limited to, the following: butlers, chauffeurs, companions, cooks, day workers, gardeners, graduate nurses, grooms, house cleaners, housekeepers, maids, practical nurses, tutors, valets, and other similar occupations.

Persons employed in such occupations by any employer other than the private householder are covered by some other order.

Note: Personal attendants are only covered by Sections 1, 2, 4, 10 and 15 or Order 15. A personal attendant includes babysitters and means “any person employed by a private householder or by any third party employer recognized in the health care industry to work in a private household, to supervise, feed, or dress a child or person who by reason of advanced age, physical disability or mental deficiency needs supervision. The status of “personal attendant” shall not apply when no significant amount of work other than the foregoing is required. The phrase “no significant amount of work other than the foregoing” in the definition means not more than twenty percent (20%) of the work time. Usually, such “other work” involves housekeeping duties such as making beds, preparing meals, washing clothes, and other similar services. It should be noted that practical nurses and companions are explicitly covered by Order 15 and may not be exempted as personal attendants even though many of their duties are the same. Any worker who regularly gives medication or takes temperatures or pulse or respiratory rate, regardless of the amount of time such duties take, falls within some classification of nurse, licensed or unlicensed.

Order 16 - OCCUPATIONS IN THE CONSTRUCTION, DRILLING, LOGGING AND MINING INDUSTRIES

Definition, Section 2(C)

“Construction occupations” mean all job classifications associated with construction, including, but not limited to, work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement and repair work by the California Business and Professions Code, Division 3, Chapter 9, §§7025 *et seq.*, and any other similar, or related occupations or trades.

Bricklayers/tenders
Carpenters
Carpet installers
Cement masons
Drywall installer/finisher
Electricians
Flag person
Framers
Glaziers
Hazardous material cleanup and handling (when contractor’s license required)
Hod carriers
Iron workers
Laborers, construction

Landscape installers
Marble/granite/slate installer/finisher (natural or synthetic)
Mechanics (equipment)
Operating engineers
Painters
Plasterers
Plumbers
Roofers
Sheet metal workers
Slurry seal workers
Steel erectors
Stonemason and tenders
Surveyors
Teamsters (when working on-site)
Telecommunication workers
Tile setters and finishers
Welders

Order 16 covers the preceding listed crafts when the worker is participating in on-site construction activities. However, there may be situations where a worker is covered under another industry order if he or she is involved in fabrication (manufacturing industry).

Definition, Section 2(E)

“Drilling occupations” mean all job classifications associated with the exploration or extraction of oil, gas, or water resources work, including but not limited to, the installation, establishment, reworking, maintenance or repair of wells and pumps by boring, drilling, excavating, casting, cementing and cleaning for the extraction or conveyance of fluids such as water, steam, gases, or petroleum.

Derrickman (Derrick person)
Driller
Electrician
Field mechanic
Floor hand – motorman
Floor hand (roughneck)
Lubeman (Lube person)
Mechanic
Operator
Pipe racker
Reservoir engineer
Reliability specialist
Rig operator (sometimes referred to as “head well puller”)
Rig supervisor
Roughneck (Floor hand)
Tool-pusher
Welder
Well puller

Definition, Section 2(K)

“Logging occupations” mean any work for which a timber operator’s license is required pursuant to California Public Resources Code §§4571, 4586, including the cutting or

removal, or both, of timber or other solid wood forest products, including Christmas trees from timberlands for commercial purposes, together with all the work that is incidental thereto, including but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement.

Choker setters
Equipment operators
Fallers
Forester
Skidders
Water truck drivers

Definition, Section 2(L)

“Mining occupations” mean miners, and other associated and related occupations (not covered by Labor Code Section *et seq.*) required to engage in excavation or operations above or below ground including work in mines, quarries, or open pits used for the purposes of exploration or extraction of non-metallic minerals and ores, coal, and building materials, such as stone, gravel and rock, or other materials intended for manufacture or sale, whether paid on a time, piece rate, commission, or other basis.

