

House Bill 636

By: Representatives Boddie of the 62nd, Hugley of the 136th, Burnough of the 77th, Davis of the 87th, Shannon of the 84th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to labor and industrial relations, so as to provide for rest breaks
3 for certain employees; to provide for definitions; to provide for the duration and frequency
4 of such breaks; to provide for compensation during such rest breaks; to provide for related
5 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
9 provisions relative to labor and industrial relations, is amended by adding a new Code section
10 to read as follows:

11 "34-1-11.

12 (a) For the purposes of this Code section, the term:

13 (1) 'Eligible employee' means an employee paid on an hourly basis who works at least
14 four hours within a 24 hour period while at the worksite.

15 (2) 'Employer' means any individual or entity that employs one or more eligible
16 employees and shall include the State of Georgia and its political subdivisions and
17 instrumentalities.

18 (3) 'Interrupted rest break' means a rest break that is shortened or otherwise interrupted
19 due to the employer's insistence that the eligible employee perform work duties before
20 the natural expiration of the rest break.

21 (4) 'Rest break' means an uninterrupted period of time during which the eligible
22 employee is completely relieved of work responsibilities.

23 (5) 'Worksite' means one or more physical locations controlled by the employer where
24 the employer's business is performed.

25 (b) An employer shall provide an eligible employee with a ten-minute rest break for every
26 four hours that the eligible employee works at the worksite during a 24 hour period of time
27 measured forward from the start of the eligible employee's shift. Rest breaks shall count
28 as time worked for purposes of determining the eligible employee's entitlement to
29 additional rest breaks during that 24 hour window.

30 (c) The employer shall pay the eligible employee his or her regular rate of compensation
31 during the rest break unless the eligible employee is otherwise entitled to a higher rate of
32 compensation for such time period.

33 (d) Although an employer shall be free to unilaterally extend the duration of the rest break
34 beyond what is required under this section, an employer cannot avoid its obligation of
35 paying the eligible employee for the rest break by extending its duration.

36 (e) Each rest break provided to the eligible employee during the 24 hour window shall be
37 included in the computation of any daily overtime mandated by state law.

38 (f) The employer shall pay the eligible employee an hour of pay at the eligible employee's
39 regular rate of compensation for each rest break that is earned by the eligible employee
40 during the 24 hour window, but which the employer fails to provide.

41 (g) The employer shall pay the eligible employee one-half hour of pay at the eligible
42 employee's rate of compensation for each interrupted rest break that occurs during the 24
43 hour window.

44 (h) The employer shall provide a sufficient space at the worksite for eligible employees
45 to comfortably take rest breaks required under this Code section."

46 **SECTION 2.**

47 This Act shall become effective upon its approval by the Governor or upon its becoming law
48 without such approval.

49 **SECTION 3.**

50 All laws and parts of laws in conflict with this Act are repealed.