



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-621 Overtime compensation: private school teachers. (2017-2018)

SHARE THIS:  

Date Published: 07/21/2017 09:00 PM

Senate Bill No. 621

CHAPTER 99

An act to amend Section 515.8 of the Labor Code, relating to employment.

[Approved by Governor July 21, 2017. Filed with Secretary of State July 21, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 621, Bradford. Overtime compensation: private school teachers.

Existing law provides that 8 hours of labor constitutes a day's work. Under existing law, any work in excess of 8 hours in one workday and any work in excess of 40 hours in any one workweek, and the first 8 hours worked on the 7th day of work in any one workweek, is required to be compensated at the rate of no less than 1¹/₂ times the regular rate of pay for an employee. Existing law also provides that hours worked in excess of 12 hours in one day as well as hours worked in excess of 8 hours on any 7th day of work are to be compensated at the rate of no less than twice the regular rate of pay of an employee. Existing law exempts from these provisions an individual employed as a teacher at a private elementary or secondary academic institution if specified requirements are met, including, among others, that the employee earns a monthly salary equivalent to the greater of no less than the lowest salary offered by any school district or the equivalent of no less than 70% of the lowest schedule salary offered by the school district or county office of education in which the private elementary or secondary institution is located, as specified.

This bill would specify that the existing standards apply to full-time employees and would prescribe a revised earnings standard for exemption from overtime provisions for part-time employees that would require a part-time employee earn the proportional amount of a full-time salary that is equal to the proportion of the full-time instructional schedule for which the part-time employee is employed. The bill would provide that a private school may use school salary schedules in effect for up to 12 months prior to the start of the school year, for use in budgeting for salaries under these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 515.8 of the Labor Code is amended to read:

515.8. (a) Section 510 does not apply to an individual employed as a teacher at a private elementary or secondary academic institution in which pupils are enrolled in kindergarten or any of grades 1 to 12, inclusive.

(b) For purposes of this section, "employed as a teacher" means that the employee meets all of the following requirements:

(1) The employee is primarily engaged in the duty of imparting knowledge to pupils by teaching, instructing, or lecturing.

(2) The employee customarily and regularly exercises discretion and independent judgment in performing the duties of a teacher.

(3) On and after July 1, 2017, the employee earns the following amount:

(A) For a full-time employee, the greater of the following:

(i) No less than 100 percent of the lowest salary offered by any school district to a person who is in a position that requires the person to have a valid California teaching credential and is not employed in that position pursuant to an emergency permit, intern permit, or waiver.

(ii) The equivalent of no less than 70 percent of the lowest schedule salary offered by the school district or the county office of education in which the private elementary or secondary academic institution is located to a person who is in a position that requires the person to have a valid California teaching credential and is not employed in that position pursuant to an emergency permit, intern permit, or waiver.

(B) For a part-time employee, the proportional amount of the salary identified in subparagraph (A) that is equal to the proportion of the full-time instructional schedule for which the part-time employee is employed.

(4) The employee has attained at least one of the following levels of professional advancement:

(A) A baccalaureate or higher degree from an accredited institution of higher education.

(B) Current compliance with the requirements established by the California Commission on Teacher Credentialing, or the equivalent certification authority in another state, for obtaining a preliminary or alternative teaching credential.

(c) When budgeting for a future school year, a private elementary or secondary academic institution may determine the salary requirements in paragraph (3) of subdivision (b) by referring to school salary schedules in effect for up to 12 months prior to the start of the school year.

(d) This section does not apply to any tutor, teaching assistant, instructional aide, student teacher, day care provider, vocational instructor, or other similar employee.

(e) The exemption established in subdivision (a) is in addition to, and does not limit or supersede, any exemption from overtime established by a Wage Order of the Industrial Welfare Commission for persons employed in a professional capacity, and does not affect any exemption from overtime established by that commission pursuant to subdivision (a) of Section 515 for persons employed in an executive or administrative capacity.