

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL DRS45341-LR-91

Short Title: Require 20-Minute Paid Work Breaks. (Public)

Sponsors: Senators Chaudhuri and Nickel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE WAGE AND HOUR ACT TO REQUIRE EMPLOYERS TO  
3 PROVIDE A TWENTY-MINUTE PAID BREAK TO ANY EMPLOYEE WORKING A  
4 SHIFT OF SIX HOURS OR MORE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 2A of Chapter 95 of the General Statutes is amended by adding  
7 a new section to read:

8 "**§ 95-25.4A. Rest breaks.**

9 During the course of a workday of six or more hours, all employers shall offer for each of  
10 their employees at least one voluntary paid break of at least 20 minutes' duration scheduled near  
11 the middle of the workday. This break may not be used to delay the beginning or shorten the  
12 duration of the work period without the approval of the employer."

13 SECTION 2. G.S. 95-25.23 is amended by adding a new subsection to read:

14 "(a1) Any employer who violates the provisions of G.S. 95-25.4A (Rest Breaks) or any  
15 regulation issued thereunder, shall be subject to a civil penalty not to exceed one hundred dollars  
16 (\$100.00) for the first violation and not to exceed five hundred dollars (\$500.00) for each  
17 subsequent violation. In determining the amount of such penalty, the appropriateness of such  
18 penalty to the size of the business of the person charged and the gravity of the violation shall be  
19 considered. The determination by the Commissioner shall be final, unless within 15 days after  
20 receipt of notice thereof by certified mail with return receipt, by signature confirmation as  
21 provided by the United States Postal Service, by a designated delivery service authorized  
22 pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, or via hand delivery, the person charged  
23 with the violation takes exception to the determination, in which event, final determination of the  
24 penalty shall be made in an administrative proceeding pursuant to Article 3 of Chapter 150B of  
25 the General Statutes and in a judicial proceeding pursuant to Article 4 of Chapter 150B of the  
26 General Statutes."

27 SECTION 3. G.S. 95-241(a)(1) is amended by adding a new sub-subdivision to read:

28 "(i) G.S. 95-25.4A."

29 SECTION 4. This act is effective when it becomes law and applies to employment  
30 in this State on or after that date.

