

# SB-25

To guarantee hourly shift workers paid breaks based on the length of their shift, and have clear cut rules for both employers and employees about what they are entitled to.

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## IN THE SENATE OF THE AMERICAN LEGION BOYS NATION

Mr. Street of West Virginia introduced the following bill;

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## A BILL

To guarantee hourly shift workers paid breaks based on the length of their shift, and have clear cut rules for both employers and employees about what they are entitled to.

*Be it enacted by The American Legion Boys Nation Senate assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Section 1. This act may be cited as "The Workers' Exhaustion Prevention Act".

### SECTION 2. PARAMETERS OF BREAKS.

Shift work gives employees a set number of hours they will be working on specific days. As employees work more hours they will be entitled to a longer break to aid against workers' exhaustion. Guaranteeing breaks to workers with clearly defined and understood rules will help decrease the severe amount wage theft that occurs in the United States.

(1) A break is defined as a time in which-

(A) An employee must have an area designated for leisure where they are able to safely store and consume food. (ie. a break room)

(B) An employee must be clocked in on paid break so an employer may track when employees clock in and out of their breaks

(C) An employee is relieved of all duties that they are required to perform when working

(D) An employee is able to eat and drink food at their discretion

(2) Employers-

(A) Cannot dictate when during an employee's shift they take their break.

(B) May section up to 7 hours of the day off as time when employees cannot take their breaks. These hours can only be in consecutive intervals as long as 3 hours, and said intervals must have up to 3 consecutive hours in between them where employees can take their breaks.

(C) Must inform an employee which hours they are not allowed to clock on break, and must inform their employees of how much break time they get within the first hour of an employee's shift.

(D) Cannot incentivize employees to opt out of taking the full amount or any amount of the break time guaranteed to them.

(E) Must pay an employee the same hourly rate they make while working during their paid break.

(3) Employees may opt to not take their break at all during a given shift; however, employers are not required to compensate said employee for opting out of taking their break. (The only exceptions to this rule are outlined in Section 2, part 4 and Section 3, part 1, sub-section e.)

(4) In the event an employee is asked to stay over their shift, and stays late enough that it would qualify them for more time on paid break, said employee can choose to take that extra time of break, or be compensated by adding that amount of time to the amount of time they were clocked in.

### **SECTION 3. QUALIFICATIONS FOR BREAKS.**

Shift based scheduling puts employees in specific time blocks throughout a week, with said time

blocks varying from week-to-week. Shift based scheduling is typically used by employers who need employees working for all or a majority of a 24 hour day; therefore, leading to employees working shifts that can extend beyond a continuous 12 hours. Employees working within a shift based schedule are entitled to breaks based on the parameters below:

(1) Any employee working-

(A) A shift greater than or equal to 5 hours but less than 8 hours is entitled to a break lasting at least 30 consecutive minutes.

(B) A shift lasting greater than or equal to 8 hours but less than 10 hours is entitled to at least a total of 45 minutes of break, this break can be taken in one 45 minute interval or split in two intervals totaling at least 50 minutes, at the discretion of the employee.

(C) A shift lasting greater than or equal to 10 hours but less than 12 hours is entitled to at least a total of 65 minutes of break, this break must be taken in at least two intervals totaling at least 65 minutes, but can be taken in up to 3 intervals totaling at least 65 minutes, at the discretion of the employee.

(D) A shift lasting greater than or equal to 12 hours is entitled to at least 75 minutes of break, this break must be taken in at least 2 intervals totaling at least 75 minutes, but can be taken in up to 3 intervals totaling at least 75 minutes, at the discretion of the employee.

(E) Working two or more non-consecutive shifts in one day is entitled break time based on the total number of hours they're working in that one day. Said employee can choose to take their entitled break time during any of their shifts that day, or be compensated for any of the break time they opt out of taking that day.