



REST AND MEAL PERIODS

Following are general rules about employee rest and meal break requirements:

Employees are permitted and should be encouraged to take a paid 10-minute rest period for every four-hour period of work, or major portion thereof, so if an employee works 7 hours, she is entitled to two rest breaks. (The rest breaks do not need to be recorded on the timecard.)

Non-exempt employees (i.e., employees who are subject to overtime requirements) who work more than 5 hours in a work day must take a meal break of at least 30 minutes, and the employee must record the meal break on their timecard. The meal period can be unpaid, and the employee is to do no work during the meal period.

If an employee works more than 10 hours in a workday, they must be provided a second meal period of at least 30 minutes, which must also be recorded on the timecard. Employees can voluntarily (employers cannot require this) waive the second meal period as long as they took their first meal period and will not work more than 12 hours in the workday. If the second meal period is waived, the first (and only) meal period should begin around the middle of the shift. YPP's HR Managers can provide clients with this waiver form; this waiver needs to be in writing each time it is exercised. *(There are different rules for Wage Order 5, for the Health Care Industry, so if you are under that Wage Order, review with your YPP HR Manager.)*

If 6 hours complete the work day, a non-exempt employee may voluntarily waive the meal break by mutual agreement with their on-site supervisor and YPP. If the employee would like to waive their meal period (and the work day is completed in no more than 6 hours) they should contact YPP for a request form for this.

When a meal break is taken, it must begin by no later than the start of the 5th hour of work.

There may be very rare occasions when YPP will grant an employee a paid, on-duty meal period, but any instance of this must be approved by your YPP Human Resource Manager and the on-site supervisor in advance. Due to the stringency of California regulations, this will only be granted for certain unusual circumstances and not simply for the mere convenience of the employee or the employer. There must be a true business necessity for the on-duty meal break, and YPP will need to evaluate the circumstances. An on-duty meal period must allow the employee to actually have the opportunity to eat while they are working. Once the on-duty meal period is approved, YPP will require completion of the on-duty meal agreement form.

Please note that per the California Wage Orders, if an employee misses a required meal or break period, does not receive a meal period of at least 30 minutes, or performs work during the meal period (without a valid on-duty meal agreement), the employee must be paid one hour's regular pay for each day that a meal period or break period is missed. This means that an employee who does not take either a meal or rest period will be owed up to two hours of regular pay for the day. These additional wages are the responsibility of YPP's clients, and will be added to the payroll and invoice when incurred. If the meal/rest period premium wage is not paid, the Department of Labor Standards Enforcement (DLSE) can impose additional waiting time penalties when the employee terminates employment, and those can be substantial.

Meal and rest break periods are the most heavily litigated issue in employment law today, and can lead to substantial liabilities for employers. YPP is committed to assisting our clients with compliance with wage & hour regulations; please contact your Human Resource Manger for assistance in scheduling or otherwise complying with these regulations.