



A guide to employee breaks:

Understanding complex laws, costly penalties, smart business





Getting employee breaks right

Meal and rest breaks are a big deal. More than 20 states have laws requiring them, employees are more productive because of them, and we all may have [stronger memory and performance](#) when we take them.

When they're skipped or shortened, there are consequences—potentially costly ones for employers, depending on the state.

Take control

In this eBook, we explore meal break laws, so you're more familiar with the rules, understand the consequences of missed or shortened breaks, and learn strategies for incorporating breaks into your business practices:

When they're skipped or shortened, there are consequences—potentially costly ones for employers, depending on the state.

- What are break laws?
- California leads the way: laws and penalties
- Other states protect breaks, too
- Wait, cities?
- One more consideration: good policy
- Common challenges to staying compliant
- How TCP can help

Note: The content in this eBook is provided for informational purposes only and should not be interpreted as legal advice.

What are break laws?

Break laws are those requiring employers to provide meal, rest, or other breaks to employees during the workday.

While federal law does not mandate these breaks, it does spell out certain requirements if employers do offer them:

- If breaks of 5 to 20 minutes are provided, they must be paid.
- Meal breaks of 30 minutes or longer do not need to be paid.

Several states go further, and if their laws conflict with federal law, the law most favorable to the employee usually applies, according to Justia, a platform that provides the public access to the law. Furthermore, employees have recourse if employers violate any short-break law:

“In addition to filing a complaint with the (U.S. Department of Labor) or a state department, employees may be able to pursue a private cause of action if their employer violates these laws.”



California leads the way

As is often the case, California regulations on meal, rest, and even recovery breaks are among the most detailed in the country. Below is just a general overview of employer responsibilities, according to California's Department of Industrial Relations:

Break type	Break 1	Break 2	Break 3
Meal (applies to most workers)	Uninterrupted, duty-free, unpaid 30-minute break when working >5 hours in one day	Uninterrupted, duty-free, unpaid 30-minute break when working >12 hours in one day	Employer pays "meal period premium pay"—one additional hour of pay at the employee's regular pay rate for each workday that the meal period is not provided
Rest (applies to nonexempt workers)	Uninterrupted, duty-free, paid 10-minute break for every 4 hours worked (not required for time totaling less than 3.5 hours)	Uninterrupted, duty-free, paid 10-minute break for every 4 hours worked	Employer pays one additional hour of pay at the employee's regular pay rate for each workday that excludes all entitled breaks

That's just the start. Different breaks apply for [motion picture workers](#), for example, along with [swimmers, dancers, skaters](#) and "other performers engaged in strenuous physical activities." And outdoor workers must be allowed [recovery breaks](#) of at least 5 minutes in the shade any time they need to protect themselves from overheating.

It's the employer's responsibility to abide by all nuances, or else. Repeated instances of premium pay can add up quickly, and employees also have a right to file a [wage claim](#) with the state.

Other states protect breaks, too

Other state policies on breaks vary significantly. Below are brief overviews of state laws on meal breaks for private-sector adults as of Jan. 1, 2023, as compiled by the U.S. Department of Labor.

Please note that the information provided here is high-level only and that each state law spells out the industries and employees covered, along with exceptions, conditions, and other distinctions. For more detailed information, see the [full DOL table](#) or visit each state's governing labor agency.

Unless otherwise noted, meal breaks are defined as:

- Uninterrupted and unpaid if the employee is relieved of all duties
- Paid if the employee works during their break



Colorado

30 minutes if work shift exceeds 5 consecutive hours. *Colorado also has separate requirements for rest breaks.



Connecticut

30 minutes sometime after the first 2 hours and before the last 2 hours for employees who work 7.5 or more consecutive hours.



Delaware

30 minutes sometime after the first 2 hours and before the last 2 hours for employees who work 7.5 or more consecutive hours.



Illinois

At least 20 minutes, no later than 5 hours after the start of the work period, to employees who work 7.5 or more continuous hours. In addition, hotel room attendants receive one 30-minute meal period in each workday of at least 7 hours. *Illinois also has separate requirements for rest breaks.



Kentucky

Reasonable off-duty period, usually 30 minutes, but shorter period is permitted under special conditions between the third and fifth hour of work. Not counted as time worked. *Kentucky also has separate requirements for rest breaks.



Maine

30 minutes after 6 consecutive hours, except in cases of emergency.

*Maine defines this break as a [rest break](#).



Maryland

15-minute break for 4 to 6 consecutive hours or a 30-minute break for more than 6 consecutive hours. If an employee works 8 or more consecutive hours, the employer must provide a 30-minute break and an additional 15-minute break for every additional 4 consecutive hours worked.



