

In California, California's Industrial Welfare Commission Order NO. 16-2001 regulates wages hours and working conditions in the construction industry.

The order applies to all persons employed in the on-site occupations of construction, including but not limited to work involving alteration, demolition, building, excavating, renovation, remodeling, maintenance, improvement, and repair work, and work for which a contractor's license is required by the California Business and Professions Code, Division 3, Chapter 9, Sections 7025 et seq.

The wage and hour provisions of the order establish wage rates for overtime. The overtime requirements state that an employee must be paid one and one-half (1 1/2) times the employee's regular rate of pay for all hours worked in excess of 8 hours up to and including 12 hours and double the employee's regular rate of pay for all hours worked in excess of 12 hours.

The orders go on further to state that these requirements do 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. (Authorized by Labor Code § 514).

The result is that the wage and hour requirements contained within your collective bargaining agreement (CBA) prevail, with one caveat, California Constitution Art. XIV § 2 and Labor Code § 1815 requires overtime pay after 8 hours on public works.

**Simply, four ten-hour days may be paid at straight time on private works if your CBA provides for it, but any work after 8 hours on public works must be paid at the overtime rates.**

Below are links to the wage order, Labor Code §'s 514 & 1815 and the State Constitution for your review. Please let me know if you have any other questions.  
-Eddie

WAGE ORDER 16: <https://www.dir.ca.gov/IWC/IWCArticle16.pdf>

Labor Code §

514: [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=LAB&sectionNum=514](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=514)

California Constitution Art. XIV §

2: [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.%202.&article=XIV](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.%202.&article=XIV)

Labor Code §

1815: [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=LAB&sectionNum=1815](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=1815)