

AN ACT

1 Providing for meal or rest periods for employees; and imposing
2 duties on the Department of Labor and Industry.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Meal or Rest
7 Period Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Authorized representative." An employee of the Department
13 of Labor and Industry who is empowered to perform duties
14 assigned in conformity with all existing laws, rules and
15 regulations administered by the department.

16 "Department." The Department of Labor and Industry.

17 "Employer." Includes every person, firm, partnership,

1 association, corporation, receiver or other officer of a court
2 of this Commonwealth and any agent or officer of any of the
3 above-mentioned classes employing any person in this
4 Commonwealth.

5 "Secretary." The Secretary of Labor and Industry.
6 Section 3. Meal or rest period.

7 (a) Provisions.--No employer shall employ any person for a
8 work period of more than five hours without a meal or rest
9 period of not less than 30 minutes, except that when a work
10 period of not more than six hours will complete the day's work,
11 the meal or rest period may be waived by mutual consent of the
12 employer and the employee. Unless the employee is relieved of
13 all duty during a 30-minute meal or rest period, the meal or
14 rest period shall be considered an "on duty" meal or rest period
15 and counted as time worked. An "on duty" meal or rest period
16 shall be permitted only when the nature of the work prevents an
17 employee from being relieved of all duty and when, by written
18 agreement between the parties, an on-the-job paid meal or rest
19 period is agreed to. The written agreement shall state that the
20 employee may, in writing, revoke the agreement at any time.

21 (b) Compensation.--If an employer fails to provide an
22 employee a meal or rest period in accordance with the applicable
23 provisions of this act, the employer shall pay the employee one
24 hour of pay at the employee's regular rate of compensation for
25 each workday that the meal or rest period is not provided.

26 (c) Dining location.--In all places of employment where
27 employees are required to eat on the premises, a suitable place
28 for that purpose shall be designated.

29 (d) Health care workers.--Notwithstanding any other
30 provision of this act, employees in the health care industry who

1 work shifts in excess of ten total hours in a workday may
2 voluntarily waive their right to one of their two meal or rest
3 periods. In order to be valid, any such waiver must be
4 documented in a written agreement that is voluntarily signed by
5 both the employee and the employer. The employee may revoke the
6 waiver at any time by providing the employer at least one day's
7 written notice. The employee shall be fully compensated for all
8 working time, including any on-the-job meal or rest period,
9 while such a waiver is in effect.

10 Section 4. Inspection.

11 Every employer shall keep open to inspection by the
12 secretary, or his or her authorized representative, all records
13 or documents relative to the enforcement of this act.
14 Inspections may be made by the secretary or his or her
15 authorized representative at any reasonable time. Every employer
16 shall permit the secretary or any authorized representative to
17 interrogate any employee in the place of employment and during
18 work hours with respect to such records or documents. Where such
19 records are maintained at a central recordkeeping office outside
20 this Commonwealth, such records shall be made available for
21 inspection at the place of employment within seven calendar days
22 following verbal or written notice from the secretary or his or
23 her authorized representative. Where a microfilm or any other
24 method is authorized for recordkeeping purposes, the employer
25 shall make available to the secretary or his or her authorized
26 representative the equipment which is necessary to facilitate
27 review of the records.

28 Section 5. Enforcement.

29 The secretary shall enforce and administer the provisions of
30 this act.

1 Section 6. Rules and regulations.

2 The department may promulgate rules and regulations to
3 administer and enforce this act.

4 Section 7. Effective date.

5 This act shall take effect in 60 days.

2014D09985SFL:JSL

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Providing for meal or rest periods for employees; and imposing duties on the Department of Labor and Industry.

INTRODUCED _____ 20____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20____
Reported _____	20____
As Committed-Amended	
Recommendation	

By Hon. _____	