1	H. B. 4430
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3	(By Delegates Walker, Barker and Perry)
4	[Introduced February 6, 2012; referred to the
5	Committee on Energy, Industry and Labor, Economic Development and
6	Small Business then the Judiciary.]
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10	A BILL to amend and reenact $\$21-3-10a$ of the Code of West Virginia,
11	1931, as amended, relating to employee work breaks; requiring
12	twenty consecutive minutes for meal breaks; and requiring ten
13	minute rest periods for certain employees during each four
14	hours of work.
15	Be it enacted by the Legislature of West Virginia:
16	That §21-3-10a of the Code of West Virginia, 1931, as amended,
17	be amended and reenacted to read as follows:
18	ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.
19	§21-3-10a. Meal breaks.
20	(a) During the course of a workday of six or more hours, all
21	employers shall make available for each of their employees, at
22	least twenty minutes for meal breaks, at times reasonably
23	designated by the employer. This provision shall be required in

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1 all situations where employees are not afforded necessary breaks
2 and/or permitted to eat lunch while working.

- 3 (b) (1) No employer may require any employee to work without 4 <u>a rest period of at least ten minutes during each four hours</u> 5 worked.
- 6 (2) In situations in which the employee's work assignment 7 allows the employee to take intermittent rest periods equivalent to 8 ten minutes for each four hours worked, scheduled rest periods are 9 not required.
- 10 (3) The provisions of this subsection do not apply to those 11 employees who are subject to the Federal Railway Labor Act.
- 12 (4) The rest periods required by this subsection are in
- 13 addition to the regularly scheduled meal breaks required by
- 14 subsection (a) of this section.

NOTE: The purpose of this bill is to require ten minute rest periods for certain employees during each four-hour period of work.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

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