

SB 1334 MEAL BREAKS FOR PUBLIC SECTOR AND UC HEALTH CARE WORKERS

Senator Steven Bradford

SUMMARY

SB 1334 will include public sector and UC workers who provide or support direct patient care in a hospital, clinic, or public health setting in Section 512 of the California Labor Code guaranteeing enforceable meal breaks and rest periods.

BACKGROUND

Occupational fatigue is a known issue in the general U.S. workforce with an estimated overall prevalence of 38 percent, and there is evidence that its prevalence among nurses is much higher. Even before the pandemic, nurses typically took few breaks during shifts and often faced greater workloads because of insufficient staffing. Working under such conditions is likely to cause fatigue — feeling very tired or exhausted, both physically and emotionally — which in turn contributes to poorer physical and mental health outcomes.

Private sector nurses are guaranteed meal and rest periods while nurses employed in the public sector lack these basic protections, even though they perform the same duties. SB 1334 will ensure that public sector employees who provide direct patient care, or support direct patient care, in a hospital, clinic, or public health setting will be covered by Section 512 of the California Labor Code, guaranteeing meal breaks and rest periods for UC Nurses.

PROBLEM

The California Labor Code provides for an unpaid thirty-minute meal period for workers who work over five hours and an additional thirty-minute break for workers who work more than ten hours. The Industrial Welfare Commission Wage Order No. 4, which covers professionals including nurses, provides for a ten-minute rest period for every four hours worked.

The Labor Code and the Wage Order both state that a missed meal or rest break entitles the workers to one additional hour of pay and that payment has been held by the California Supreme Court in *Murphy v. Kenneth Cole* to be wage, not a penalty, with a three-year statute of limitations.

In general, California's Labor Code has not been found to cover public sector employees unless explicitly stated. Section 512, the provision on meal periods, does not state that it applies to public employees and the Appeals Court decision in *Johnson v. Arvin-Edison Water Storage District* ruled that it did not. Wage orders may apply to public sector workers, but the Appeals Court decision in *Gomez v. Regents of the UC* held that Wage Order 4 did not apply to the UC.

SOLUTION

SB 1334 will explicitly include public sector workers who provide direct patient care, or support direct patient care, in a hospital, clinic, or public health setting in Section 512 of the California Labor Code guaranteeing enforceable meal breaks and rest periods for UC Nurses and other public sector workers. Better rested nurses will provide higher quality patient care for Californians.

SUPPORT

California Nurses Association (sponsor)

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