



# California Labor Federation | AFL-CIO

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FOR IMMEDIATE RELEASE

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## **ARNOLD SCHWARZENEGGER DECLARES A STATE OF EMERGENCY TO TAKE AWAY WORKING CALIFORNIANS' LUNCH BREAKS**

### **STATEMENT BY ART PULASKI, Executive Secretary Treasurer, CA Labor Federation**

On Friday, December 10, 2004, the Schwarzenegger Administration, through the Division of Labor Standards and Enforcement (DLSE), sneaked emergency regulations to the Office of Administrative Law (OAL), with no public notification or distribution. The reason for the emergency? Just in time for Christmas, Gov. Grinch wants to take away hard-working Californians' right to a lunch break.

The governor is trying to undo a historic legal right. California's workers have been entitled to a lunch break since 1947. In 1999, as part of AB60, the legislature codified this right into law. All private sector employees now have this basic right.

Under the Administration's proposal, employers would only be required to inform workers of their right to a meal period, but they would not be required to provide a lunch break. As a result, a worker could unknowingly sign away or be pressured into signing away this right. That is a travesty of the law.

This is yet another egregious example of pay-to-play politics at the expense of California workers. Apparently there is no free lunch unless you are a big-money friend of Gov. Schwarzenegger. Gov. Schwarzenegger has taken more big corporate special interest money per hour than any governor in California history. And he has paid these special interests back by vetoing bills passed to protect workers. Now he's trying to take away a law that's already on the books to help Wal-Mart and other large businesses that could be on the hook for millions of dollars in legal damages for cheating their employees out of meals and rest breaks.

And what constitutes this "emergency?" As a proposed "emergency" regulation, the public has only five calendar days (including last Saturday and Sunday) to comment to the Office of Administrative Law. That severely hinders the public's ability to read and comment upon these regulations. We reject the idea that lunch breaks suddenly constitute an "emergency" for California. Emergency regulations are put forth for the immediate preservation of public peace, health and safety, or general welfare. None of these conditions are currently being met.

These "emergency" regulations are simply an effort to undermine the rights of all private employees in California. To suggest that a worker should put in a full day of work with no opportunity for a meal break is not only preposterous but also cruel.

Further, the Division of Labor Standards and Enforcement has no authority to issue these regulations on behalf of the Governor. Only the Industrial Welfare Commission is empowered to regulate the wages and working conditions of Californians. DSLE can only "administer" and "enforce" the laws and regulations. We strongly urge a denial of these capricious takeaways.

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