Massachusetts

At least a 30-minute meal break for each 6 hours worked in a calendar day.



Minnesota

Sufficient unpaid time for employees who work 8 or more consecutive hours. Rest periods of less than 20 minutes may not be deducted from total hours worked. *Minnesota also has separate requirements for rest breaks.



Nebraska

30 minutes off premises for each 8-hour shift.



Nevada

30 minutes for working 8 continuous hours. *Nevada also has separate requirements for rest breaks.



New Hampshire

30 minutes after 5 consecutive hours worked, unless feasible for employee to eat while working and is permitted to do so by employer.



New York

30-minute noonday period for employees who work shifts of more than 6 hours that extend over the noonday meal period. *Other break statutes apply for factory workers and those working nontraditional hours.



North Dakota

30 minutes, if desired, on each shift exceeding 5 hours.



Oregon

- 30 minutes, with relief from all duty, for each work period of 6 to 8 hours, between the second and fifth hour for work period of 7 hours or less, and between the third and sixth hour for work period over 7 hours.
- OR a paid 20- to 29-minute break, with relief from all duty, if the employer can show that such a paid meal period industry practice or custom.
- OR an eating period with pay while on duty for each period of 6 to 8 hours if the employer can show that the nature of work prevents relief from all duty. *Oregon also has separate requirements for rest breaks.



Rhode Island

20 minutes for a 6-hour shift, and 30 minutes for an 8-hour shift.



Tennessee

30 minutes for 6 or more consecutive hours. .



Vermont

Employees are to be given “reasonable opportunities” during work periods to eat and use the bathroom. *Vermont also has separate requirements for rest breaks.



Washington

30 minutes if workday is more than 5 consecutive hours, plus an additional 30 minutes, before or during overtime, for employees working 3 or more hours beyond the regular workday. *Washington also has separate requirements for rest breaks.



West Virginia

20 minutes for 6 or more hours in a workday.





Pricey consequences

While California is unique in requiring employers to compensate employees an hour's pay for missed or shortened breaks, consequences can be costly elsewhere, too. Here are a couple recent examples:

- Just last fall, the U.S. Department of Labor's Wage and Hour Division [fined Allied Universal Security Services](#) \$50,000 and recovered \$549,947 in back wages and \$549,947 in damages for employees who worked through meal breaks that were supposed to be off the clock.
- And in Oregon, a six-hospital health system has spent years fighting fines for violating employee break and meal periods. In 2018, the state Bureau of Labor & Industries fined Legacy Health \$5.1 million for thousands of documented violations stemming from employee complaints through meal breaks that were supposed to be off the clock.
- The two sides negotiated for a bit, but when those negotiations broke down in 2021, the fine jumped to [\\$8.7 million](#). Legacy filed suit in federal court, arguing that state rules were too onerous and subordinate to federal law, but a judge [dismissed that suit](#) in January 2023.

In August of that year, Legacy [petitioned to amend](#) Oregon's meal and rest break law.

Wait, cities?

Some cities are enacting other types of employee break policies. Arizona doesn't have a statewide law addressing meal or rest breaks, but after record-breaking summer heat in 2023, Phoenix City Council members took matters into their own hands.

In March 2024, the council unanimously [passed an ordinance](#) that requires contractors to give outdoor workers opportunities to manage heat. Among those opportunities: taking breaks for hydration.

The penalty? Suspension, cancellation, or termination of the employer's contract with the city, according to [azcentral.com](#).

One more consideration: Good policy

Breaks aren't just a compliance issue. They're essential to employee sentiment and engagement, both of which are associated with performance, according to a 2023 Harvard Business Review article.

Here's what researchers Zhanna Lyubykh and Duygu Biricik Gulseren found in [their review of 80 studies](#) on break-taking:

- 59% of employees report feeling burnout.
- Just 32% of employees were engaged in 2022—down from 36% in 2020.
- Employee engagement is linked to performance.

"Counter to the popular narrative of working long hours, our research suggests that taking breaks within work hours not only does not detract from performance, but can help boost it," they write. "The good news is that taking breaks can help employees to recharge and short-circuit the negative spiral of exhaustion and decreasing productivity."

A [2022 survey](#) by Tork USA, backs that assertion:

- **88%** of employees surveyed return to work refreshed and reenergized after a break.
- **94%** feel happier when they can take a lunch break during the workday.
- **94%** agree taking a break helps them get a fresh perspective.
- **91%** agree taking a lunch break is an important part of maintaining their mental focus.
- More than **9 in 10** say they're more likely to stay at a company that encourages breaks.



