



AB 2070 – 5-HOUR WORK RULE EXEMPTION FOR CONSTRUCTION WORKERS

IN BRIEF

Existing law requires that hourly employees working six or more hours in a shift take a lunch break before the end of the fifth hour of that shift. AB 2070 extends an existing exemption from that requirement, currently available to unionized construction workers, to merit shop construction workers.

THE ISSUE

When the lunch break requirement was enacted in 1999, it applied broadly across all industries. Over time, the Legislature has recognized that certain occupations have unique characteristics that make them less suited for this one-size-fits-all approach. As a result, targeted exemptions have been enacted for a range of industries, including bakeries and broadcasting, where the nature of the work can make strict meal period timing infeasible.

Construction work often involves conditions that make rigid scheduling difficult. Workers frequently begin shifts early, travel significant distances to jobsites, and adjust daily work plans in response to weather or site conditions.

In addition, many construction tasks involve large scale or time sensitive activities that cannot be paused once underway. Activities such as concrete pours require continuous work to maintain both short-term and long-term structural integrity. Excavation and demolition present significant safety hazards to the

crew and the public if stopped at an inappropriate time.

The Legislature recognized these intricacies of the construction industry in 2010, when it granted an exemption to the 5-hour work rule to unionized construction but stopped short of granting the exemption industry-wide.

THE SOLUTION

AB 2070 builds on existing law by extending a construction specific meal period exemption already available to unionized crews to merit shop construction workers. Doing so promotes consistency across the construction workforce and provides all tradespeople on a jobsite with the same flexibility to perform their work safely and efficiently.

This tailored exemption only applies to those currently on the jobsite and does not extend to those in clerical or administrative positions.

SUPPORT

- Associated Builders and Contractors (Sponsor)

FOR MORE INFORMATION

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