

SENATE BILL 2625

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 50,
relative to employee meal breaks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-2-103(h), is amended by designating the existing language as subdivision (1), and by deleting the language, "Each employee shall have a thirty-minute unpaid rest break or meal period" from the first sentence and substituting instead the language "Except as provided in subdivision (h)(2), each employee shall have a thirty-minute unpaid rest break or meal period".

SECTION 2. Tennessee Code Annotated, Section 50-2-103(h), is further amended by adding the following new subdivision:

(2)

(A) Employees who serve food or beverage, receive tips and report the tips to the employer may waive the meal period requirement. The waiver must be established through mutual consent between the employer and the employee. The employee shall put the waiver in writing and provide a copy to the employer within a reasonable time period. However, the request must be made voluntarily and knowingly. An employer may not coerce an employee into waiving the meal period.

(B) The employer shall establish a reasonable policy to permit employees to waive their meal period subject to the demand of their specific work environment. This policy shall be in writing and posted in at least two (2) conspicuous places in the workplace. This policy shall include but not be limited to the following:

(i) A wavier form indicating the employee acknowledges the employee's right, under Tennessee law, to receive an unpaid meal period of not less than thirty (30) minutes during a six-hour work period;

(ii) The amount of advance notice required by the employer for the employee's intent to waive the employee's meal period;

(iii) The length of time the waiver will be in effect;

(iv) Provide for the employee or employer to rescind the waiver or postpone the waiver date; and

(v) The minimum and maximum amount of meal periods the employee is allowed to waive during a given time period.

(C) The employer shall have just cause to rescind an employee's request to waive the meal period by providing at least seven (7) calendar days' written notice to the employee, subject to the demand of their work environment. Such discretion of the employer, shall also permit an employee to modify the employee's wavier to another reasonable day and time.

SECTION 3. This act shall take effect thirty (30) days after becoming a law, the public welfare requiring it.