

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Liz Ortega, Chair

AB 2078 (Rogers) – As Introduced February 18, 2026

SUBJECT: Employees: meal periods: stationary engineers

SUMMARY: Adds stationary engineers, as defined, to the exemption from meal period law for certain employees covered by a valid collective bargaining agreement (CBA) with specified provisions. Defines “stationary engineer” to mean a skilled tradesperson located in a fixed facility who operates, maintains, monitors, and repairs stationary mechanical equipment and building systems, including those involving boilers, chillers, heating, ventilation, and air conditioning systems, pumps, compressors, power generation equipment, and other critical plant machinery.

EXISTING LAW:

- 1) Authorizes the Labor Commissioner to investigate employee complaints and to provide for a hearing in any action to recover wages, penalties, and other demands for compensation, as specified. Labor Code §98.
- 2) Prohibits an employer from employing an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, except that if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the employer and employee. Labor Code §512(a).
- 3) Prohibits an employer from employing an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee only if the first meal period was not waived. Labor Code §512(b).
- 4) Authorizes the Industrial Welfare Commission to adopt a working condition order permitting a meal period to commence after six hours of work if the commission determines that the order is consistent with the health and welfare of the affected employees. Labor Code §512(c).
- 5) Exempts from 2) and 3) above an employee specified in 6) below if both of the following conditions are satisfied:
 - a) The employee is covered by a valid CBA.
 - b) The valid CBA expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for meal periods for those employees, final and binding arbitration of disputes concerning application of its meal period provisions, premium wage rates for all overtime hours worked, and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Labor Code §512(e).

- 6) Provides that the exemption applies to each of the following employees:
- a) An employee employed in a construction occupation.
 - b) An employee employed as a commercial driver.
 - c) An employee employed in the security services industry as a registered security officer and who is employed by a private patrol operator, registered as specified.
 - d) An employee employed by an electrical corporation, a gas corporation, a water corporation, or a local publicly owned electric utility. Labor Code §512(f).

FISCAL EFFECT: Unknown.

COMMENTS: The Legislature has taken action in a limited manner to exempt from meal and rest period law narrowly defined categories of employees in a specific industry who are unable to take meal or rest breaks due to the unique nature of their working conditions. In these cases, the exemption generally requires the employees: 1) be covered by a CBA containing specific provisions related to wages and dispute resolution; and 2) be provided a remedy if they miss their meal or rest period.

According to the author, “AB 2078 provides flexibility for stationary engineers by adding them to the existing list of employees whose meal breaks are governed by their collective bargaining agreements due to the complex nature of their work.

Blue collar jobs are often strenuous in nature, and workers require rest and recovery to continue to perform to the best of their ability. Currently, stationary engineers, who oversee important equipment and perform maintenance and oversight work, constantly get interrupted from their meal breaks during their shifts. After the working hours of their shift, they must stay to satisfy the statutory meal break requirement and avoid any employer related violations, which inconveniences the workers and creates inconsistency for employers.

AB 2078 adds stationary engineers to the list of employees whose meal breaks are governed by CBAs, ensuring that they can leave work at the scheduled time, providing more certainty for employers. This bill will ensure that workers who perform these strenuous and risky tasks are allowed to have flexibility in a part of their day that they can use to rest, recover, and spend time with loved ones.

Arguments in Support

The California-Nevada Conference of Operating Engineers, sponsor of the bill, states, “Importantly, stationary engineers serve as the first line of defense in emergency building maintenance situations; whether a boiler malfunctions, HVAC system fails, power disruptions take place, or other urgent facility issues arise—these workers are often the only qualified personnel immediately available to address these problems and keep facilities safe and operational. Because of this, stationary engineers are effectively on call throughout their entire shift and are frequently pulled away and interrupted from their meal break periods to respond to building emergencies.

As a result, some employers who want to avoid meal break violations will require their stationary engineers to remain onsite for an additional 30 minutes after their shift ends to act as a designated “meal break.” This practice creates significant frustration for employees who have already completed their full scheduled shift, but are called to stay an extra 30 minutes once their shift has been completed.

Legislation is needed to provide flexibility for both employers and employees in this space that ensures that emergency building maintenance situations can be responded to while not penalizing employees for simply doing their job.”

ABM Engineering Services is in support, and states, AB 2078 “will provide much needed flexibility for stationary engineers by adding them to the existing list of employees whose meal breaks are governed by their collective bargaining agreements due to the complex nature of their work.

Under existing law, most employees are entitled to a 30-minute uninterrupted meal period if they work more than five hours in a workday. Further, existing law acknowledges that certain employees need more flexibility with their required breaks due to the unique nature of their occupation. In these specific circumstances, the law allows additional flexibility for specified employees who are covered by a valid collective bargaining agreement. This ensures that workers can attend to their job duties while guaranteeing that they will still get their full break that they are entitled to in statute. Workers whose meal breaks are currently governed by their collective bargaining agreements include construction workers, commercial drivers, security officers and utility workers.”

Arguments in Opposition

None on file.

Prior Legislation

SB 693 (Cortese) Chapter 95, Statutes of 2025, added employees of a water corporation to the exemption from meal period law for certain employees covered by a valid collective bargaining agreement (CBA) with specified provisions.

SB 41 (Cortese) Chapter 2, Statutes of 2023, provides, among other things, that state meal and rest period laws do not apply to an airline cabin crew employee if the employee is covered by a valid collective bargaining agreement under the Railway Labor Act and that agreement includes a provision addressing meal and rest breaks for airline cabin crew employees, as specified.

SB 1334 (Bradford) Chapter 845, Statutes of 2022, extends meal and rest period provisions to public employees who provide or support direct patient care in general acute care hospitals, clinics, or public health settings.

AB 1512 (Carrillo) Chapter 343, Statutes of 2020, authorizes a private patrol operator, as specified, to require its security officer employees, who are covered by a valid collective bargaining agreement, to remain on call during rest periods.

AB 2610 (Aguiar-Curry) Chapter 148, Statutes of 2018, permits commercial drivers transporting commercial feed to a consumer in a rural area to commence a meal period after six hours when specified conditions are met.

AB 2605 (Gipson) Chapter 584, Statutes of 2018, provides that specified employees who hold a safety-sensitive position at a petroleum facility, as defined, are exempt from rest and recovery period requirements.

REGISTERED SUPPORT / OPPOSITION:

Support

California-Nevada Conference of Operating Engineers (Sponsor)
ABM Engineering Services
International Union of Operating Engineers, Cal-Nevada Conference
Metro Services Group
U2g LLC

Opposition

None on file

Analysis Prepared by: Megan Lane / L. & E. /