



State of California Wage Order

This Order Must Be Posted Where Employees Can Read It Easily



OFFICIAL NOTICE

INDUSTRIAL WELFARE COMMISSION

ORDER NO. 9-2001

REGULATING

WAGES, HOURS AND WORKING CONDITIONS IN THE

TRANSPORTATION INDUSTRY

Effective July 1, 2002 as amended

This Order Must Be Posted Where Employees Can Read It Easily

IWC FORM 1109 (Rev. 11/2025)
OSP 66 98767

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(Order No. 9-2001, Effective 1-1-2001, as amended. Sections 4(A) and 10(C) amended and republished by the Department of Industrial Relations, effective January 1, 2026, pursuant to SB 3 (Chapter 4, Statutes of 2016), and section 1182.13 of the Labor Code. Section 11(A) amended pursuant to section 515.5(a)(4) of the Labor Code, and. Section 6 amended to conform to SB 639 (Ch. 339, Stats. 2021).)

TAKE NOTICE: To employers and representatives of persons working in industries and occupations in the State of California: The Department of Industrial Relations amends and republishes the minimum wage and meals and lodging credits in the Industrial Welfare Commission's Orders as a result of legislation enacted (SB 3, Ch. 4, Stats. 2016, amending section 1182.13 of the California Labor Code, and section 1182.13 of the California Labor Code. The department also amends and republishes: the minimum rate for exempt computer software employees in 1(A)(3)(b)(iv) pursuant to section 515.5 of the Labor Code; and the requirements for licenses to employ disabled workers in compliance with SB 639 (Ch. 339, Stats. 2021) amending sections 1191 and 1191.5 of the Labor Code. The updates, amendments and republishing make no other changes to this order.

1. APPLICABILITY OF ORDER

This order shall apply to all persons employed in the transportation 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:

- Executive Exemption.** A person employed in an executive capacity means any employee:
 - Whose duties and responsibilities involve the management of the enterprise in which they are employed or of a customarily recognized department or subdivision thereof; and
 - Who customarily and regularly directs the work of two or more other employees therein; and
 - 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
 - Who customarily and regularly exercises discretion and independent judgment; and
 - 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 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 is exempt.
- Such 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 Labor Code Section 515(c) as 40 hours per week.

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

- Whose duties and responsibilities involve either:
 - The performance of office or non-manual work directly related to management policies or general business operations of their employer or their employer's customers; or
 - 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
- Who customarily and regularly exercises discretion and independent judgment; and
- Who regularly and directly assists a proprietor, or an employee engaged in a bona fide executive or administrative capacity (as such terms are defined for purposes of this section); or
- Who performs under only general supervision work along specialized or technical lines requiring special training, experience, knowledge, or
- Who executes under only general supervision special assignments and tasks; and
- Who is primarily engaged in duties that meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such terms 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 541.201-205, 541.207-208, 541.210, and 541.215. Exempt work shall include, for example, all work that is directly and closely related to exempt work and 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 exemption.

(g) Such 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 Labor Code Section 515(c) as 40 hours per week.

(3) **Professional Exemption.** A person employed in a professional capacity means any employee who meets all of the following requirements:

- Who is licensed or certified by the State of California and is primarily engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting; or
- Who is primarily engaged in an occupation customarily recognized as a learned or artistic profession. For the purposes of this subsection, "learned or artistic profession" means an employee who is primarily engaged in the performance of:

(i) Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or work that is an essential part of or necessarily incident to any of the above work; or

(ii) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the above work; and

(iii) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

(c) Who customarily and regularly exercises discretion and independent judgment in the performance of duties set forth in subparagraphs (a) and (b).

(d) Who earns 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 Labor Code Section 515 (c) as 40 hours per week.

(e) Subparagraph (b) above is intended to be construed in accordance with the following provisions of federal law as they existed as of the date of this wage order: 29 C.F.R. Sections 541.207, 541.201(a)-(d), 541.202, 541.203, 541.204, 541.205, 541.206, 541.207, 541.208, 541.209, 541.210, 541.211, 541.212, 541.213, 541.214, 541.215, 541.216, 541.217, 541.218, 541.219, 541.220, 541.221, 541.222, 541.223, 541.224, 541.225, 541.226, 541.227, 541.228, 541.229, 541.230, 541.231, 541.232, 541.233, 541.234, 541.235, 541.236, 541.237, 541.238, 541.239, 541.240, 541.241, 541.242, 541.243, 541.244, 541.245, 541.246, 541.247, 541.248, 541.249, 541.250, 541.251, 541.252, 541.253, 541.254, 541.255, 541.256, 541.257, 541.258, 541.259, 541.260, 541.261, 541.262, 541.263, 541.264, 541.265, 541.266, 541.267, 541.268, 541.269, 541.270, 541.271, 541.272, 541.273, 541.274, 541.275, 541.276, 541.277, 541.278, 541.279, 541.280, 541.281, 541.282, 541.283, 541.284, 541.285, 541.286, 541.287, 541.288, 541.289, 541.290, 541.291, 541.292, 541.293, 541.294, 541.295, 541.296, 541.297, 541.298, 541.299, 541.300, 541.301, 541.302, 541.303, 541.304, 541.305, 541.306, 541.307, 541.308, 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