

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 22-2-16 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]:
- 6 **Chapter 16. Employee Lunch Breaks**
- 7 **Sec. 1. This chapter does not apply to a child covered by**
- 8 **IC 20-33-3-30.**
- 9 **Sec. 2. This chapter does not:**
- 10 **(1) affect the terms of a negotiated collective bargaining**
- 11 **agreement or settlement agreement; or**
- 12 **(2) negate a bona fide agreement between an employee and**
- 13 **employer.**
- 14 **Sec. 3. As used in this chapter, "duty" means the active**
- 15 **performance of functions required by an employer and does not**
- 16 **imply physical presence at the location of employment.**
- 17 **Sec. 4. As used in this chapter, "employee" means a person**
- 18 **employed or permitted to work or perform a service for**
- 19 **remuneration or under a contract for hire, written or oral, express**
- 20 **or implied, by an employer. However, the term does not include the**
- 21 **following:**
- 22 **(1) A member of a religious order who is performing a service**
- 23 **for that order.**

- 1           **(2) An ordained, a commissioned, or a licensed minister,**  
 2           **priest, rabbi, sexton, or Christian Science reader who is**  
 3           **performing services for a religious organization.**  
 4           **(3) A person who is employed as a salesperson, if all of the**  
 5           **person's services are performed for remuneration solely by**  
 6           **commission.**  
 7           **(4) A person employed in an executive, an administrative, or**  
 8           **a professional occupation if the person has the authority to**  
 9           **employ or discharge.**  
 10           **(5) An employee with respect to whom the federal Interstate**  
 11           **Commerce Commission has power to establish qualifications**  
 12           **and maximum hours of service under the federal Motor**  
 13           **Carrier Safety Act (49 U.S.C. 31502(b)) or an employee of a**  
 14           **carrier subject to IC 8-2.1.**  
 15           **(6) An employee subject to the federal Railway Labor Act (45**  
 16           **U.S.C. 151 et seq.).**  
 17           **(7) An employee of the state subject to IC 4-1-2-1.**  
 18           **Sec. 5. As used in this chapter, "employer" means any**  
 19           **individual or type of organization, including a political subdivision**  
 20           **(as defined in IC 36-1-2-13), that has in its employ one (1) or more**  
 21           **individuals. However, the term does not include the state.**  
 22           **Sec. 6. (a) An employer shall provide a lunch break of at least**  
 23           **thirty (30) minutes to an employee who is scheduled to be on duty**  
 24           **for at least six (6) consecutive hours.**  
 25           **(b) The lunch break must be available immediately after the**  
 26           **first four (4) hour period of duty.**  
 27           **(c) If an employee works more than twelve (12) consecutive**  
 28           **hours, the employee shall be provided the opportunity for another**  
 29           **lunch break of at least thirty (30) minutes.**  
 30           **(d) If:**  
 31           **(1) the duties of the position do not allow the employee to take**  
 32           **a lunch break;**  
 33           **(2) the lunch break normally is to be unpaid; and**  
 34           **(3) the employee works through the lunch break;**  
 35           **the employee shall be paid for the time of the lunch break at the**  
 36           **normal rate.**  
 37           **(e) This section does not apply when the employer has only one**  
 38           **(1) employee on duty during a period of four (4) or more**  
 39           **consecutive hours.**  
 40           **Sec. 7. (a) A person who violates this chapter commits a Class**  
 41           **C infraction.**

- 1       **(b) Each time a person violates this chapter, the person commits**
- 2       **a separate infraction."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1001 as printed January 12, 2012.)

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Representative Fry C