

California Workplace Law Blog

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California Governor Signs SB 435 Which Expands the One Hour Pay Penalty in Labor Code 226.7 to Missed "Recovery Periods"

Labor Code 226.7 provides that an employee should receive one hour of pay as a penalty for not receiving rest or meal periods in accordance with California law. Yesterday, Governor Brown signed into law [SB 435](#) which expands the one hour of pay penalty to missed "recovery periods." The new law applies to any meal, rest or recovery period mandated by applicable statute, regulation, standard, or order of the California IWC, the Occupational Safety and Health Standards Board, or the Division of Occupational Safety and Health.

SB 435 defines "Recovery Period" as "a cool down period afforded an employee to prevent heat illness." Employers may consider reviewing the [CA OSHA resources for preventing heat illness](#). For example, when the outdoor temperature exceeds 85 degrees Fahrenheit, CA OSHA mandates a recovery period of not less than 5 minutes for employees who work outside to take a cool-down rest, in the shade, to protect themselves from overheating. The new law will likely lead to an increase in litigation. As a result, employers should review their procedures and policies.

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