



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Department of Labor and Industries

**Subject of possible rule making:** Chapter 296-126 WAC, Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW

**Statutes authorizing the agency to adopt rules on this subject:** Chapter 49.12 RCW

**Reasons why rules on this subject may be needed and what they might accomplish:** The rulemaking is to clarify the meal and rest break rules as a result of current case law such as *Wingert v. Yellow Freight*, 146 Wn.2d 841 (2002) and *Alvarez v. IBP*, 339 F.3d 894 (9th Cir. 2003). The rules need to be clarified so employees and employers understand their rights and duties, respectively, for meal and rest periods.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
None.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

**Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.**

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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**DATE**  
April 6, 2010

**NAME (TYPE OR PRINT)**  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

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**DATE: April 06, 2010  
TIME: 11:35 AM**

**WSR 10-08-067**