
THIRD READING

Bill No: AB 2078
Author: Rogers (D)
Introduced: 8/21/26
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 6/10/26
AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 5/14/26 (Consent) - See last page for vote

SUBJECT: Employees: meal periods: stationary engineers

SOURCE: California-Nevada Conference of Operating Engineers

DIGEST: This bill extends an existing exemption from the meal period requirements of existing law to an employee who performs building maintenance work as a stationary engineer, as defined, that is covered by a valid collective bargaining agreement (CBA) that meets specified conditions.

Senate Floor Amendments of 8/21/26 modified the definition of “stationary engineer” to limit this exemption only to those workers whose occupation has a state-registered apprenticeship program, as specified.

ANALYSIS:

Existing law:

- 1) Empowers the Labor Commissioner (LC) with ensuring a just day’s pay in every workplace by authorizing the LC to investigate employee complaints and provide for a hearing in actions to recover wages, penalties, and other demands for compensation, as specified. (Labor Code §79-107)

- 2) Defines a full workday as 8 hours, and 40 hours as a workweek and requires overtime to be paid at the rate of no less than one and one-half times an employee's regular rate of pay for work performed beyond 8 hours in a day or 40 hours in a week. Furthermore, work performed beyond 12 hours in a day is to be compensated at twice the regular rate of pay. (Labor Code §510)
- 3) Prohibits an employer from employing a worker without providing a meal period as follows:
 - a) 30 minutes every 5 hours, except if the total work period is no more than 6 hours, the meal period may be waived by mutual consent.
 - b) A second 30 minute meal period if working more than 10 hours a day, except if the work period is no more than 12 hours, the second meal period may be waived by mutual consent, but only if the first was not waived. (Labor Code §512)
- 4) Requires the LC to enforce these provisions and provides that, if an employer fails to provide a meal or rest or recovery period as required by state law or applicable regulation, standard or Industrial Welfare Commission (IWC) wage order, the employer must pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest or recovery period is not provided. (Labor Code §226.7)
- 5) Exempts specified employees from the required meal period provisions 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)
- 6) Provides that the above-mentioned exemption applies to the following employees if they meet the specified criteria:
 - 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 security officer who is employed by a private patrol operator, 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)

This bill:

- 1) Extends the above-described exemption from the meal period requirements of existing law to an employee who performs building maintenance work as a stationary engineer, as defined, if both of the following conditions are satisfied:
 - a) The employee is covered by a valid CBA.
 - b) The CBA meets the requirements delineated in existing law.
- 2) 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 and whose occupation has a state-registered apprenticeship program that was established on or before December 31, 1964, and includes the name “Stationary Engineer” in the program’s occupation.

Background

As noted above, existing law prohibits an employer from requiring an employee to work during a meal or rest or recovery period (such as a cooldown period required for heat illness prevention) that is mandated pursuant to statute, or applicable regulation, standard, or order of the Industrial Welfare Commission (IWC), the Occupational Safety and Health Board, or the Division of Occupational Safety and Health. If an employer fails to provide a meal or rest or recovery period as required by state law or applicable regulation, standard or IWC order, the employer must pay the employee one additional hour of pay at the employee’s regular rate of compensation for each workday that the meal or rest or recovery period is not provided.

Additionally, as specified under current IWC wage orders, unless the employee is relieved of all duty during their meal period, the meal period is considered “on

duty” that is counted as hours worked which must be compensated at the employee’s regular rate of pay. An "on duty" meal period is permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the employer and employee an on-the-job paid meal period is agreed to. Missed meal breaks entitle employees to one hour of pay.

Existing law recognizes the unique nature of some occupations and the need for industry specific provisions for compliance with wage and hour laws. Among a few others, existing law includes provisions for specified commercial drivers, construction workers, security service employees, and employees of an electrical corporation, gas corporation, water corporation, or a local publicly owned electric utility.

Need for this bill? According to the author, “Stationary engineers have complex roles, including the requirement to be on-site and perform important maintenance and oversight work during their entire shift. These workers are the first line of defense in emergency building maintenance situations, including but not limited to situations when a boiler in a building malfunction, or a HVAC system goes down, etc.

“Because the employees have such a complex role and deal with emergency circumstances, often they will be interrupted from their meal break to respond to an emergency. In these situations, employers have been requiring these specific employees to stay after their shift is over to satisfy the statutory meal break requirement and avoid any employer related violations. This practice inconveniences the employee, who has lost their meal break, and is then required to stay on the job later than they were scheduled.

“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 (CBAs).”

Related/Prior Legislation

SB 693 (Cortese, Chapter 95, Statutes of 2025) extended an existing exemption from the meal period requirements of existing law to employees of a water corporation that are covered by a valid CBA that meets specified conditions.

SB 41 (Cortese, Chapter 2, Statutes of 2023) provided an exemption from meal and rest period requirements for airline cabin crew employees that are covered by a valid CBA meeting specified conditions.

SB 1334 (Chapter 845, Statutes of 2022) extended existing meal and rest period rights and remedies available to private sector employees to those who provide direct patient care or support direct patient care in general acute care hospitals, clinics or public health settings who are directly employed by specified public sector employers.

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 569 (Emmerson, Chapter 662, Statutes of 2010) exempted employees in certain industries, including those of an electrical corporation, a gas corporation, or a local publicly owned electric utility, from meal period laws if the employees are covered by a CBA.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/21/26)

California-Nevada Conference of Operating Engineers (source)
ABM Engineering Services
Metro Services Group
UG2 LLC

OPPOSITION: (Verified 8/21/26)

None received

ARGUMENTS IN SUPPORT: According to the sponsors, the California-Nevada Conference of Operating Engineers:

“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.

AB 2708 (Rogers) seeks to remedy this situation by requiring that meal breaks for Stationary Engineers be governed by an employees valid collectively bargaining agreement. This in return will provide flexibility for the employee by ensuring that they still get their rightful break, while additionally ensuring that these workers aren’t required to stay on-sight after their shift has ended. Providing this change will additionally bring certainty and peace of mind to employers in this industry by making clear that they will not be penalized for interrupting their employees meal break, so long as the employee is covered by a valid collective bargaining agreement that provides for meal breaks.”

ASSEMBLY FLOOR: 77-0, 5/14/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Flora, Celeste Rodriguez

Prepared by: Alma Perez-Schwab / L., P.E. & R. / (916) 651-1556
8/24/26 11:29:50

**** END ****