

1 H.139

2 Introduced by Representatives Stevens of Waterbury, Anthony of Barre City,
3 Bartley of Fairfax, Bluemle of Burlington, Burke of Brattleboro,
4 Burrows of West Windsor, Carroll of Bennington, Chesnut-
5 Tangerman of Middletown Springs, Garofano of Essex, Graning
6 of Jericho, Howard of Rutland City, Krasnow of South
7 Burlington, LaBounty of Lyndon, LaMont of Morristown,
8 McCann of Montpelier, McGill of Bridport, Patt of Worcester,
9 Stone of Burlington, Troiano of Stannard, and Whitman of
10 Bennington

11 Referred to Committee on

12 Date:

13 Subject: Labor; employment conditions; breaks

14 Statement of purpose of bill as introduced: This bill proposes to require
15 employers to provide employees with breaks for meals and rest.

16 An act relating to requiring employment breaks

17 It is hereby enacted by the General Assembly of the State of Vermont:

18 Sec. 1. 21 V.S.A. § 304 is amended to read:

19 § 304. EMPLOYMENT CONDITIONS

1 (a)(1) An employer shall provide an employee with reasonable
2 opportunities during work periods to eat and to use toilet facilities in order to
3 protect the health and hygiene of the employee.

4 (2) During any shift or workday totaling six or more hours of work, an
5 employer shall offer an employee paid or unpaid breaks from work totaling at
6 least 30 minutes to eat, rest, and use toilet facilities. If a break from work
7 would pose a threat to property, life, public safety, or public health, the
8 employer may offer a shorter break or reschedule the time that the break may
9 be taken.

10 (3) This subsection does not apply to any place of employment where
11 fewer than three employees are on duty at any one time and the nature of the
12 work done by the employees allows them frequent breaks during their
13 workday.

14 (b) An employer may adopt an employment break policy that is more
15 generous than the rights provided by this section.

16 (c)(1) Nothing in this section shall be construed to diminish an employer's
17 obligation to comply with any collective bargaining agreement or employment
18 policy that provides employees with greater break rights than are provided by
19 this section.

20 (2) A collective bargaining agreement or employment benefit program
21 or plan may not diminish the rights provided by this section.

1 (d) An employer shall not retaliate or discriminate against an employee
2 who exercises or attempts to exercise the rights provided under this section.
3 The provisions against retaliation in subdivision 495(a)(8) of this title shall
4 apply to this section.

5 (e)(1) The penalty and enforcement provisions of section 495b of this title
6 shall apply to this section.

7 (2) In lieu of an enforcement action through the Judicial Bureau, the
8 Attorney General or a State's Attorney may enforce the provisions of this
9 section by restraining prohibited acts, seeking civil penalties, obtaining
10 assurances of discontinuance, and conducting civil investigations as provided
11 pursuant to subsection 495b(a) of this title. An employer complained against
12 shall have all the rights and remedies provided pursuant to that subsection.

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on July 1, 2023.