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HOUSE BILL NO. 463

Offered January 10, 2018

Prefiled January 7, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 40.1-28.6:1, relating to providing employees with meal breaks; civil penalty.*

Patrons—Carter, Krizek, Levine, Plum and Roem

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-28.6:1 as follows:

§ 40.1-28.6:1. Employers to allow breaks for meals.

A. An employer shall not employ an employee for a work period of more than five hours per day without providing the employee with an unpaid break for a meal of not less than 30 minutes, except that if the total work period per day of the employee is no more than six hours, the meal break time may be waived by mutual consent of both the employer and employee. An employer shall not employ an employee for a work period of more than 10 hours per day without providing the employee with a second unpaid break for a meal of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal break period may be waived by mutual consent of the employer and the employee only if the first meal break period was not waived.

B. Any employer that violates the provisions of this section shall be subject to a civil penalty not to exceed \$100 for each violation. A penalty determination by the Commissioner shall be final, unless within 15 days after receipt of such notice the employer charged with the violation notifies the Commissioner by certified mail that he intends to contest the proposed penalty before the appropriate general district court. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the Treasury of the Commonwealth. The Commissioner shall prescribe procedures for the payment of proposed penalties that are not contested by such private employers.

INTRODUCED

HB463