

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 616*

Short Title: Require Paid Work Breaks. (Public)

Sponsors: Senators Chaudhuri and Nickel (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE WAGE AND HOUR ACT TO REQUIRE EMPLOYERS TO PROVIDE A TWENTY-MINUTE PAID BREAK TO ANY EMPLOYEE WORKING A SHIFT OF SIX HOURS OR MORE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2A of Chapter 95 of the General Statutes is amended by adding a new section to read:

"§ 95-25.4A Rest breaks.

During the course of a workday of six or more hours, all employers shall offer for each of their employees at least one voluntary paid break of at least 20 minutes duration scheduled near the middle of the workday. This break may not be used to delay the beginning or shorten the duration of the work period without the approval of the employer."

SECTION 2. G.S. 95-25.23 is amended by adding a new subsection to read:

"(a1) Any employer who violates the provisions of G.S. 95-25.4A (Rest breaks) or any regulation issued thereunder, shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00) for the first violation and not to exceed five hundred dollars (\$500.00) for each subsequent violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The determination by the Commissioner shall be final, unless within 15 days after receipt of notice thereof by certified mail with return receipt, by signature confirmation as provided by the U.S. Postal Service, by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, or via hand delivery, the person charged with the violation takes exception to the determination, in which event final determination of the penalty shall be made in an administrative proceeding pursuant to Article 3 of Chapter 150B of the General Statutes and in a judicial proceeding pursuant to Article 4 of Chapter 150B of the General Statutes."

SECTION 3. G.S. 95-241(a)(1) is amended by adding a new sub-subdivision to read:

"(i) G.S. 95-25.4A."

SECTION 4. This act is effective when it becomes law and applies to employment in this State on or after that date.

