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**SENATE BILL 5374**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Conway, Keiser, and Hunt

1 AN ACT Relating to rest and meal periods; amending RCW 49.12.105;  
2 and adding a new section to chapter 49.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.12  
5 RCW to read as follows:

6 (1) An employer must provide employees with rest and meal periods  
7 as required by law or rule, which must be uninterrupted and may not  
8 be intermittent, except as provided in subsection (2) of this  
9 section.

10 (2) An employer may apply for an order for a variance from the  
11 required rest and meal periods, including but not limited to whether  
12 they are uninterrupted or intermittent, as provided in RCW 49.12.105.

13 **Sec. 2.** RCW 49.12.105 and 1994 c 164 s 18 are each amended to  
14 read as follows:

15 (1) An employer may apply to the director for an order for a  
16 variance from: (a) Section 1 of this act; or (b) any rule or  
17 regulation establishing a standard for wages, hours, or conditions of  
18 labor adopted by the director under this chapter.

1       (2) The employer must give notice of the application to the  
2 employees or their representatives so they may submit comments to the  
3 director.

4       (3) The director shall issue an order granting a variance if the  
5 director determines or decides that the applicant for the variance  
6 has shown good cause for the lack of compliance. Any order so issued  
7 shall prescribe the conditions the employer must maintain, and the  
8 practices, means, methods, operations, standards and processes which  
9 the employer must adopt and utilize to the extent they differ from  
10 the standard in question.

11       (4) At any time the director may terminate and revoke such order,  
12 provided the employer was notified by the director of the termination  
13 at least thirty days prior to said termination.

14       (5) The department may adopt rules related to variances.

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