

HOUSE BILL No. 5136

October 7, 2003, Introduced by Reps. Wojno, Accavitti, Tobocman, Sak, Farrah, Cheeks, Clack, Vagnozzi and Condino and referred to the Committee on Employment Relations, Training and Safety.

A bill to require meal and rest periods for certain employees; to prescribe certain powers and duties of employers and the department of consumer and industry services; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Employee" means an individual employed by an employer.

3 (b) "Employer" means any of the following who employs 1 or

4 more individuals:

5 (i) An individual, sole proprietorship, partnership,
6 association, limited liability company, or corporation, public or
7 private.

8 (ii) This state or an agency of this state.

9 (iii) A city, county, village, township, school district,
10 intermediate school district, or public school academy.

1 (iv) An institution of higher education.

2 (v) An individual acting directly or indirectly in the
3 interest of an employer.

4 Sec. 2. (1) Except as provided in subsection (2), an
5 employer shall provide an employee with a rest period of not less
6 than 10 minutes for each 4-hour period, or major fraction of a
7 4-hour period, that the employee works for the employer.

8 (2) An employer may, but is not required to, comply with
9 subsection (1) if an employee's total daily work for the employer
10 is less than 3-1/2 hours.

11 (3) Unless impractical, an employer shall provide the rest
12 period prescribed under subsection (1) in the middle of each
13 4-hour work period.

14 (4) An employer shall provide each employee with a meal
15 period of not less than 30 minutes for each 8-hour period that
16 the employee works for the employer.

17 Sec. 3. A rest period required or provided for under this
18 act is considered time worked for purposes of compensation.

19 Sec. 4. (1) An employer that violates this act is liable
20 for a civil fine of not more than \$500.00.

21 (2) A civil fine collected under this act shall be submitted
22 to the state treasurer for deposit into the general fund.

23 Sec. 5. The department of consumer and industry services
24 shall administer and enforce this act and, as necessary,
25 promulgate rules for the implementation of this act under the
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
27 24.328.