

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1617

By: Bennett

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6 AS INTRODUCED

7 An Act relating to public buildings and public works;  
8 creating the Rest Breaks for Employees Performing  
9 Construction Work with Governmental Entities;  
10 defining terms; requiring certain contracts to  
11 provide for rest breaks; providing for notice and  
12 penalty; providing for administration of act;  
13 providing for codification; and providing an  
14 effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 401 of Title 61, unless there is  
18 created a duplication in numbering, reads as follows:

19 A. This act shall be known and may be cited as the "Rest Breaks  
20 for Employees Performing Construction Work with Governmental  
21 Entities".

22 B. In this section:

23 1. "Construction contract" means a contract or agreement for  
24 the performance of general construction for a governmental entity;

2. "Construction safety training" means a construction and  
general industry safety training class approved by the federal

1 Occupational Safety and Health Administration that is at least ten  
2 (10) hours in duration;

3 3. "Contractor" means a person, firm or corporation contracting  
4 with a governmental entity for general construction;

5 4. "Employee" means an individual paid by a contractor or  
6 subcontractor to perform general construction work or services;

7 5. "General construction" means:

8 a. erecting or preparing to erect a structure, including  
9 a building, bridge, roadway, public utility facility,  
10 or related structure,

11 b. remodeling, extending, repairing or demolishing a  
12 structure, or

13 c. otherwise improving real property or a structure  
14 related to real property;

15 6. "Governmental entity" means this state, a political  
16 subdivision of this state, including a municipality, county, public  
17 school district, or authority; and

18 7. "Rest break" means a break from work during work hours. The  
19 term shall not include a regular meal break period provided to an  
20 employee by a contractor or subcontractor.

21 C. A governmental entity contracting with a contractor shall  
22 require the contractor and any subcontractor to provide at least a  
23 ten (10) minute paid rest break within every four (4) hour period of  
24 work to each employee performing work under the contract.

1 D. Each construction contract with a governmental entity shall  
2 include terms that:

3 1. Authorize an employee of a contractor or subcontractor  
4 required to work without a rest break in violation of subsection C  
5 of this section to make a verbal or written complaint to the  
6 governmental entity contracting with the contractor;

7 2. Explains upon confirmation of a violation of subsection C of  
8 this section, the governmental entity shall provide the contractor  
9 written notice of the violation by hand delivery or certified mail;

10 3. Inform a contractor that the governmental entity may impose  
11 an administrative penalty if the contractor fails to comply with  
12 subsection C of this section after the date on which the contractor  
13 receives notice; and

14 4. Explain that a penalty amount may be withheld from a payment  
15 otherwise owed to the contractor under the construction contract.

16 E. The amount of a penalty imposed under paragraph 3 of  
17 subsection D of this section shall be not less than One Hundred  
18 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)  
19 per day if any employee is required to work without a rest break in  
20 violation of this section.

21 F. Each governmental entity shall develop procedures for the  
22 administration of this section.

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1 SECTION 2. This act shall become effective November 1, 2021.

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