Batch plant laborer
Blaster
Bull gang mucker
Cable tender
Change houseman
Chemical grout operator
Cherry picker operator
Chuck tender
Coal worker
Dredge operator
Driller
Dump person
Flume maker
Grout gun operator
Grout mix operator
Grout pump operator
Jackleg miner
Jumbo person
Kemper
Miner
Nozzle person
Nipper
Pneumatic vibrator operator
Pot tender
Powderman
Primer person
Raiser/Setter
Rodders (concrete crew)
Sandblaster
Shotcrete operator
Spiral runner

Spreaders (concrete crew)
Stone grinder
Swamper (Brakeman and Switchman on tunnel work)
Timber person
Tool person
Track person
Tunnel concrete finisher
Tunnel materials handler

Order 17 – MISCELLANEOUS EMPLOYEES

Applicability of Order.

Section 1(A) Any industry or occupation not previously covered by, and all employees not specifically exempted in, the Commission's Wage Orders in effect in 1997, or otherwise exempted by law, are covered by this order.

Currently the Division of Labor Standards Enforcement has not identified any occupations that meet the definition of "miscellaneous employees" in Industrial Welfare Commission Order 17-2001.

INDEX OF BUSINESSES AND OCCUPATIONS

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	Accounting firms	4
†	Actors, professional – <i>ONLY</i> Sections 1, 2, 4, 10 and 20 of Orders 11 and 12 are applicable; exempt from all other provisions of Orders 11 and 12)	-
	Advertising agencies	4
	Advertising films, production of	12
*	Agents	4
††	Agricultural commodities, packing and processing	8 or 13
	Aircraft and aircraft parts, manufacturing	1
	Airlines	9
	Ambulance service	9
	Amusement parks	10
	Animal care services (no overnight shelter or feeding	4
	Animal care services (with overnight shelter or feeding)	5
	Apartment houses	5
††	Apiary	8 or 13
	Apparel products, manufacturing	1
	Applying chemicals (on-site agriculture)	14
*	Appraisers	4
†	Architects – exempt from Sections 3-12, Orders 1-13, 15 and 16	-
	Architectural offices	4
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	Associations, business (homeowners, retailers associations, Chamber of Commerce, etc.	4
	Athletic agents	4
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†	Attendants, personal – Exempt from Order 15	-
	Attorney offices	4
†	Attorneys – exempt from Sections 3-12, Orders 1-13, 15 and 16	-
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	Baby formulas (except canned fruit, etc., see Order 3)	1
†	Baby sitters (under 18 years, sitting for child of employer in employer's home) except from Order 15	-
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	Cafeterias	5
	Call offices (for laundry/dry cleaning pickup)	6
*	Call out operators	4
	Camps, day	5
	Camps, organized	5
	Candy, (food processing)	1
	Cane sugar refining (of purchased raw sugar or syrup)	1
	Canned pet food	3
	Canned soup, stews, hash, etc.	3
	Canned fish, fruit, meat, poultry, rabbit, vegetables	3
*	Canvassers	4
	Card rooms	10
	Car loading	9
	Carnivals	10
†	Carnival (traveling) operators (full-time) <i>ONLY</i> Sections 1, 2, 4, 10 and 20 of Order 10 are applicable; exempt from all other provisions of Order 10	10
	Carpenter (construction)	16
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	Carpet installers (construction)	16
	Car rentals	9
*	Carriers	4
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*	Cashiers	4
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	Cement (ready mix)	1
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	Ceramics	1
†	Certified public accountants – exempt from Sections 3-12, Orders 1-13, 15 and 16	-
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*	Checkers	4
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	Chicken debeaking	14
	Child care institutions	5
	Child nurseries	5
	Choker setters (logging)	16
	Chuck tender (mining)	16
	Churches	4
††	Citrus and deciduous fruit packing	8 or 13
	Citrus by-products (food processing)	1
*	Cleaners and porters	4
	Cleaning of facilities, grounds, commercial units, living units	5
*	Clerks	4
	Clubs (golf, etc.) operating public eating facilities	5
	Clubs: golf, tennis, boating, etc. (also see Order 5)	10
	Clubs offering rental of living, business or commercial quarters	5
	Clubs preparing and serving food, solid or liquid, consumed on premises	5
	Coal worker (mining)	16
	Coating lumber products	1
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	Communication firms	4
*	Communication technicians	4
*	Compilers	4
*	Computer operators, programmers	4
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	Cook houses in lumber camps (if separate employer)	5
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*	Copy holders	4
	Copy making service	1
*	Copy readers	4

