

By: Rodriguez

S.B. No. 1765

A BILL TO BE ENTITLED

AN ACT

relating to rest breaks for employees of certain contractors with a governmental entity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 2252, Government Code, is amended by adding Section 2252.906 to read as follows:

Sec. 2252.906. REST BREAKS REQUIRED FOR EMPLOYEES PERFORMING CONSTRUCTION WORK UNDER CONTRACTS WITH GOVERNMENTAL ENTITIES. (a) In this section:

(1) "Construction contract" means a contract or agreement for the performance of general construction for a governmental entity.

(2) "Contractor" means a person, firm, or corporation contracting with a governmental entity for general construction.

(3) "Employee" means an individual paid by a contractor or subcontractor to perform general construction work or services.

(4) "General construction" means:

(A) erecting or preparing to erect a structure, including a building, bridge, roadway, public utility facility, or related structure;

(B) remodeling, extending, repairing, or demolishing a structure; or

(C) otherwise improving real property or a

1 structure related to real property.

2 (5) "Governmental entity" means:

3 (A) this state; and

4 (B) a political subdivision of this state,
5 including a municipality, county, public school district, or
6 special-purpose district or authority.

7 (6) "Rest break" means a break from work during work
8 hours. The term does not include a regular meal break period
9 provided to an employee by a contractor or subcontractor.

10 (b) A governmental entity contracting with a contractor
11 shall require:

12 (1) the contractor and any subcontractor to provide at
13 least a 15-minute paid rest break for every four hours of work to
14 each employee performing work under the contract; and

15 (2) that employees performing work under the contract
16 not work more than three hours and 30 minutes without a rest break.

17 (c) Each construction contract with a governmental entity
18 shall include terms that:

19 (1) authorize an employee of a contractor or
20 subcontractor required to work without a rest break in violation of
21 Subsection (b) to make a verbal or written complaint to the
22 governmental entity contracting with the contractor;

23 (2) explain that, on confirmation of a violation of
24 Subsection (b) that is the subject of a complaint, the governmental
25 entity shall provide to the contractor written notice of the
26 violation by hand delivery or certified mail;

27 (3) inform a contractor that the governmental entity

1 may impose an administrative penalty if the contractor fails to
2 comply with Subsection (b) after the date on which the contractor
3 receives notice under Subdivision (2); and

4 (4) explain that a penalty amount may be withheld from
5 a payment otherwise owed to a contractor under a construction
6 contract.

7 (d) The amount of a penalty imposed under Subsection (c)(3)
8 is \$100 per day for each employee who is required to work without a
9 rest break in violation of Subsection (b).

10 (e) Each governmental entity shall develop procedures for
11 the administration of this section.

12 SECTION 2. Section 2252.906, Government Code, as added by
13 this Act, applies only to a contract for which the solicitation of
14 qualifications, proposals, or other similar expressions of
15 interest is published on or after September 1, 2011.

16 SECTION 3. This Act takes effect September 1, 2011.