

Meal Break Violations Training



Agenda

- Introduction
- Overview of Meal Break Laws
- Meal Waivers
- Common Meal Break Violations
- Consequences of Meal Break Violations
- Roles and Responsibilities
- Compliance Strategies
- Case Studies and Examples
- Reporting and Addressing Violations



Introduction

Meal – Break Obligation

In California, an employer must relieve its nonexempt employees of duties so they can take a 30-minute meal break within five and 10 hours of starting their shifts. An employer satisfies this obligation if it:

- Relieves employees of all duties during the breaks.
- Relinquishes control over their activities.
- Permits employees a reasonable opportunity to take an uninterrupted 30-minute break.
- Does not impede or discourage workers from doing so.



Overview of Meal Break Laws

Rest Break :

- 10- minute rest period
- Middle of each work period (4 hour work period)
- Must be paid
- Counted as time worked
- Premium Pay for not taking a break (1 premium pay per day)

Meal Break :

- 30 – minute lunch period
- Within 5 and 10 hours of their starting shift
- Unpaid
- Relieved of all duty and is free to leave the premises
- Premium Pay for not taking a break (1 premium pay per day)



Meal Waivers

The first meal period may be waived by mutual consent of both the employer and employee. A second meal period of not less than thirty minutes is required if an employee works more than ten hours per day, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and employee only if the first meal period was not waived.





Meal & Rest Break Chart

Shift Length	Paid 10-Minute Rest Breaks	Unpaid 30-Minute Meal Breaks
Less than 3.5 Hours	0	0
3.5-5 Hours	1	0
5.1-6 Hours	1	1 [†]
6.1-10 Hours	2	1
10.1-14 Hours	3	2
14+ Hours	At Least 4	2 [‡]

[†] Can be waived by mutual consent.

[‡] Only one of these meal breaks can be waived, and even then only if the employee works less than 12 hours.

Common Meal Break Violations

Missed Breaks: Employees not receiving their entitled meal breaks.

Late Meal Breaks: Breaks given too late in the shift.

Shortened Breaks: Breaks not lasting the full required duration.

Interrupted Breaks: Breaks interrupted by work-related duties.

Consequences of Meal Break Violations

For Employees: If the employee willfully violated the meal and break policy the employee will receive progressive disciplinary action.

For Employers: 1 meal premium pay for lunch period violation and 1 premium pay for break violation per day.

** If your employer fails to provide the required meal period, you are to be paid one hour of pay at your regular rate of compensation (this is referred to as meal period premium pay) for each workday that the meal period is not provided **

Only two hours of premium pay is owed per day, one for meals , one for breaks because the statute requires payment of the premium for each work day, not each occurrence during a workday.

Roles and Responsibilities

Employees: Know their rights and report any violations. Review meal and break policy with employees when dispatching.

Service Team: Ensure to the best of your ability schedules are being followed, monitor compliance (meal violation audits) and address violations **Promptly.**

Compliance Strategies

Scheduling: Properly knowing shifts to ensure meal breaks compliance. This goes for your schedule too!

Monitoring: Using timekeeping systems to track meal breaks.

Training: Regular training sessions to keep employees and supervisors informed, communicate with your employees and team leads.

Communication: Open channels for employees to report issues without fear of retaliation.

Policy Enforcement: Clear policies with consistent enforcement and disciplinary actions for non-compliance.

Reporting and Addressing Violations

Reporting Mechanism: Communication is key. Ensure the employee is aware of our policy and make yourself available to speak with the employee if they wish to report anything.

Investigation Process:

These were the meal premiums for last week. Please speak to the employees to see as to why they took a late lunch.

Michelle Guerrero:

2 Late Lunches – 04/05/2024 (*Payroll stated there was a confirmation pending regarding the violation. This hour will be retro'd.*) & **04/12/2024.**

Yoni David Ferreyra:

1 Late Lunch – 04/11/2024

Corrective Actions:

Progressive Discipline= Verbal > Write Up > Suspension > Termination

Thank you!