

## Brinker Provided Guidance to Employers On Break Rules in California

News

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The article "*Brinker Provided Guidance to Employers On Break Rules in California, Attorney Says*," in the May 22 *Bloomberg BNA Daily Labor Report*, reviewed a webinar that was presented on May 16 by Irvine Partner John Skousen. The webinar focused on understanding California laws on meal and rest periods and the impact of the ruling in *Brinker Restaurant Corp. v. Superior Court*. On April 12, 2012 the California Supreme Court clarified the meal- and rest-period laws, as well as standards for class certification for these claims, and for off-the-clock claims. The decision emphasizes the importance of properly scheduling and documenting meal periods, carefully drafting policies informing employees of their entitlements to meal and rest periods, and developing accurate timekeeping policies which are supervised by management. John said the *Brinker* decision provided "bright line" definitions for employers to follow. A key holding by the court was that, although employers are required to affirmatively relieve employees of all duties for designated meal periods, the law does not require employers to "police meal breaks and ensure no work thereafter is performed."

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