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Introduced by Representatives Wizowaty of Burlington, Burke of Brattleboro,
Donovan of Burlington, French of Shrewsbury, Grad of
Moretown, Lorber of Burlington, Marek of Newfane, Moran of
Wardsboro, Mrowicki of Putney, Ram of Burlington, Reis of St.
Johnsbury, Sharpe of Bristol, South of St. Johnsbury and
Weston of Burlington

Referred to Committee on General, Housing and Military Affairs

Date:

Subject: Labor; conditions of employment; employment breaks

Statement of purpose: This bill proposes to require that employers provide
employees with work breaks for meals and rest.

An act relating to requiring employment breaks

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 21 V.S.A. § 304 is amended to read:~~

~~§ 304. EMPLOYMENT CONDITIONS; EMPLOYMENT BREAKS~~

~~(a) An employer shall provide an each employee with paid or unpaid
breaks from work periods totaling at least 30 minutes during each six hours of
work to assure that employees have reasonable opportunities ~~during work~~
periods to eat and to use toilet facilities in order to protect the health and~~

1 ~~hygiene of the employee to eat, rest, and use toilet facilities. The employment~~
2 ~~breaks shall be scheduled at least two hours after the work period commences~~
3 ~~and no later than two hours before the work period ends.~~

4 ~~b) An employer may adopt an employment break policy more generous~~
5 ~~than that provided by this section. Nothing in this section shall be construed to~~
6 ~~diminish an employer's obligation to comply with any collective bargaining~~
7 ~~agreement or any employment benefit program or plan that provides greater~~
8 ~~leave rights than the rights provided by this section. A collective bargaining~~
9 ~~agreement or employment benefit program or plan may not diminish the rights~~
10 ~~provided by this section.~~

11 ~~(c) An employer shall not retaliate or discriminate against an employee for~~
12 ~~asserting the employee's rights provided by this section.~~

13 ~~(d) An employee who is aggrieved by a violation of this section may bring~~
14 ~~a civil action for equitable and other appropriate relief, including~~
15 ~~reinstatement, civil damages in the amount of three times the employee's~~
16 ~~hourly wage multiplied by the number of hours of break time that the~~
17 ~~employee was denied, costs, and reasonable attorney's fees.~~

Sec. 1. 21 V.S.A. § 304 is amended to read:

§ 304. EMPLOYMENT CONDITIONS; EMPLOYMENT BREAKS

(a) An employer shall provide an offer each employee with paid or unpaid breaks from work totaling at least 30 minutes during each consecutive six hours of work to assure that employees have reasonable opportunities during work periods to eat and to use toilet facilities in order to protect the health and hygiene of the employee to eat, rest, and use toilet facilities. If the break from work would pose a threat to property, life, public safety, or public health, the

~~employer may offer a shorter break or reschedule the time that the break may be taken. This section does not apply to any place of employment where the nature of the work done by the employees allows them frequent breaks during the day. This section does not apply to any place of employment where fewer than three employees are on duty at any one time and the nature of the work done by the employees allows them frequent breaks during their work day.~~

(b) An employer may adopt an employment break policy more generous than that provided by this section.

(c) Nothing in this section shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater break rights than the rights provided by this section. A collective bargaining agreement or employment benefit program or plan may not diminish the rights provided by this section.

(d) An employer shall not retaliate or discriminate against an employee for asserting the employee's rights provided by this section.

(e) An employee who is aggrieved by a violation of this section may bring a civil action for equitable and other appropriate relief, including reinstatement, civil damages in the amount of three times the employee's hourly wage multiplied by the number of hours of break time that the employee was denied, costs, and reasonable attorney's fees. No action may be brought pursuant to this subsection unless the employee has affirmatively requested, and been denied, the work break period allowed by this section.

(f) An employer who violates this section may be assessed an administrative penalty of up to \$100.00 for each violation not to exceed \$1,000.00 in any 30-day period. A complaint shall be brought to the department within 60 days of an alleged violation.

Sec. 2. 21 V.S.A. § 303 is amended to read:

§ 303. PENALTY; JUDICIAL BUREAU

Any employer who violates the provisions of ~~this subchapter~~ section 301 or 305 of this title shall be assessed a civil penalty of not more than \$100.00 for each and every violation.