

By: Meza

H.B. No. 1728

A BILL TO BE ENTITLED

AN ACT

relating to rest breaks for employees of certain contractors with a governmental entity; providing an administrative penalty.

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

SECTION 1. Subchapter Z, Chapter 2252, Government Code, is amended by adding Sections 2252.909 and 2252.910 to read as follows:

Sec. 2252.909. 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

1 (C) otherwise improving real property or a
2 structure related to real property.

3 (5) "Governmental entity" means:

4 (A) this state; and

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

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

11 (b) A governmental entity contracting with a contractor
12 shall require the contractor and any subcontractor to provide at
13 least a 10-minute paid rest break within every four hour period of
14 work to each employee performing work under the contract.

15 (c) Each construction contract with a governmental entity
16 must include terms that:

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

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

25 (3) inform a contractor that the governmental entity
26 may impose an administrative penalty if the contractor fails to
27 comply with Subsection (b) after the date on which the contractor

1 receives notice under Subdivision (2); and

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

5 (d) The amount of a penalty imposed under Subsection (c)(3)
6 is an amount not less than \$100 and not more than \$500 per day if any
7 employee is required to work without a rest break in violation of
8 Subsection (b).

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

11 Sec. 2252.910. PREEMPTION OF LOCAL ORDINANCE. This section
12 does not preempt a local ordinance or rule more stringent than Sec.
13 2252.909.

14 SECTION 2. Section 2252.909, Government Code, as added by
15 this Act, applies only to a contract for which the solicitation of
16 qualifications, proposals, or other similar expressions of
17 interest is published on or after September 1, 2019.

18 SECTION 3. This Act takes effect September 1, 2019.