



## Are Established Meal Periods Of Under 30 Minutes FLSA "Hours Worked"?

Insights

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Our July 5 post prompted a question about whether an established meal period of less than 30 minutes must be considered worktime under the federal Fair Labor Standards Act. The answer is, "Not necessarily".

U.S. Labor Department interpretations state that bona fide meal periods during which employees are completely relieved from duty in order to eat regular meals are not FLSA worktime. *See* 29 C.F.R. § 785.19(a). This provision also says that "ordinarily" 30 minutes or more is long enough for such a period. This has led many people (sometimes including even U.S. Wage and Hour Division officials) to insist that, if an employer maintains a meal period of *less than* 30 minutes, the mealtime must be considered hours worked under the FLSA.

But the Labor Department's own interpretation recognizes that a shorter timeframe can be long enough "under special conditions." Among the special conditions the Labor Department looks for are these:

- Any work-related interruptions of the meal period are sporadic and minimal;
- Employees have enough time to eat a regular meal under the circumstances;
- The period is not just a break for snacks or coffee but instead allows the employee to eat a full meal, comes at a time when meals are normally consumed, and occurs with a frequency that is customary for regular meals;
- The employer and employees have agreed that a period of less than 30 minutes is sufficient to eat a regular meal; and
- Applicable state or local laws do not require a longer meal period than the one established.

Section 31b23, *Field Operations Handbook* (U.S. Labor Department, December 15, 2000).

The Labor Department reviews these factors on a case-by-case basis, taking into account the particular context involved. U.S. Wage and Hour Investigators are instructed to give "special scrutiny" to meal periods of less than 20 minutes.

These principles have to do with whether *established* mealtimes of under 30 minutes are bona fide, non-compensable ones. Work-related interruptions of established meal periods are evaluated

non-compensable ones. Work-related *interruptions* of established meal periods are evaluated differently.

Finally, remember that state or local laws might require a meal period of at least 30 minutes or some other length and might impose other meal-related obligations. The FLSA does not relieve an employer from its responsibilities under any such laws.