

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 849

Short Title: Require Work Breaks.

(Public)

Sponsors: Senators Gulley, Martin of Guilford, and Winner.

Referred to: Commerce

April 26, 1995

A BILL TO BE ENTITLED

AN ACT TO REQUIRE 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) Situations where only one person is employed at a particular place of business; and

- 1 (2) Employees included within the provisions of a collective bargaining
2 agreement.
- 3 (d) The Commissioner shall adopt rules to implement this section. The rules shall
4 include exemptions from the requirements of this section, as follows:
- 5 (1) When an employer makes a written request for an exemption and the
6 Commissioner finds from evidence submitted by the employer that
7 business necessity precludes providing the meal and rest period
8 requirements of this section, then the exemption shall be granted.
- 9 (2) Upon the Commissioner's own initiative or upon written request and
10 hearing of an association of employers, exemptions shall be granted for
11 a defined category of employers from providing to all or to one or more
12 defined categories of employees one or more of the benefits conferred
13 by this section if the Commissioner finds that business necessity
14 precludes providing the particular benefits to the employees affected.
- 15 Exemptions granted under this subsection must be applied equally to male and female
16 employees. In order to demonstrate business necessity for obtaining an exemption under
17 this subsection, the employer must show that providing the meal or rest period required
18 under this section would be substantially impair, disrupt, or otherwise interfere with
19 normal business operations."
- 20 Sec. 2. This act becomes effective January 1, 1996.