

ASSEMBLY, No. 2560

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 23, 2006

Sponsored by:

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Requires employers to provide rest and meal breaks.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring employee rest and meal breaks under certain
2 circumstances and supplementing P.L.1966, c.113 (C.34:11-56a
3 et seq.).

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. No individual shall be employed or permitted to work for
9 more than six hours continuously without an interval of not less
10 than 30 minutes for a meal period. No period of less than 30
11 minutes shall be deemed to interrupt a continuous period of work
12 for the purpose of this subsection.

13 b. In addition, no individual shall be employed or permitted to
14 work for more than four hours continuously without an interval of
15 not less than 15 minutes for a rest break. No period of less than 15
16 minutes shall be deemed to interrupt a continuous period of work
17 for the purpose of this subsection. No reductions in wages shall be
18 made for the provision of a rest break.

19
20 2. No provision of this act shall be construed to:

21 a. Prohibit an employer from providing, or negotiating with a
22 labor organization representing the employer's employees, longer or
23 more frequent meal periods or rest breaks, irrespective of the date
24 that a collective bargaining agreement takes effect;

25 b. Reduce in any way the responsibility of any employer to
26 comply with the provisions of section 4 of P.L.1940, c.153 (C.34:2-
27 21.4) regarding lunch periods for minors; or

28 c. Require an employer to provide rest breaks or meal periods in
29 a manner which violates any requirement promulgated under federal
30 law.

31
32 3. An employer shall display written notices of the employee
33 rights provided by this act in as many locations in each work site as
34 is needed to assure that the notices are conspicuous to all employees
35 of the employer. The commissioner shall make available to
36 employers the text of a notice of the requirements of this section
37 and provide copies of the notice suitable for display to any
38 employer who requests the copies. The commissioner may charge
39 the employer reasonable costs for the notices. Each notice posted
40 pursuant to this section shall be in English and in the predominant
41 language of the employees, if that language is not English.

42
43 4. An employer who violates the provisions of this act shall be
44 subject to the sanctions provided by law for violations of the "New
45 Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et
46 seq.). Any monies collected as a fine or penalty pursuant to this
47 section shall be applied toward enforcement and administration
48 costs of the Division of Labor Standards and Safety Enforcement in

1 the Department of Labor and Workforce Development.

2

3 5. Nothing in this act shall apply to an employee whose rest
4 break or meal period is covered under a collective bargaining
5 agreement.

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7 6. The Commissioner of Labor and Workforce Development
8 may, at his discretion, exempt certain employees from the
9 provisions of this act through the promulgation of rules and
10 regulations.

11

12 7. This act shall take effect immediately.

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15 STATEMENT

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17 This bill supplements the "New Jersey State Wage and Hour
18 Law," P.L.1966, c.113 (C.34:11-56a et seq.), to require a meal
19 period of at least 30 minutes for employees who work for more than
20 six hours continuously. The bill also requires at least a 15 minute
21 paid rest break for any continuous period of more than four hours of
22 work.

23 Current New Jersey law requires 30 minute meal periods for
24 minors who work five or more continuous hours, but has no
25 requirement for adults, and no requirement for rest breaks for adults
26 or minors. Nineteen other states currently require meal periods for
27 adults and seven states have rest break requirements.

28 While the bill exempts any employee who is covered under a
29 collective bargaining agreement from its provisions, the bill does
30 not prohibit employers from providing longer, or more frequent,
31 meal periods or rest breaks under collective bargaining agreements.
32 However, an employer shall not be required to provide rest breaks
33 or meal periods in a manner which violates any requirement
34 promulgated under federal law.

35 Further, the Commissioner of Labor and Workforce
36 Development, at his discretion, may exempt certain employees from
37 the provisions of the bill through the promulgation of rules and
38 regulations.

39 The Commissioner of Labor and Workforce Development shall
40 provide written notices of the bill's requirements to employers, who
41 must display the notices. Any employer who violates the act shall
42 be subject to sanctions under the "New Jersey State Wage and Hour
43 Law."