

H.B. 4140 MEAL BREAKS



ENROLLED - H.B. 4140

(By Delegate S. Cook) - (Passed March 11, 1994; in effect ninety days from passage)

AN ACT to amend three, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to the safety and welfare of employees; and establishing a guaranteed meal break for all employees. *Be it enacted by the Legislature of West Virginia: That article three, chapter twenty-one of the code of west Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:*

**ARTICLE 3. SAFETY
AND WELFARE OF EMPLOYEES
§21310a Meal Breaks.**

During the course of a workday of six or more hours. All employers shall make available at least twenty minutes for meal breaks, at times reasonably designated by the employer. This provision shall be required in all situations where employees are not afforded necessary breaks and/or permitted to eat while working.

TITLE 42, SERIES 8: MINIMUM WAGE AND MAXIMUM HOUR STANDARDS

§4289.9 Rest Periods: Rest Periods of short duration, running from (5) to (20) minutes, must be counted as hours worked.

**TITLE 42, SERIES 5: WAGE PAYMENT AND COLLECTION ACT
§4252 Definitions 2.6**

“Break Periods and/or Rest Periods” means when authorized by an employer, break periods and/or rest periods which do not exceed (20) minutes duration must be counted as hours worked.

ARTICLE 6: CHILD LABOR LAW

§ 2167 Hours and days of labor by minors.

No child under the age of sixteen years shall be employed or permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall, for the purposes of this section, be deemed to interrupt a continuous period of work.

Revised 10/07