

By: Hinojosa

S.B. No. 1486

A BILL TO BE ENTITLED

AN ACT

relating to required rest and meal breaks for certain employees;
authorizing an administrative assessment.

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

SECTION 1. Subtitle B, Title 2, Labor Code, is amended by
adding Chapter 53 to read as follows:

CHAPTER 53. REQUIRED REST AND MEAL BREAKS

Sec. 53.001. PAID REST BREAK REQUIRED. (a) An employer shall provide to each employee a paid rest break of at least 10 minutes for every 3.5 hours of work.

(b) The employer may not require the paid rest break to be taken as part of a separate meal break.

Sec. 53.002. MEAL BREAK REQUIRED. An employer shall provide to each employee a meal break of at least 30 minutes for every 7.5 hours of work.

Sec. 53.003. EXCEPTION. This chapter does not apply to an employee who:

(1) is the only employee on duty; or

(2) is covered by a collective bargaining agreement.

Sec. 53.004. NOTICE. (a) Each employer shall notify its employees of their rights under this chapter by posting an appropriately worded sign in a prominent place in the employer's workplace.

(b) The Texas Workforce Commission by rule shall prescribe

1 the design and content of the sign required under Subsection (a).

2 Sec. 53.005. COMPLAINT; HEARING; COLLECTION OF ASSESSMENT.

3 (a) Any employee aggrieved by a violation of this chapter may file
4 a claim with the commission in the manner prescribed by Subchapter
5 D, Chapter 61.

6 (b) On receipt of a complaint, the commission shall
7 investigate and dispose of the complaint in the same manner as a
8 wage claim under Subchapter D, Chapter 61.

9 (c) An employer who is found by the commission, by a
10 preponderance of the evidence, to have violated this chapter is
11 liable to the commission for an assessment in an amount equal to the
12 employee's hourly wage rate multiplied by the number of rest breaks
13 or meal breaks to which the employee was entitled that were not
14 provided by the employer. The commission shall remit an assessment
15 collected under this subsection to the employee.

16 (d) A complaint under this section must be brought not later
17 than the 180th day after the date of the violation.

18 Sec. 53.006. RULES. The commission shall adopt rules as
19 necessary to implement this chapter.

20 SECTION 2. Section 203.202(a), Labor Code, is amended to
21 read as follows:

22 (a) Money in the special administration fund may be spent in
23 accordance with this subtitle and may be used:

24 (1) to pay the cost of reimbursing the benefit account
25 in the compensation fund for benefits paid to former employees of
26 this state that are based on service for this state, and the cost of
27 construction and purchase of buildings and land necessary for that

1 administration;

2 (2) in the administration of Chapters 51, 61, ~~and~~
3 62, and 53;

4 (3) for payment of interest on advances from the
5 federal trust fund;

6 (4) as a revolving fund to cover expenditures that are
7 necessary and proper under this subtitle and for which federal
8 funds have been requested but not received, subject to the charging
9 of the expenditures against the federal funds when received;

10 (5) to refund a penalty as provided by Section
11 203.203; and

12 (6) subject to the provisions of Chapter 2107,
13 Government Code, to pay persons who contract with the commission to
14 collect delinquent unemployment taxes, penalties, and interest
15 owed under this subtitle.

16 SECTION 3. (a) Not later than December 1, 2019, the Texas
17 Workforce Commission shall:

18 (1) prescribe the design and content of the sign
19 required by Section 53.004(b), Labor Code, as added by this Act; and

20 (2) adopt rules necessary to implement Chapter 53,
21 Labor Code, as added by this Act.

22 (b) This section takes effect September 1, 2019.

23 SECTION 4. Except as provided by Section 3 of this Act, this
24 Act takes effect January 1, 2020.