



Meal & Rest Period Requirements

MEAL BREAKS

First Meal Break: Non-exempt employees are entitled to an unpaid, off-duty, and uninterrupted meal period of at least thirty minutes whenever they work more than 5 hours. The meal break must begin before the employee has completed their 5th hour of work. In other words, no later than 4 hours and 59 minutes into the shift.

Waiver: However, if 6 hours of work will complete the day's work, the employee may voluntarily choose not to take the meal break if the employer agrees to that waiver.

Second Meal Break: Non-exempt employees are entitled to a second unpaid, off-duty, and uninterrupted meal period of at least thirty minutes whenever they work more than ten hours. The meal break must begin before the employee has completed their tenth hour of work.

Waiver: However, if twelve hours of work will complete the day's work, the employee may voluntarily choose not to take the second meal break if the employer agrees to it, so long as the employee took the first meal break.

Employees are free to leave the premises during all meal breaks. Meal breaks may be longer than a half-hour, at the employer's discretion. However, if the employer imposes a meal break longer than an hour, split shift fees may apply.

Employers are required to keep a record of the start and end times of non-exempt employees' meal periods. Employees should clock in and out, and employers may not round these time punches.

Timing Example:

If an employee begins work at 8:00 a.m., the meal period must begin no later than 12:59 p.m.

Time	Hour of Work
8:00 a.m. to 9:00 a.m.	1 st
9:00 a.m. to 10:00 a.m.	2 nd
10:00 a.m. to 11:00 a.m.	3 rd
11:00 a.m. to 12:00 p.m.	4 th
12:00 p.m. to 1:00 p.m.	5 th (Meal period must <i>begin</i> before completing 5 th hour)

REST BREAKS

Non-exempt employees are entitled to ten net minutes of break time for every 4 hours worked (or major fraction thereof, as outlined below). Rest breaks may not be combined with or added on to meal breaks, even at the employee's request. Nor may they be used to allow an employee to come in ten minutes late or leave ten minutes early. Unlike unpaid meal periods, rest breaks are paid as time worked. Because employees are not clocking in and out for rest breaks, it is recommended to document that the employee received all rest

breaks, such as by having the employee certify this on their timecard. Employees are free to leave the premises during all rest breaks. See schedule below:

Hours of Work	# of Required Rest Breaks
0 – 3.5	0
3.5 – 6.0	1
6.0 – 10.0	2
10.0 – 14.0	3

PENALTIES

For each workday an employer fails to “authorize and permit” an employee to take a sufficient meal or rest break, the employee is owed one additional hour of pay at the employee’s *regular rate* of pay (not the base hourly rate of pay). Note that the regular rate of pay takes into account additional forms of compensation beyond the base hourly rate, such as non-discretionary bonuses, commissions, piece rate pay, etc.

The employee is owed a maximum of 2 hours’ premium pay per day (**one** for **all** rest break violations and **one** for **all** meal period violations).

If you fail to authorize and permit a full meal break, be sure to pay the employee for all time worked during the meal break, *in addition to* paying the one-hour penalty.

Need additional information from the state regarding breaks? Visit the DIR website FAQ’s at http://www.dir.ca.gov/dlse/faq_mealperiods.htm

Not sure which wage order applies to you for your business?

Visit the DIR website at <http://www.dir.ca.gov/iwc/wageorderindustries.htm> to access information regarding wage and hour requirements for all industries.

For more information or assistance please call CEA at 800.399.5331 email CEAinfo@employers.org, or visit our website at: www.employers.org. Let CEA help! CEA is here to make you a better employer.