

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 4 - 0
Yeas:	Barton, Fagan, Holvey, Matthews, Witt, Doherty
Nays:	Kenemer, Thatcher, Thompson, Weidner
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	4/12, 4/15

WHAT THE MEASURE DOES: Requires employer who fails to provide meal period or rest breaks in accordance with rules adopted by Commissioner of Bureau of Labor and Industries (BOLI) to pay additional one and one-half hours of wages for each day employer violated rules. Specifies employer is not liable for payment of additional compensation if 1) employer has written policy permitting employees to take meal periods and rest periods that complies with BOLI rules, 2) employee's duties permit employee to leave the work station without being relieved or seeking permission of supervisor, and 3) employee fails to establish employer knew employee was not provided meal period and rest periods.

ISSUES DISCUSSED:

- Existing authority of BOLI to fine employer, but remedy for employee
- Effect on agricultural industry
- Whether employees working on piece rate basis wish to take breaks
- Examples of employees denied breaks or pressured not to take breaks
- Existing whistleblower protections
- Effect on compliance if private right of action available to employees
- Whether increasing fine BOLI can impose would be more effective

EFFECT OF COMMITTEE AMENDMENT: Specifies employer is not liable for payment of additional compensation if 1) employer has written policy permitting employees to take meal periods and rest periods that complies with BOLI rules, 2) employee's duties permit employee to leave the work station without being relieved or seeking permission of supervisor, and 3) employee fails to establish employer knew employee was not provided meal period and rest periods.

BACKGROUND: Current law gives the Commissioner of the Bureau of Labor and Industries authority to adopt rules prescribing minimum employment conditions; these rules may include minimum meal periods and rest periods. In addition to any other penalty provided by law, the Commissioner may assess a civil penalty not to exceed \$1,000 against any person who willfully violates the rules governing minimum employment conditions. Any penalties collected are used to reimburse the costs incurred in determining the violations, conducting hearings and collecting the penalties. Any remainder of the sums collected as penalties is transferred to the Department of State Lands for the benefit of the Common School Fund.

Under current law, the employee who did not receive meal periods and rest periods is not entitled to any financial remedy when the employer is found in violation. House Bill 3307-A requires the employer to pay one and one-half hours of pay for each day the required meal periods and rest periods were not taken or paid, and it provides a private right of action for the employee if the employer does not do so.

4/18/2013 2:30:00 PM

This summary has not been adopted or officially endorsed by action of the committee.