

§ 11030. Order Regulating Wages, Hours, and Working Conditions in the Canning, Freezing, and Pr...  
8 CA ADC § 11030

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Barclays Official California Code of Regulations [Currentness](#)

Title 8. Industrial Relations

Division 1. Department of Industrial Relations

Chapter 5. Industrial Welfare Commission

Group 2. Industry and Occupation Orders

Article 3. Canning, Freezing, and Preserving Industry (Refs & Annos)

8 CCR § 11030

§ 11030. Order Regulating Wages, Hours, and Working Conditions in the Canning, Freezing, and Preserving Industry.

(Wage Order 3-2001, Effective 1-1-2001)

1. Applicability of Order This order shall apply to all persons employed in the canning, freezing, and preserving industry whether paid on a time, piece rate, commission, or other basis, except that:

(A) Provisions of sections 3 through 12 of this order shall not apply to persons employed in administrative, executive, or professional capacities. The following requirements shall apply in determining whether an employee's duties meet the test to qualify for an exemption from those sections:

(1) Executive Exemption A person employed in an executive capacity means any employee:

(a) Whose duties and responsibilities involve the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretion and independent judgment; and

(e) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such items are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.102, 541.104-111, and 541.115-116. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

(f) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in California Labor Code Section 515(c) as 40 hours per week.

(2) Administrative Exemption A person employed in an administrative capacity means any employee:

(a) Whose duties and responsibilities involve either:

(i) The performance of office or non-manual work directly related to management policies or general business operations of his/her employer or his/her employer's customers; or

(ii) The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

## 21. Separability

If the application of any provision of this order, or any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this order should be held invalid or unconstitutional or unauthorized or prohibited by statute, the remaining provisions thereof shall not be affected thereby, but shall continue to be given full force and effect as if the part so held invalid or unconstitutional had not been included herein.

## 22. Posting of Order

Every employer shall keep a copy of this order posted in an area frequented by employees where it may be easily read during the workday. Where the location of work or other conditions make this impractical, every employer shall keep a copy of this order and make it available to every employee upon request.

Note: Authority cited: Section 1173, Labor Code; and California Constitution, Article XIV, Section 1.  
Reference: Sections 1182 and 1184, Labor Code.

## HISTORY

1. Amendment filed 4-22-88; operative 7-1-88 (Register 88, No. 15).
2. Repealer of subsection 4(3) filed 1-11-89; operative 1-11-89 (Register 89, No. 4).
3. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations repealing subsection 8 (last sentence only) filed 4-24-89 (Register 89, No. 17).
4. Editorial corrections of printing errors (Register 91, No. 32).
5. Amendment of subsection 4.(A) filed 9-19-96; operative 10-1-96. Submitted to OAL for printing only (Register 96, No. 38).
6. Amendment of subsection 4.(A) filed 1-14-97; operative 3-1-97. Submitted to OAL for printing only (Register 97, No. 3).
7. Amendment of order number and subsection 10.(B) filed 8-5-97; operative 1-1-98. Submitted to OAL for printing only (Register 97, No. 32).
8. Repealer and new section filed 2-22-2002; operative 1-1-2001. Supplemental filing providing parenthetical information below article heading filed 4-15-2002. Submitted to OAL for printing only pursuant to Labor Code section 517 (Register 2002, No. 16).