

HOUSE BILL NO. 530
INTRODUCED BY K. PETERSON

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

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

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

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

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

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

(4) This section does not apply to:

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

(b) law enforcement personnel.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 39, chapter 2, part 2, and the provisions of Title 39, chapter 2, part 2, apply to [section 1].

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