*	Copy writers	4
††	Cotton gins	8 or 13
	Cotton seed oil (food processing)	1
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	Credit agencies	4
	Credit unions	4
	Crop dusting, office and support personnel	4
	Crop dusting, on-site activities	14
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	Dairies (no processing except cooling)	14
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	Day care centers (no board or lodging)	4
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††	Deciduous and citrus fruit packing	8 or 13
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*	Demonstrators	4
	Dental laboratories	1
	Dental offices	4
*	Dental technicians and technologists	4
†	Dentists – exempt from Sections 3-12, Orders 1-13, 15 and 16	-
	Derrickman (Derrick person) (drilling)	16
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*	Dispatchers	4
	Distribution of motion pictures to theaters or television	12
†	Doctors/medical offices – exempt from Section 3-12, Orders 1-13, 15 and 16	-
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*	Drafters	4
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	Dredge operator (mining)	16
††	Dried fruit processing	8 or 13
	Driller (drilling and mining)	16
	Drinking places	5
*	Drivers (vehicle)	4
	Drug stores	7
	Dry cleaning (including self-serve)	6
††	Drying fruits or vegetables	8 or 13
	Drywall installer/finisher (construction)	16
	Dude or guest ranch	10
	Dump person (mining)	16
	Dumps/landfill	4
	Dyeing plants	6
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	Eating places	5
*	Editors	4
	Education motion pictures, production and distribution	12

††	Eggs	8, 13, or 14
	Electrician (construction)	16
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*	Elevator operators	4
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†	Engineers – exempt from Section 3-12, Orders 1-13, 15 and 16	-
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	Fishing boats (commercial), office and support personnel	4
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	Flag person (traffic control – construction)	16
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	Floor hand – motorman (drilling)	16
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	Food processing	1
	Baby formulas (except canned fruits etc., see Order 3)	
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	Bottling (soft drink)	
	Breweries	
	Candy	
	Cane sugar refining (of purchased raw sugar or syrup)	
	Citrus by-products	
	Cotton seed oil	
	Dehydrated soups and mixes	
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	Preparing fruit and vegetables for restaurants, bakeries, etc.	
	Salad oil	
	Soft drinks, bottling	
	Tortilla manufacturing	
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	Food Products, manufacturing	1
	Forester (logging)	16
	Framer (construction)	16
	Fraternity houses	5
	Fresh vegetables and fruit packing	8 or 13
	Freezing: fish, fruit, meat, poultry, rabbit, vegetables	3
	Fruit and vegetables, preparing for restaurant, bakeries, etc.	1
†	Fruit drying	8 or 13
††	Fruit (fresh) packing	8 or 13
	Fruit: freezing, canning	3
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	Grain and tomato harvesting machines	14
*	Graphic art technicians	4
	Grout gun operator (mining)	16
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*	Guards	4
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*	Guides	4
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	Gymnasium, spectator or participatory sports	10
	-H-	
	Harvesting machines, tomato and grain	14
	Hash, canned	3
	Hatcheries, commercial	14
	Hatcheries, fish	14
	Hazardous material "HAZMAT" cleanup and handling (if no contractor's license required), or Order 16 if on construction site (contractor's license required)	4 or 16
	Health clubs	2
	Hives, bee	14
	Hod carrier (construction)	16
	Homes for the aged or infirm	5
††	Honey	8 or 13
	Hospitals, including convalescent	5
*	Hosts, hostesses	4
	Hotels	5
	-I-	
	Ice cream (beyond first processing)	1
††	Ice cream (made from whole milk as first processing)	8 or 13
	Ice cream stores (no tables for patrons' use)	7
	Ice cream stores (with tables for patrons' use)	5
	Ice skating rinks	10
	Import/export, retail/wholesale	7
†	Inside salespersons – except from Subsections 3(A), 3(B) and 3(C), or Orders 4 and 7 if	4 or 7

