

1 HOUSE BILL NO. 530

2 INTRODUCED BY K. PETERSON

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN EMPLOYER WITH TWO OR MORE EMPLOYEES,
5 INCLUDING MANAGEMENT, TO ADOPT A POLICY GENERALLY PROVIDING FOR A PAID 10-MINUTE REST
6 PERIOD EVERY 4 HOURS AS PRACTICABLE; AND PROVIDING EXCEPTIONS."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 **NEW SECTION. Section 1. Appropriate rest periods for employees.** (1) (a) An employer shall adopt
11 a policy or procedure providing that whenever feasible, given the reasonable demands of the employer's
12 operation, an employee may not be required to work more than 4 hours without an appropriate rest period. Rest
13 periods must be accommodated within the reasonable flow of work.

14 (b) For the purposes of this section, "appropriate rest period" means a period of rest of not less than 10
15 minutes for every segment of 4 hours worked in one work period without deduction from the employee's pay. The
16 rest period must be in addition to and taken separately from the time allowed for the usual meal period. When
17 feasible, considering the nature and circumstances of the work, the rest period is to be taken by the employee
18 in the middle of each 4-hour segment or major fraction of a 4-hour work period, as practicable. The rest period
19 is not to be added to the usual meal period or deducted from the beginning or end of the work period to reduce
20 the overall length of the total work period.

21 (2) This section applies to an employer that employs two or more employees, including management,
22 working at each location or each place of employment that is located in or doing business in Montana.

23 (3) This section does not alter the terms, conditions, or practices contained in any collective bargaining
24 agreement. Except for a claim that a deduction from pay was made by an employer for an appropriate rest period,
25 a complaint by an employee pursuant to the provisions of this section may not be treated as a wage claim under
26 Title 39, chapter 3, part 2.

27 (4) This section does not apply to:

28 (a) an individual subject to the provisions of federal motor carrier laws contained in 49 U.S.C. 31131
29 through 31148 or the Railway Labor Act, 45 U.S.C. 151 through 164; or

30 (b) law enforcement personnel.

