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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Fair Labor Standards Act of 1938 to require employers to allow employees to take meal, rest, restroom, and medical breaks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. WATSON COLEMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Fair Labor Standards Act of 1938 to require employers to allow employees to take meal, rest, restroom, and medical breaks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Worker Rights and
5 Support Act”.

1 **SEC. 2. REQUIRED BREAKS FOR EMPLOYEES.**

2 (a) IN GENERAL.—The Fair Labor Standards Act of
3 1938 (29 U.S.C. 201 et seq.) is amended by inserting
4 after section 7 (29 U.S.C. 207) the following:

5 **“SEC. 8. REQUIRED BREAKS FOR EMPLOYEES.**

6 “(a) MEAL BREAKS.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (3)(A) and subsection (e), an employer shall
9 provide, for each 6-hour period of work performed
10 by an employee, a period of break time of not less
11 than 30 minutes during such period of work in
12 which the employee may consume a meal.

13 “(2) PAYMENT.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), an employer shall not be re-
16 quired to compensate an employee for a break
17 required under paragraph (1).

18 “(B) PAID BREAKS.—In the case in which
19 an employee is not fully relieved of all work or
20 expectation of work, or is not free to leave the
21 premises or work site during a break provided
22 under paragraph (1), the employer shall com-
23 pensate the employee for the full period of
24 break time under paragraph (1), at a rate that
25 is not less than one and one-half times the reg-

1 ular rate at which the employee is employed by
2 the employer.

3 “(3) WAIVER.—

4 “(A) IN GENERAL.—The period of break
5 time under paragraph (1) may be waived by
6 consent of the employee.

7 “(B) WAIVER MAY NOT BE COMPELLED.—
8 An employer may not compel, or attempt to
9 compel, an employee to waive the period of
10 break time provided under paragraph (1).

11 “(b) REST AND RESTROOM BREAKS.—

12 “(1) IN GENERAL.—Except as provided in sub-
13 section (e), an employer shall provide, during each
14 4-hour period of work performed by an employee, a
15 period of break time that is the longer of—

16 “(A) 10 minutes; or

17 “(B) a reasonable period of time to utilize
18 the nearest functioning and accessible restroom.

19 “(2) RATE OF COMPENSATION.—An employer
20 shall compensate an employee for the break time de-
21 scribed in paragraph (1) at the regular rate at which
22 the employee is employed by the employer.

23 “(c) MEDICAL BREAKS.—

24 “(1) IN GENERAL.—Except as provided in sub-
25 section (e), an employer shall provide to an employee

1 periods of break time, not to exceed 20 minutes
2 each, that the employee may reasonably require due
3 to a medical condition communicated to the em-
4 ployer by the health care provider either directly
5 from such provider or indirectly from the employee.

6 “(2) RATE OF COMPENSATION.—An employer
7 shall compensate an employee for the break time de-
8 scribed in paragraph (1) at the regular rate at which
9 the employee is employed by the employer.

10 “(d) TIME WORKED.—Break time paid under this
11 section shall be considered as time worked.

12 “(e) COLLECTIVE BARGAINING AGREEMENTS; STATE
13 LAWS.—The requirements under this section shall not—

14 “(1) supersede any provision in a collective bar-
15 gaining agreement; or

16 “(2) preempt any State law that provides great-
17 er protections to employees than the protections pro-
18 vided to employees under this section.”.

19 (b) ENFORCEMENT.—

20 (1) PROHIBITED ACT.—Section 15(a) of the
21 Fair Labor Standards Act of 1938 (29 U.S.C.
22 215(a)) is amended—

23 (A) in paragraph (1), by striking “or sec-
24 tion 7” and inserting “, section 7, or section
25 8”;

1 (B) in paragraph (6), by striking the pe-
2 riod and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(7) to violate any of the provisions of section
5 8.”.

6 (2) PENALTIES.—Section 16 of such Act (29
7 U.S.C. 216) is amended—

8 (A) in subsection (b), by inserting after the
9 third sentence the following: “Any employer
10 who violates the provisions of section 8 shall be
11 liable for such legal or equitable relief as may
12 be appropriate to effectuate the purposes of
13 such section.”;

14 (B) in subsection (c), by adding at the end
15 the following: “The authority and requirements
16 described in this subsection shall also apply
17 with respect to a violation of section 8, as ap-
18 propriate, and the employer shall be liable for
19 such legal or equitable relief as may be appro-
20 priate to effectuate the purposes of such sec-
21 tion.”; and

22 (C) in subsection (e)(2), by striking “sec-
23 tion 6 or 7, relating to wages,” and inserting
24 “section 6, 7, or 8, relating to wages or break
25 time.”.

1 (3) STATUTE OF LIMITATIONS.—Section 6 of
2 the Portal-to-Portal Act of 1947 (29 U.S.C. 255) is
3 amended, in the matter preceding subsection (a), by
4 inserting “(and any cause of action to enforce sec-
5 tion 8 of such Act)” after “under the Fair Labor
6 Standards Act of 1938, as amended”.

7 (c) CONFORMING AMENDMENT.—Section 10 of the
8 Fair Labor Standards Act of 1938 (29 U.S.C. 210) is re-
9 pealed.