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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2388 Session of  
2014

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INTRODUCED BY CRUZ, MIRANDA, THOMAS, NEILSON, BISHOP,  
CALTAGIRONE, YOUNGBLOOD, CLAY, McCARTER AND COHEN,  
JUNE 25, 2014

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 25, 2014

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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.