



The Foundation for  
California State University, San Bernardino

# Did You Know???

Brought to you by The Foundation Human Resources Department

There are many confusing regulations with regards to meal/rest periods  
and payment of premium wages?

Below is a list of some frequently asked questions and answers.\*

*What is the requirement for providing meal and rest breaks?*

A: Non-exempt employees (employees not exempt from overtime and meal/rest break requirements under the federal Fair Labor Standards Act and the California Wage Orders) must be given an opportunity to take a 10-minute paid rest break for every four hours worked and a 30-minute unpaid meal break for shifts longer than five hours. The meal break must begin no later than 4 hours and 59 minutes into the employee's shift.

*What happens if an employee starts lunch hour late (for example, 5 hrs 15 minutes after started workday); what do we do? How do we compensate?*

A: The employee is entitled to an additional hour of pay at straight time for failure to provide the meal within the required time, plus wages for any time actually worked.

*Can an employer grant a longer rest period (15 minutes)?*

A: That is your choice, so long as it is for a minimum of 10 minutes and is taken no later than 3 hours and 59 minutes into the employee's shift. **The Foundation rest periods are 15 minutes.**

*Are employers required to monitor employees to make sure they take their scheduled rest breaks?*

A: You are required to make the rest break available. It is paid time, so you do not have to monitor employees, but you should document all steps you've taken to give employees their breaks.

*Must employers monitor meal breaks?*

A: Yes. As the law is currently being interpreted, employers are responsible for ensuring that the employee takes the full 30-minute off-duty meal period (subject to limited exceptions).

*If an employee works more than 10 hours, is the employee required to take the second lunch break or is it at the employee's request?*

A: The second meal period can be waived only by mutual consent of the employer and the employee, if the employee will not work more than 12 hours and only if the first meal period was not waived.

*Can a meal period be less than the full 30 minutes? For example, can they take a 20- or 25-minute meal period?*

A: No, meal breaks must be at least 30 minutes. If the meal break is less than a full 30 minutes, the one hour of premium pay (or wage) must be paid.

*Can employees hold their afternoon break until the end of the day and then leave 10 minutes early?*

A: No.

*If an employee is working a short shift, can the employee waive a meal break?*

A: If the employee's shift can be completed in six hours or less, the employee can waive the meal break. The waiver must be in writing, agreed upon by both the employee and the employer and the employee must be able to revoke the waiver at any time. **Please contact Foundation Human Resources for further information of meal break waivers.**

\*Source: California Chamber of Commerce, November 16, 2007

Questions? Please call Foundation Human Resources at extension 77589.

**We are here to help!**



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