

Attention California Employers: Action Required for Ensuring Compliance with California's 'Day of Rest' Requirements

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Under California law, employees are entitled to “one day’s rest therefrom in seven,” unless certain statutory exceptions apply. In *Mendoza v. Nordstrom, Inc.*, 2 Cal. 5th 1074 (2017), the California Supreme Court addressed several ambiguities in the statutory language, giving employers much needed guidance on how to comply with California’s day of rest requirements. As noted below, employers should review their handbooks and scheduling policies to ensure they are in compliance with these requirements, as clarified by the Court.

By way of background, California Labor Code section 551 entitles employees to “one day’s rest therefrom in seven,” and section 552 similarly prohibits an employer from “caus[ing] his employees to work more than six days in seven.” Section 556 creates an exception to these requirements for employees whose “total hours of employment do not exceed 30 hours in any week or six hours in any one day thereof.”

On their face, these statutes contain a few ambiguities. For example, does an employer have to give its employees at least one day off in *any seven-day period*, or just in a given “*workweek*” as that term is defined by the employer (e.g., Sunday to Saturday, or Monday to Sunday)? For section 556’s exception to apply, does an employee have to work six hours or less just once a week, or six hours or less every day of the week? And what does it mean for an employer to “cause” an employee to work more than six days in seven in violation of section 552? At the request of the Ninth Circuit, the California Supreme Court answered these questions.

To read the full alert, click on the PDF linked below.

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