

118TH CONGRESS  
1ST SESSION

# H. R. 785

To amend the Fair Labor Standards Act of 1938 to require paid rest breaks for certain construction employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Ms. GARCIA of Texas (for herself, Ms. PORTER, Ms. CHU, Ms. MCCOLLUM, Mr. GARCÍA of Illinois, Mr. ALLRED, Ms. NORTON, Mr. ESPAILLAT, Mr. VEASEY, Mr. GREEN of Texas, Mr. DOGGETT, Ms. TLAIB, and Mr. CASAR) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Fair Labor Standards Act of 1938 to require paid rest breaks for certain construction employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PAID REST BREAKS FOR CERTAIN CONSTRUC-**  
4 **TION EMPLOYEES.**

5 (a) PAID REST BREAK.—The Fair Labor Standards  
6 Act (29 U.S.C. 201 et seq.) is amended by inserting after  
7 section 7 the following:

1 **“SEC. 8. PAID REST BREAKS FOR CONSTRUCTION EMPLOY-**  
2 **EES.**

3 “(a) REQUIREMENTS.—An employer shall—

4 “(1) with respect to each construction employee  
5 of such employer—

6 “(A) provide at least one 15-minute paid  
7 rest break for every four hours of work to each  
8 such employee; and

9 “(B) at the time of hiring, provide notice  
10 in the primary language of such employee, an  
11 explanation that—

12 “(i) such employee is entitled to the  
13 paid rest breaks described in subparagraph  
14 (A);

15 “(ii) retaliation by such employer  
16 against such employee for requesting or  
17 taking such paid rest breaks is prohibited;  
18 and

19 “(iii) such employee has a right to file  
20 a complaint with the Secretary for any vio-  
21 lation of this section by such employer; and

22 “(2) display a sign, in a conspicuous and acces-  
23 sible location, at the place of business of such em-  
24 ployer and at the applicable construction work site  
25 that includes, in both English and Spanish, the in-  
26 formation described in paragraph (1)(B).

1       “(b) POSTED NOTICE.—The Secretary shall issue  
2 regulations with respect to the design and content of the  
3 sign referred to in subsection (a)(2).

4       “(c) RETALIATION PROHIBITED.—An employer may  
5 not take retaliatory personnel action or otherwise discrimi-  
6 nate against a construction employee if such employee—

7               “(1) requests or takes paid rest breaks in ac-  
8 cordance with this section; or

9               “(2) files a complaint with the Secretary alleg-  
10 ing a violation of this section.

11       “(d) INTERACTION WITH OTHER LAWS.—Nothing in  
12 this section shall be construed to excuse noncompliance  
13 with any Federal or State law, municipal ordinance, or  
14 collective bargaining agreement requiring longer rest  
15 breaks than those required under this section.

16       “(e) DEFINITIONS.—In this section:

17               “(1) The term ‘construction employee’ means  
18 an individual who is employed by an employer, or is  
19 hired as a contractor of such an employer, to per-  
20 form general construction services.

21               “(2) The term ‘general construction services’  
22 means the—

23                       “(A) erection of or preparation to erect a  
24 structure; or

1           “(B) remodeling, extension, repair, or dem-  
2           olition of a structure or other improvement of  
3           real property or a structure related to real  
4           property.

5           “(3) The term ‘rest break’ means a break from  
6           work during work hours, but does not include a reg-  
7           ular meal break period provided to a construction  
8           employee by an employer.”.

9           (b) PENALTIES.—Section 16(b) of the Fair Labor  
10          Standards Act of 1938 (29 U.S.C. 216(b)) is amended by  
11          adding after the third sentence the following: “If the Sec-  
12          retary makes a determination that an employer has vio-  
13          lated section 8(a) of this Act, the Secretary may assess  
14          an administrative penalty to such employer if such em-  
15          ployer fails to correct the violation not later than 30 days  
16          after the date on which such employer receives notice from  
17          the Secretary of such determination. Any employer that  
18          violates the provisions of section 8(c) of this Act shall be  
19          liable for such legal or equitable relief as may be appro-  
20          priate, including without limitation employment, reinstatement,  
21          promotion, and the payment of wages lost and an  
22          additional equal amount as liquidated damages.”.

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