

1 H.339

2 Introduced by Representatives Moran of Wardsboro, South of St. Johnsbury,
3 Christie of Hartford, Consejo of Sheldon, Davis of Washington,
4 Macaig of Williston, and Pearson of Burlington

5 Referred to Committee on

6 Date:

7 Subject: Labor; conditions of employment; employment breaks

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

10 An act relating to requiring employment breaks

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

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

13 § 304. EMPLOYMENT CONDITIONS; EMPLOYMENT BREAKS

14 (a) An employer shall ~~provide an offer each employee with paid or unpaid~~
15 breaks from work totaling at least 30 minutes during each six hours of work to
16 assure that employees have reasonable opportunities during work periods to eat
17 and to use toilet facilities in order to protect the health and hygiene of the
18 employee to eat, rest, and use toilet facilities. If the break from work would
19 pose a threat to property, life, public safety, or public health, the employer may
20 offer a shorter break or reschedule the time that the break may be taken. This

1 section does not apply to any place of employment where fewer than three
2 employees are on duty at any one time and the nature of the work done by the
3 employees allows them frequent breaks during their work day.

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

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

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

14 (e) An employee who is aggrieved by a violation of this section may bring
15 a civil action for equitable and other appropriate relief, including
16 reinstatement, civil damages, costs, and reasonable attorney's fees. No action
17 may be brought pursuant to this subsection unless the employee has
18 affirmatively requested and been denied the work break period allowed by this
19 section.

20 (f) An employer who violates this section may be assessed an
21 administrative penalty of up to \$100.00 for each violation not to exceed

1 \$1,000.00 in any 30-day period. A complaint shall be brought to the
2 Department within 60 days of an alleged violation.

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

4 § 303. PENALTY; JUDICIAL BUREAU

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

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2013.