

**RULES  
OF  
THE DEPARTMENT OF LABOR  
DIVISION OF LABOR STANDARDS**

**CHAPTER 0800—5—2  
WAGE REGULATIONS**

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**0800—5—2—. 01 PURPOSE**

The purpose of this Rule is to provide an employer the opportunity to appeal the assessment of a civil penalty by the Commissioner of the Tennessee Department of Labor.

*Authority:* T.C.A. §§50—2—101, 50—2—103, 50—2—104 and 4—5—202. *Administrative History:* Original rule filed September 29, 1994; effective January 27, 1995.

**0800—5—2—. 02 INFORMAL CONFERENCES**

At the request of an affected employer, the Commissioner or his designee may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. If the employer requests the conference, an affected employee or his representative will be afforded an opportunity to participate, at the discretion of the Commissioner. Counsel at such conference may represent any party. No such conference or request for such conference shall operate as a stay of any twenty (20) day period for filing a notice of appeal as prescribed in rule 0800—5—2—. 03.

*Authority:* T.C.A. §50—2—101, 50—2—103, 50—2—104 and 4—5—202. *Administrative History:* Original rule filed September 29, 1994; effective January 27, 1995.

**0800—5—2—. 03 APPEAL OF CIVIL PENALTY**

A party assessed a penalty pursuant to T.C.A. §§50—2—103 and/or 50—2—104 may appeal such decision directly to the Commissioner of the Tennessee Department of Labor. Said appeal must be submitted in writing within twenty (20) working days of receipt of notice of proposed penalty. The Commissioner or his designee shall hear the appeal in accordance with the provision of the *Uniform Administrative Procedures Act*, complied in Title 4, Chapter 5.

*Authority:* T.C.A. §50—2—101, 50—2—103, 50—2—104 and 4—5—202. *Administrative History:* Original rule filed September 29, 1994; effective January 27, 1995.

**0800—5—2—. 04 WORKPLACE ENVIRONMENTS—NATURE OF BUSINESS**

- (1) The Department of Labor may review any existing policies providing Breaks/M meal Periods, and determine if sufficient opportunity is being provided for employees to take an appropriate break.
- (2) If the Department determines that the public health, safety or welfare may be adversely affected in workplace environments by adhering to rest breaks or meal period, said breaks should not be required, such as surgical nurses on duty in operating room.
- (3) Further businesses that by their nature of employment provide for sufficient opportunity to rest or take an appropriate break shall not be affected, such as waiter and waitresses in the employment of restaurants.

*Authority:* T.C.A. §50—2—101, 50—2—103, 50—2—104 and 4—5—202. *Administrative History:* Original rule filed September 29, 1994; effective January 27, 1995.