



**National Grain
and Feed Association**



INTERWEST
INSURANCE SERVICES, INC.

Labor Code & Heat Stress Revisions

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October 15, 2014

Fresno, Calif.



New California Law

Requires Employers to Provide a Cool-Down Period

In recent years, Cal-OSHA has taken an aggressive stance against exposing employees to potential heat illness, often citing employers and proposing significant penalties for failing to provide to employees who work in high heat conditions with adequate drinking water, shade, training, and/or cool-down periods. Furthermore, as noted by the California Supreme Court in [*Brinker v. Superior Court*](#), monetary remedies for the denial of meal and rest breaks “engendered a wave of wage and hour class action litigation” when added to the California Labor Code more than a decade ago.

New California Law cont.

The California Legislature has brought these two trends together by [amending California Labor Code Section 226.7](#) to include penalties for employers' failing to provide **“Cool Down Recovery Periods” (“CDRPs”)** to prevent heat exhaustion or stroke. The requirement to provide CDRPs kicks in January 1, 2014, after which California employers will be required to pay a wage premium for failing to provide CDRPs to employees. This premium pay is akin to the premium pay already required for violations of California's meal period and rest break laws. The amendment is sure to trigger substantial litigation in California, and cross over into Cal/OSHA enforcement as well.

New California Law cont.

If an employer fails to provide an employee a meal or rest or recovery period in accordance with a state law, including, but not limited to, an applicable statute or applicable regulation, standard, or order of the Industrial Welfare Commission, the Occupational Safety and Health Standards Board, or the Division of Occupational Safety and Health, the employer shall 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

Information Credit/Citation:

<http://www.oshalawupdate.com/2013/11/20/new-california-law-requires-employers-to-provide-cool-down-recovery-periods/>

Heat Stress Code Revisions

- Stay Tuned – It's Coming!
- Revise heat index triggers, dropping
- Requirement, water not further then 400 feet
- Raising recovery period to 10 minutes
- Total of 22 total revisions to CCR-T8 §3395



Cal/OSHA - Consultation

- For help on working safely in Confined Spaces
- Toll-free Number: **1-800-963-9424**

- **Onsite Assistance Program Area Offices**
- Central Valley: 559-454-1295 - San Diego/Imperial: 619-767-2060
- No. California: 916 263-0704 - San Bernardino: 909-383-4567
- SF/Bay Area: 510-622-2891 - San Fernando Valley: 818-901-5754
- Santa Fe Springs/LA/Orange: 714-562-5525

Consultation Programs:

<http://www.dir.ca.gov/dosh/consultation.html>

Thank You!

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