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By: **Delegates Moe, Frush, Healey, Parker, Ross, and V. Turner**

Introduced and read first time: February 23, 2006

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Adults - Mandatory Rest Period**

3 FOR the purpose of requiring the Department of Labor, Licensing, and Regulation to  
4 adopt regulations to establish and safeguard a mandatory rest period in  
5 accordance with this Act; prohibiting an employer from requiring an employee to  
6 work during any rest period mandated by an applicable regulation adopted by  
7 the Department; exempting certain employees from the provisions of this Act;  
8 establishing the maximum duration of a rest period during a certain time  
9 period; requiring the Department, on or before a certain date, to adopt  
10 regulations to carry out the provisions of this Act; defining a certain term; and  
11 generally relating to mandatory rest periods.

12 BY adding to

13 Article - Labor and Employment

14 Section 3-709

15 Annotated Code of Maryland

16 (1999 Replacement Volume and 2005 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Labor and Employment**

20 3-709.

21 (A) (1) IN THIS SECTION, "EMPLOYER" MEANS A PERSON ENGAGED IN A  
22 BUSINESS, INDUSTRY, PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE.

23 (2) "EMPLOYER" INCLUDES:

24 (I) THE STATE AND ITS UNITS;

25 (II) A COUNTY AND ITS UNITS; AND

26 (III) A MUNICIPAL CORPORATION AND ITS UNITS.

1 (B) THIS SECTION DOES NOT APPLY TO:

2 (1) AN EMPLOYEE FOR WHOM A REST PERIOD IS ESTABLISHED  
3 THROUGH THE COLLECTIVE BARGAINING PROCESS; OR

4 (2) A MINOR AS DEFINED IN § 3-201 OF THIS TITLE.

5 (C) (1) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL  
6 ADOPT REGULATIONS TO ESTABLISH AND SAFEGUARD A MANDATORY REST PERIOD  
7 IN ACCORDANCE WITH THIS SUBSECTION.

8 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN EMPLOYER  
9 MAY NOT REQUIRE AN EMPLOYEE TO WORK DURING ANY REST PERIOD MANDATED  
10 BY AN APPLICABLE REGULATION ADOPTED BY THE DEPARTMENT OF LABOR,  
11 LICENSING, AND REGULATION.

12 (3) THE REGULATIONS ESTABLISHING A REST PERIOD ADOPTED BY THE  
13 DEPARTMENT OF LABOR, LICENSING, AND REGULATION MAY PERMIT AN EMPLOYEE  
14 TO RECEIVE NOT MORE THAN A 10-MINUTE REST PERIOD FOR EVERY CONSECUTIVE  
15 4-HOUR WORK PERIOD.

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
17 2006, the Department of Labor, Licensing, and Regulation shall adopt regulations to  
18 establish and safeguard a mandatory rest period for employees.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July 1, 2006.