



## Legal Alert: California Legislature Introduces Bill Allowing Employers More Flexibility In Work Scheduling

2/21/2008

On February 20, 2008, the California Assembly introduced legislation aimed at allowing more flexibility in work scheduling. Assembly Bill 2127 would amend California Labor Code Section 511 to permit what is being called the “Small Business Family Scheduling Option.” If passed, this section would permit employers with 25 or fewer employees to approve the written request of an employee to work an alternative work schedule for no longer than 10 hours per day within a 40 hour workweek, without overtime compensation being incurred.

Currently, if an employer wants to implement an alternative workweek schedule under which employees work 10 hours a day, four days a week, the employer must undergo a detailed procedure set forth in California Labor Code Section 511. That procedure includes undergoing a secret ballot election after an alternative workweek plan has been created and communicated to employees, and after employees are given an opportunity to inquire about the plan. This legislation, while it is only aimed at small employers at this time, is a step towards allowing employers and employees to regulate their own relationships, rather than being subject to overregulation by the legislature.

We will keep you posted as new developments arise. Should you have any questions about the nuances of California wage and hour law, and pending legislation, please contact the author of this Alert, Helene Wasserman in the Firm’s Los Angeles office at 213-237-2403 or [hwasserman@fordharrison.com](mailto:hwasserman@fordharrison.com) or the Ford & Harrison attorney with whom you usually work.

Helene is the host of the Employer Helpcast, which is a “one stop website” for both “nuts and bolts” employment law advice and insight into new legal developments affecting employers. The Employer Helpcast can be found at <http://employerhelpcast.blip.tv>.