

Dear HR Knowledge, Do meal and rest breaks need to be paid?

The answer to this, and many other HR questions, is that it depends on the state the employer is operating in and/or where the employee is physically located. Many employers provide employees with a rest or lunch break, either paid or unpaid. While the federal wage and hour law, called the Fair Labor Standards Act (FLSA), doesn't require employers to provide meal or rest breaks, many states have their own set of regulations on whether employers need to provide meal and rest breaks. Some states only require them for minors, while others require them for all employees after a certain number of hours are worked.

When employers do offer short breaks (consisting of 5 to 20 minutes), federal law considers those breaks part of an employee's compensable work hours. Therefore, short breaks would be included in the total of hours worked during the work week and considered in determining if overtime was worked.

"Bona fide" meal periods – meaning an employee is relieved of regular duties to eat a meal – typically last at least 30 minutes. Unlike coffee or snack breaks, meal breaks are not considered work time and are not compensable. Employers can always decide to be more generous and pay for the meal period, but it is not required and, most commonly, is unpaid.

Unauthorized extensions of authorized work breaks do not need to be counted as hours worked when the employer has expressly and unambiguously communicated to the employee that the authorized break may only last for a specific length of time, that any extension of the break is contrary to the employer's rules, and that any extension of the break will be subject to the company's standard disciplinary practices.

When there is no clear state regulation or guidance about a particular aspect of a meal or rest break, employers should err on the side of caution by providing breaks that are the most beneficial to the employee or consult with Human Resources.

About HR Knowledge

Founded in 2001, HR Knowledge, Inc. provides integrated outsourced HR services tailored to our clients' needs. Our full array of offerings includes managed payroll, employee benefits administration, and HR consulting and support services, such as training, compliance, and Hiring Process Management™, our comprehensive recruitment service that takes you from finding to onboarding new talent. Our major markets are fast-growing small- and medium-sized businesses, many of which are venture-capital-backed; foreign companies expanding into the states; and charter schools.

Partner with us to reduce your administrative costs, minimize your legal risk, find and develop talent, and alleviate the HR burden so you can focus on your core business.



This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact HR Knowledge at 508.339.1300 or [email us](#).