	wages equal more than 1 ½ times the minimum wage and if more the ½ of employee's compensation represents commissions	
*	Inspectors	4
*	Installers, if no license required (if license required, see Order 16)	4
*	Instructors	4
	Insurance companies	4
	Internet service provider (ISP)	4
*	Interviewers	4
*	Investigators	4
	Investment houses	4
	Iron worker	16
	Irrigation districts	14
	Irrigation systems (sales)	7
	Irrigators – except from Subsection 3(A) if more than ½ of week spent as irrigator	14
	-J-	
	Jackleg Miner (mining)	16
	Janitorial service	5
	Juice concentrates	3
	Jumbo person (mining)	16
	-K-	
	Kemper (mining)	16
	-L-	
	Laboratories, dental and optical	1
	Laboratories (independent research, development and testing, etc.	4
*	Laboratories workers	4
	Labor contractors (for farm labor, see Order 14, for construction, see Order 16)	4
	Labor unions	4
	Laborer (construction)	16
	Landscape installer (initial and construction sites)	16
	Landscaping (except initial earth moving and cement work, see Order 16)	5
	Landfill/dumps	4
	Laundries, including self-service	6
	Laundromats	6
†	Lawyers – exempt from Section 3-12, Orders 1-13, 15 and 16	-
	Legal firms	4
*	Librarians	4
	Libraries	4
	Libraries, film, motion picture industry	12
	Limousine service	9
	Linen supply (if laundering included)	6
	Linen supply (no laundering included)	7
	Loan offices	4
	Locker clubs	6
	Loft or office buildings	5
	Logging camps (with board or lodging)	16
	Logging, office and support personnel	4
	Logging, on-site activities	16
	Logging trucks (not associated with actual logging operations)	9
	Logging truck drivers (associated with on-site logging operations)	16
	Lube man (Lube person)	16
	Lumber products, manufacturing	1
	Lumber trucks (not on-site logging trucks)	9
	Lunch counters	5

	-M-	
*	Machine operator (for construction, logging, mining or drilling machinery see Order 16)	4
	Machinery, metal products	1
	Magazine and book publishers	1
*	Mailers	4
	Mail order houses, retail/wholesale	7
	Maintenance, repair, improvement of building (contractor's license required)	16
	Maintenance of grounds, facilities, quarters of commercial units and living units (no contractor's license required)	5
	Maintenance of vehicles (garages, car washes, etc.)(if connected with gas station or vehicle dealer see Order 7)	9
	Marble/granite/slate installer/finisher (natural or synthetic) (construction)	16
	Margarine (food processing)	1
	Massage parlors	2
	Meat: freezing, canning	3
	Meat processing	1
†	Meat slaughtering	8 or 13
*	Mechanics	4
	Mechanic, equipment (on-site construction and logging)	16
	Medical clinics (apart from hospitals)	4
*	Medical technicians and technologists	4
	Metal products, machinery	1
	Microfilm service	1
	Milk testing	14
	Miner	16
	Mining, office and support personnel	4
	Mining, on-site activity	16
	Mini-storage (if connected with transportation firm, see Order 9)	5
†	Minor baby sitter (under age 18) sitting for a minor child of the employer in the employer's home, exempt from Order 15	-
*	Models	4
	Mortuaries	2
	Motels	5
	Motion picture production, casting bureaus	12
	Motion picture production, theatrical and non-theatrical (commercial, educational, religious, etc.)	12
	Motion pictures, distribution to theaters and television	12
	Motorman (floor hand) (drilling)	16
	Moving and storage warehousing (of commodities moved)	9
††	Moving packing plant	8 or 13
	Music festival, opera and symphony organizations	10
	Music groups and orchestras	10
	-N-	
	National service organizations (CCC, Americorps, etc.); exempt from all Orders (Labor Code Section 1171)	-
	Needle trades	1
	Newspaper publishers	1
	Night clubs (food and drink are served)	5
	Night clubs (entertainment is primary purpose)	10
	Nipper (mining)	16
	Non-profit organizations (charitable, churches, social agencies)	4
	Non-theatrical motion picture production (commercial, educational, religious, etc.)	12
	Nozzle person (mining)	16
	Nurseries, child	5
	Nurseries, Horticultural (main purpose selling)	7
	Nurseries, Horticultural (primarily a growing operation)	14
*	Nurses	4
†	Nurse, student; exempt from Order 5 if student of bona fide nursing school	-
††	Nut cracking, shelling, sorting and hauling	8 or 13

