

HOUSE BILL No. 1670

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-13.

Synopsis: Lunch period requirements. Requires an employer to give an employee a reasonable lunch period if the employee is scheduled to be on duty for six hours or more. Specifies that the provision does not affect the terms of a negotiated collective bargaining agreement or settlement agreement or negate a bona fide agreement between an employee and employer. Provides that a violation is a Class C infraction and that each time a person is in violation, the person commits a separate infraction.

Effective: July 1, 1999.

Liggett

January 21, 1999, read first time and referred to Committee on Labor and Employment.

C
o
p
y



First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1670



A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-2-13 IS ADDED TO THE INDIANA CODE AS
- 2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 1999]:
- 4 **Chapter 13. Employee Work Breaks**
- 5 **Sec. 1. This chapter does not:**
- 6 (1) **affect the terms of a negotiated collective bargaining**
- 7 **agreement or settlement agreement; or**
- 8 (2) **negate a bona fide agreement between an employee and**
- 9 **employer.**
- 10 **Sec. 2. As used in this chapter, "employee" means a person**
- 11 **employed or permitted to work or perform any service for**
- 12 **remuneration or under a contract for hire, written or oral, express**
- 13 **or implied, by an employer in any occupation. However, the term**
- 14 **does not include the following:**
- 15 (1) **A member of a religious order who is performing a service**
- 16 **for that order.**
- 17 (2) **An ordained, a commissioned, or a licensed minister,**

C
O
P
Y



1 priest, rabbi, sexton, or Christian Science reader who is
2 performing services for a religious organization.

3 (3) A person who is employed as a salesperson, if all of the
4 person's services are performed for remuneration solely by
5 commission.

6 (4) A person employed in an executive, an administrative, or
7 a professional occupation if the person has the authority to
8 employ or discharge.

9 (5) An employee with respect to whom the federal Interstate
10 Commerce Commission has power to establish qualifications
11 and maximum hours of service under the federal Motor
12 Carrier Safety Act (49 U.S.C. 31502(b)) or an employee of a
13 carrier subject to IC 8-2.1.

14 (6) An employee subject to the federal Railway Labor Act (45
15 U.S.C. 151 et seq.).

16 (7) An employee of the state subject to IC 4-1-2-1.

17 **Sec. 3.** As used in this chapter, "employer" means an individual,
18 a partnership, an association, a limited liability company, a
19 corporation, or a business trust. However, the term does not
20 include the state .

21 **Sec. 4.** As used in this chapter, "duty" means the active
22 performance of functions required by the employer and does not
23 imply physical presence at the location of employment.

24 **Sec. 5. (a)** An employer shall provide an employee who is
25 scheduled to be on duty for six (6) or more consecutive hours with
26 a lunch break of a reasonable period.

27 (b) The lunch period must be as close to the middle of the
28 employee's scheduled work shift as practicable.

29 (c) An employee may not be required to take a lunch period
30 earlier than three (3) hours after the start of duty, nor more than
31 five (5) hours after the start of duty.

32 (d) This section does not apply when the employer has only one
33 (1) employee on duty during a period of four (4) or more
34 consecutive hours.

35 **Sec. 6. (a)** A person who violates this chapter, commits a Class
36 C infraction.

37 (b) Each time a person violates this chapter the person commits
38 a separate infraction.

C
O
P
Y

