

Senator Luz Robles proposes the following substitute bill:

EMPLOYEE MEAL PERIODS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Robles

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies Labor in General provisions to address meal periods.

Highlighted Provisions:

This bill:

- ▶ enacts the Employee Break Act, including:
 - defining terms;
 - providing for meal periods for public employees;
 - providing exceptions; and
 - requiring a public employer to develop a complaint process.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-49-101, Utah Code Annotated 1953

34-49-102, Utah Code Annotated 1953

34-49-201, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34-49-101** is enacted to read:

CHAPTER 49. EMPLOYEE BREAK ACT

Part 1. General Provisions

34-49-101. Title.

This chapter is known as the "Employee Break Act."

Section 2. Section **34-49-102** is enacted to read:

34-49-102. Definitions.

As used in this chapter:

(1) "Emergency responder" means:

(a) a law enforcement officer, as defined in Section [53-13-103](#);

(b) emergency medical service personnel, as defined in Section [26-8a-102](#); or

(c) a firefighter.

(2) (a) "Firefighter" means a member, including a volunteer member or member paid on call, of a fire department or other organization that provides fire suppression and other fire-related services of a political subdivision, who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires.

(b) "Firefighter" does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

(3) "Public employee" means a person employed by:

(a) the state or an administrative subunit of the state;

(b) a state institution of higher education; or

(c) a county, a city, a town, a school district, a local district, a special service district, or another political subdivision of the state.

(4) "Public employer" means an employer that is:

(a) the state or an administrative subunit of the state;

(b) a state institution of higher education; or

(c) a county, a city, a town, a school district, a local district, a special service district, or another political subdivision of the state.

(5) "Work area" means an area in a place of employment where one or more employees

57 are routinely assigned and perform services for their employer.

58 Section 3. Section **34-49-201** is enacted to read:

59 **Part 2. Breaks**

60 **34-49-201. Public employee meal periods -- Complaint procedures.**

61 (1) For every eight hours that a public employee works in a 24-hour period, a public
62 employer shall provide the public employee an unpaid meal period that:

63 (a) is no less than 30 minutes;

64 (b) occurs no later than five hours after the public employee begins to work an
65 eight-hour period; and

66 (c) allows the public employee to be relieved of all duties and to leave the public
67 employee's work area during the unpaid meal period.

68 (2) This section does not apply to a public employee who is:

69 (a) a minor with more beneficial meal period requirements imposed in accordance with
70 Chapter 23, Employment of Minors;

71 (b) an emergency responder;

72 (c) an employee at:

73 (i) a hospital; or

74 (ii) a jail, prison, correctional facility, or other place of involuntary incarceration $\hat{S} \rightarrow$ [;
75 ~~including a juvenile detention facility]~~ $\leftarrow \hat{S}$;

76 (d) a classified school employee;

77 (e) an employee of a utility owned and operated by a political subdivision of the state;

77a $\hat{S} \rightarrow$ **(f) a juvenile justice services employee who provides direct supervision of minors in**
77b **custody or in a juvenile justice services program;** $\leftarrow \hat{S}$

78 or

79 $\hat{S} \rightarrow$ ~~[(f)]~~ **(g)** $\leftarrow \hat{S}$ an employee covered by a collective bargaining agreement that includes
79a meal period

80 requirements.

81 (3) A public employer shall establish procedures for receiving complaints alleging a
82 violation of this section.