	-O-	
	Oculist offices	4
†	Oculists – exempt from Sections 3-12, Orders 1-13, 15 and 16	-
	Office and loft buildings	5
	Oil refining	1
	Oil and water well drilling and servicing firms, office and support personnel	4
	Oil and water well drilling and servicing firms, on-site activities	16
††	Olive oil	8 or 13
	Opera, symphony and music festival organization	10
	Operating engineer (construction)	16
	Operator (drilling and mining occupations)	16
*	Operators, computer	4
†	Operators, full-time, employed by traveling carnivals; <i>ONLY</i> Sections 1, 2, 4, 10 and 20 of Order 10 are applicable; exempt from all other provisions of Order 10	10
	Optical laboratories	1
	Optician (except manufacturer, see Order 1)	7
	Optometrist office	4
†	Optometrists – exempt from Sections 3-12, Orders 1-13, 15 and 16	-
	Orchestras and other music groups	10
	Organized camps	5
†	Outside salespersons; exempt from all orders (Labor Code Section 1171)	-
	Oyster farms	14
	-P-	
*	Packers	4
††	Packing and processing agricultural commodities	8 or 13
††	Packing fresh vegetables and fruit	8 or 13
††	Packing plant or shed, moving or permanent	8 or 13
	Painter (construction)	16
	Painting contractors, office and support personnel	4
	Painting contractors, on-site activities	16
	Paper products	1
	Parcel delivery service	9
	Parking lots	9
	Penny arcades	10
†	Personal attendants covered by Order 15 are employed by a private householder or by any third party employer recognized in the health care industry to work in a private household, and <i>ONLY</i> Sections 1, 2, 4, 10 and 15 or Order 15 apply	15
	Personal attendants covered by Order 5 are employed by a nonprofit organization, and are exempt from Section 3 of Order 5	5
	Pest control	5
	Pet foods, canned	3
	Pet foods, dry (food processing)	1
	Pharmacies	7
†*	Pharmacists	4
	Photocopy services	1
	Photographers	4
	Photography, commercial	4
	Photostatting services	1
	Physical conditioning centers	2
	Pipe racker (drilling)	16
	Pizza manufacturing	1
	Pizza parlors (with tables for patrons' use)	5
	Pizza parlors (pick-up and delivery only; no tables for patrons' use)	7
	Plasterer (construction)	16
	Plastic products	1
	Plumber (construction)	16
	Plumbing, installation	16
	Plumbing, maintenance	16

	Pneumatic vibrator operator (mining)	16
*	Porters and cleaners	4
	Portrait studios	4
	Pot tender (mining)	16
	Potato and corm chip manufacturing	1
††	Potato grading, sorting and bagging	8 or 13
	Poultry: freezing and canning	3
††	Poultry processing	8 or 13
	Powderman (mining)	16
	Primer person (mining)	16
*	Printers	4
*	Process servers	4
	Production of motion pictures, theatrical and non-theatrical (commercial, educational, religious, etc.)	12
	Production of TV advertising films	12
†	Professional actors; Only Sections 1, 2, 4, 10 and 20 of Orders 11 and 12 are applicable; exempt from all other provisions of Orders 11 and 12	11 or 12
	Professional offices (architects, attorneys, doctors, dentists, engineers, etc.)	4
*	Programmers, computer	4
*	Proof readers	4
	Property management	5
	Property or wardrobe rental, motion picture production	12
	Protective agencies	4
	Public utilities, electrical (for telephone, natural gas and water utilities, see Order 4)	1
	Public works, office and support personnel	4
	Public works, on-site activity	16
	Publishers, books, magazines and newspapers	1
	-R-	
	Rabbit: freezing, canning	3
	Race tracks	10
	Racing stables	10
	Radio broadcasting	11
*	Radio telephone operators	4
	Railways	9
	Raiser/Setter (mining)	16
	Real estate offices (brokerage only; also see Order 5)	4
	Real estate offices, if business includes property management	5
	Records and tapes (reproduction; retail/wholesale)	7
	Recycling center (processing plants altering/transforming material)	1
	Recycling center, nonprocessing	4
	Reliability Specialist (drilling occupations)	16
	Refineries, oil	1
	Refineries, sugar	1
	Religious motion picture production	12
	Rentals [See Below]	6, 7, 9 or 12
	Rental of commodities and goods	7
	Rental of equipment	7
	Rental of property or wardrobe, motion picture industry	12
	Rental of uniforms (no laundering/cleaning)	7
	Rental of uniforms (with laundering/cleaning)	6
	Rental of vehicles (cars, trucks, boats, ships, airplanes)	9
	Repacking bulk products	1
	Repairs to vehicles (if operated by vehicle dealer or gas station, see Order 7)	9
*	Research and development	4
	Resorts that provide meals or lodging (if resort does not provide meals or lodging, see Order 10)	5
	Reservoir engineer (drilling occupations)	16
	Restaurants	5
	Rest homes	5

