

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 598

Short Title: Require Work Breaks.

(Public)

Sponsors: Representatives Adams, Jeffus; Alexander, Boyd-McIntyre, Cunningham, Earle, Fitch, Jarrell, Kinney, McAllister, Oldham, Sutton, Wainwright, Womble, and Yongue.

Referred to: Commerce.

March 25, 1997

A BILL TO BE ENTITLED

AN ACT REQUIRING CERTAIN EMPLOYERS TO PROVIDE MEAL AND REST PERIODS DURING WORKING HOURS UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. Article 2A of Chapter 95 of the General Statutes is amended by adding the following new section to read:

"§ 95-25.4A. Meal and rest periods required; scope; exemptions.

(a) Except as otherwise provided in this section, every employer shall permit employees who work for a period of five consecutive hours or more to have a meal period of at least one-half hour.

(b) Every employer shall permit employees to take rest periods which, insofar as practicable, shall be in the middle of each work period. The duration of the rest period shall be based on the total hours worked daily at the rate of 10 minutes for each five hours or major fraction thereof. Rest periods need not be permitted for employees whose total daily work time is less than three and one-half hours. Authorized rest periods shall be counted as hours worked, for which there shall be no deduction from wages.

(c) This section does not apply to the following:

1 (1) Situations where only one person is employed at a particular place of
2 business; and

3 (2) Employees included within the provisions of a collective bargaining
4 agreement.

5 (d) The Commissioner shall adopt rules to implement this section. The rules shall
6 include exemptions from the requirements of this section, as follows:

7 (1) When an employer makes a written request for an exemption and the
8 Commissioner finds from evidence submitted by the employer that
9 business necessity precludes providing the meal and rest period
10 requirements of this section, then the exemption shall be granted.

11 (2) Upon the Commissioner's own initiative or upon written request and
12 hearing of an association of employers, exemptions shall be granted for
13 a defined category of employers from providing to all or to one or more
14 defined categories of employees one or more of the benefits conferred
15 by this section if the Commissioner finds that business necessity
16 precludes providing the particular benefits to the employees affected.

17 Exemptions granted under this subsection must be applied equally to male and female
18 employees. In order to demonstrate business necessity for obtaining an exemption under
19 this subsection, the employer must show that providing the meal or rest period required
20 under this section would substantially impair, disrupt, or otherwise interfere with normal
21 business operations."

22 Section 2. This act becomes effective January 1, 1998.