



## **Give Employees A Break (Actually, Two of Them)**

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California Law requires that employees who work more than five hours in a day be provided an unpaid, off-duty meal period of at least 30 minutes, and a second meal period if they work more than ten hours. An employer that fails to provide these meal breaks must pay a premium of one hour of pay to the employee for every day the breaks were not provided. This requirement has led to class action lawsuits being filed against hundreds of California employers for missed meal breaks.

California law also requires that employees be provided a paid ten minute rest break for each four hours worked or major fraction thereof. In an eight-hour day, two such breaks must be provided. Ordinary restroom breaks do not count toward these required rest breaks. Failure to provide these breaks will also cause an employer to be liable for a premium of one hour of pay for each day that one or both breaks were not provided.

Unlike meal breaks, which can be documented by requiring employees to clock in and out for lunch, most employers do not require employees to clock in and out for breaks. Without any documentation, employees are prone to claim that they "never" were able to take breaks, in the hope of collecting the premium. An effective weapon against such claims, however, is to require employees to certify in writing each pay period that they received all of the rest breaks to which they were entitled.

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