	Retail stores	7
	Retirement homes	5
	Reweaving (if done by laundries/dry cleaners, see Order 6)	1
††	Rice drying (commercial)	8 or 13
	Riding academies, stables	10
	Rig operator (sometimes referred to as “head well puller”) (drilling)	16
	Rig supervisor (drilling)	16
	Rinks, ice and roller skating	10
	Rodders (concrete crew – mining)	16
	Roller skating rinks	10
	Roofer (construction)	16
	Rooming houses	5
	Roughneck (floor hand; drilling)	16
	Rubber manufacturing	1
	Rummage sales	7
	-S-	
	Salad oil manufacturing	1
*	Sales agents	4
*	Salespersons	4
†	Salespersons, outside (exempt from all orders (Labor Code Section 1171))	-
†	Salespersons, inside – exempt from Sections 3(A), 3(B) and 3(C) of Orders 4 and 7 if wages equal more than 1 ½ times the minimum wage and if more than ½ of employees compensation represents commissions	4 or 7
	Sandblaster (mining)	16
	Sanitariums	5
††	Sausage making (at point of first processing)	8 or 13
	Savings and loan	4
	Sawmills	1
	Schools, private (not boarding)	4
	Schools, private (with board or lodging)	5
*	Secretaries	4
*	Security guards	4
	Security guard service	4
	Self-service laundries/dry cleaners	6
	Sewer cleaning	5
†	Sheepherders; exempt from Sections 3, 4 (A)-(D), 5, 6, 9, 11-13 of Order 14. Entire Order is applicable to any workweek during which a shepherd employee is engaged in any non-shepherding work.	14
	Sheet metal shops	1
	Sheet metal, on-site installation (construction)	16
	Sheet metal worker (construction)	16
	Shipbuilding (except repair, see Order 9)	1
	Ship rental	9
	Ship repair	9
	Shoe manufacturing and repair	1
	Shopping services	4
	Shotcrete operator (mining)	16
	Skating rinks	10
	Ski facilities that do not provide meals or lodging (if facility provides meals or lodging, see Order 5)	10
	Ski lifts	10
	Skidders (logging)	16
*	Sign erectors	4
*	Sign painters	4
††	Slaughtering meat	8 or 13
	Slurry seal worker (construction)	16
	Social agencies	4
*	Social workers	4
	Soft drinks, bottling	1

	Solar equipment (sales)	7
	Soliciting, telephone	7
*	Solicitors	4
	Sorority houses	5
*	Sound technician	4
	Soups, canned	3
	Spiral runner (mining)	16
	Spreaders (concrete crew; mining)	16
	Stables, racing	10
	Stables, riding academies (primarily recreational)	10
	Stables, with boarding and care	5
*	Statisticians	4
	Steel worker (erector) (construction)	16
*	Stenographers	4
	Stevedoring	9
	Stews, canned	3
	Stock brokerage firms	4
	Stone grinder (mining)	16
	Stone mason/tender (natural and synthetic) (construction)	16
	Storage and moving warehouse (of commodities moved)	9
	Storage garages	9
	Storage, mini (not connected to transportation firm [Order 9])	5
†	Student nurses; exempt from Order 5 if student of bona fide nursing school	-
††	Sugar (beet) mills	8 or 13
††	Sugar or syrup directly from sugar cane	8 or 13
	Sugar refineries	2
	Sun tanning parlors	2
	Surveyors (construction)	16
	Swamper (Brakeman and Switchman on tunnel work; mining)	16
	Swimming pool, construction	16
	Swimming pools	10
	Symphony, music festival and opera organizations	10
	-T-	
	Talent agents	4
	Tanning (sun) parlors	2
	Taping and broadcasting (sound or video)	11
	Taverns	5
	Tax consultants	4
	Taxidermy	1
*	Teachers	4
†	Teachers – exempt from Sections 3-12, Orders 1-13, 15 and 16	-
	Teamster (construction)	16
	Telecommunication installation worker	16
	Telegraph and telephone companies	4
*	Telegraph operators	4
	Telephone and telegraph companies	4
	Telephone answering service	4
*	Telephone operators	4
	Telephone soliciting	7
	Television advertising firms (production)	12
	Television broadcasting	11
	Television film production	12
*	Tellers	4
	Tennis courts	10
	Termite control	5
	Textile products, manufacturing	1
	Theaters	10
	Theatrical companies	10
	Theatrical motion picture production	12

