
**Labor & Workforce Development
Committee**

HB 1824

Brief Description: Exempting certain employees in the transportation industry who work in armored vehicles from meal and rest period requirements.

Sponsors: Representatives Condotta, Shea, Warnick and Tharinger.

Brief Summary of Bill

- Exempts certain employees in the transportation industry who work in armored vehicles from meal and rest period requirements.

Hearing Date: 2/15/11

Staff: Alison Hellberg (786-7152).

Background:

Under the Washington Industrial Welfare Act, it is unlawful for an employer to employ workers under conditions of labor that are detrimental to their health. The Department of Labor and Industries (Department) is authorized to conduct investigations into employment conditions and to adopt rules establishing employment standards.

The Department rules governing rest and meal periods require a paid rest period of at least 10 minutes for each four hours of working time. Employees are also allowed a meal period of at least 30 minutes, which begins between two and five hours from the beginning of a shift. If an employee works at least three hours longer than a normal work day, the employee is allowed at least one 30-minute meal period during the overtime period. An employee may not work longer than five consecutive hours without a meal period. Where the nature of the work allows, employees may take intermittent rest periods equivalent to 10 minutes for each four hours worked.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For employees in the construction trades, the Department's rules for rest and meal periods may be superseded by a collective bargaining agreement negotiated under the National Labor Relations Act if the collective bargaining agreement covering those employees specifically requires rest and meal periods and prescribes requirements concerning those rest and meal periods. Public employees are permitted to enter into collective bargaining agreements, labor/management agreements, or other mutually agreed to employment agreements that specifically vary from or supersede the rest and meal break rules.

Summary of Bill:

Findings and Intent.

The Legislature makes findings and states its intent. The Legislature recognizes the importance of providing employees with meal and rest periods and compensating employees for all hours worked. The Legislature further recognizes, however, that there are certain industries where an employer cannot relieve an employee of all duties during a meal or rest period because the risk of harm to the employee and the public is too great. The armored vehicle industry is one of these industries where it is impossible for employers to comply with the meal and rest period requirements. Armored vehicles are frequent targets of armed robberies, and the risk of harm to the public and the armored vehicle employees are increased when the vehicles stay stationary for long periods of time. In order to promote safety and security, it is important that armored vehicle employees remain vigilant at all times.

It is the stated intent of the Legislature to exempt these employers from the meal and rest period requirements so long as employees are fully compensated for all hours worked.

Exemption.

Employers are not required to provide certain employees with the meal and rest periods required under Department rules. This exemption applies to employees in the transportation industry whose work places the employee inside an armored vehicle in shifts during a workday. Employers are not required to relieve these employees of all duty and may require them to be vigilant for the protection of themselves and the public. These employers must, however, allow these employees to eat and take reasonable rest periods while on duty, with pay.

An employer's responsibility to compensate employees for all hours worked, to pay overtime compensation required, and to comply with all other applicable requirements is not modified.

Appropriation: None.

Fiscal Note: Requested on February 14, 2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.