	Thrift shops	7
*	Ticket agents	4
	Tile setter/finisher (construction)	16
	Timber person (mining)	16
	Tire alignment and balancing companies (when not part of a tire sales company [Order 7])	9
	Tomato and grain harvesting machines	14
	Tool person (mining)	16
	Tool-pusher (drilling)	16
	Tortilla manufacturing	1
	Tour buses	9
	Tour companies	9
*	Tracers	4
	Track person (mining)	16
	Trailer parks	5
	Transfer stations (garbage, sorting out hazardous materials and recyclable items)	4
	Transportation companies	9
	Travel agencies	4
	Tree farms (growing; not logging)	14
	Tree service firms	5
	Trout farms, hatcheries	14
*	Truck drivers, transportation (excluding log truck drivers associated with on-site logging operations, see Order 16)	9
*	Truck drivers engaged in on-site logging operations	16
	Trucking (including commercial trucking of farm products)	9
	Truck rentals	9
	Tunnel concrete finisher (mining)	16
	Tunnel materials handler (mining)	16
	TV advertising films (production)	12
	TV broadcasting	11
	TV film production	12
*	Typists	4
	-U-	
	Uniform rentals (if laundered/cleaned elsewhere)	7
	Uniform rental (if laundered/cleaned included)	6
	Universities, private (no board or lodging)	4
	Universities, private (with board or lodging)	5
	Utilities, public, telephone, natural gas and water (for electrical utilities, see Order 1)	4
	-V-	
††	Vegetable drying	8 or 13
	Vegetables and fruit, preparing for restaurants, bakeries, etc.	1
	Vegetables: freezing, canning	3
††	Vegetables (fresh) packing	8 or 13
*	Vehicle operators (if involved in the construction, logging, mining or drilling industries, see Order 16)	4
	Vehicle rental, including boats, aircraft and ships	9
	Repairs to vehicles (except when operated by vehicle dealer or gas station, see Order 7)	9
	Veterinary service (no overnight shelter or feeding)	4
	Veterinary service (with overnight shelter or feeding)	5
	Video production companies producing (but not reproducing) tapes for industrial, training or other purposes. If reproducing, see Order 1	12
	-W-X-Y-Z-	
	Wardrobe or property rental, motion picture industry	12
	Warehousing and storage (of commodities moved)	9
	Waste water treatment facilities	1
	Water and oil well drilling and servicing firms, office and support personnel	4
	Water and oil well drilling and servicing firms, on-site activities	16
	Water taxi service	9

	Water truck driver (construction)	16
*	Weather forecaster	4
	Weight control salons	2
	Welder (iron or steel worker in construction occupations)	16
	Welder (drilling occupations)	16
	Well puller (drilling occupations)	16
	Wholesale houses	7
	Wired music studios	10
	Winery (mixed grapes)	8
	Winery (on the farm)	13
*	X-ray technicians	4
	Yeast (food processing)	1

* Named and related occupations are covered by occupational order only when they are not covered by an industry order. They type of business determines the industry code.

† Exempt occupations must meet the criteria stated in Section 1, Applicability and/or Section 2, Definitions, of the applicable IWC Order

†† Also see Notes following Order 8 (page 22), Order 13 (page 27) and Order 14 (page 28)