Common challenges

It's clear that breaks are important not just for employee well-being and engagement but as a matter of sound, compliant business practice, too. Still, they're hard to manage—and harder to properly document.

Here are some of the top challenges employers face when it comes to tracking missed or shortened meal breaks:

- **Preventing missed breaks** – Scheduled breaks don't mean much if they're not taken. Without the right tracking tools, many employers may have to react after a meal break has been missed. Or worse, they may not even know when a meal break has been missed.
- **Tracking when breaks were shortened and why** – Employee breaks may get shortened for all kinds of reasons. Maybe an employee is trying to make up hours, or their manager calls them back early. Maybe they don't know they have more time left on their break. Documentation of the "how" and "why" is essential not only for your own records but in case of any wage claims. Manual processes make that documentation difficult.
- **Paying penalty fees when appropriate** – Violations of state and federal laws could result in employee claims against their employer. But compliance can be tricky, especially in states with detailed provisions. In California specifically, payroll leaders need visibility into who shortened their break and why to determine whether the employee is due premium pay. Without accurate break tracking and documentation, employers can't prove they complied with labor laws.
- **Addressing frequent meal break violations** – You can't address recurring problems you don't know exist. It's important to track routine missed or shortened breaks, so that you can make any adjustments needed to support employee well-being and satisfaction.

How TCP can help

TimeClock Plus, TCP's automated time and attendance solution helps simplify meal and rest break tracking. Moreover, it includes a **short break confirmation feature for more accurate break tracking without manager intervention, enhancing both record accuracy and compliance.**

What does this short break feature do?

For starters, it enacts a two-stage prompt system any time an employee tries to clock in early from a break. The first prompt shows remaining break time, and the second prompts them to enter their reason for returning early, so you have the documentation you need.

It's packed with other tracking and reporting capabilities, too, giving you new power and insight to make sure breaks are compliant, work for your employees — and work for your organization.

Reach out today to learn more and [talk to an expert](#).

[1-325-223-9500](tel:1-325-223-9500)



References:

1. <stronger memory and performance> National Institute of Neurological Disorders and Stroke. Study shows how taking short breaks may help our brains learn new skills. Published June 8, 2021.
2. <federal law does not mandate breaks> U.S. Department of Labor. Fair Labor Standards Act Advisor.
3. <certain requirements> U.S. Department of Labor. Breaks and Meal Periods. <overtime average 3 percent> Beckers Hospital Review. Workforce Management Best Practices. Published 2014. Accessed Dec. 5, 2023.
4. <law most favorable> Justia. Meal and Rest Break Laws in Employment: 50-State Survey. Last reviewed September 2022.
5. <general overview of employer responsibilities> California Department of Industrial Relations. Employer Responsibilities. Updated September 2023.
6. <California grid: meal break line> California Department of Industrial Relations. Employer Responsibilities. Updated September 2023.
7. <California grid: rest break line> California Department of Industrial Relations. Rest Periods/Lactation Accommodations. Published April 2021.
8. <motion picture workers> California Department of Industrial Relations. Meal periods. Revised July 11, 2012.
9. <swimmers, dancers, skaters> California Department of Industrial Relations. Rest Periods/Lactation Accommodations. Published April 2021.
10. <recovery breaks> California Department of Industrial Relations. Preventative Cool Down Rest Periods.
11. <wage claim> California Department of Industrial Relations. How to File a Wage Claim. Updated April 2024.
12. <full DOL table for list of state break rules> U.S. Department of Labor Wage and Hour Division. Minimum Length of Meal Period Required under State Law for Adult Employees in Private Sector 1. Jan. 1, 2023.
13. <fined Allied Universal Security Services> U.S. Department of Labor. Break failures: Global security provider to pay nearly \$1.1 million in back wages, damages to 778 workers after wrongly deducting meal breaks not taken. Oct 20, 2023.
14. <\$8.7 million fine, Oregon> The Lund Report. State Blasts Legacy Health's Challenge to Meal Break Rules. July 26, 2022.
15. <judge dismissed suit> Portland Business Journal. Judge dismisses Legacy's lawsuit against Oregon labor agency. Jan. 5, 2023.
16. <petitioned to amend> Oregon Bureau of Labor & Industries. Aug. 7, 2023.
17. <cities, passed an ordinance> The Guardian. Phoenix passes landmark rule requiring heat protection for outdoor workers. Published March 27, 2024.
18. <suspension, cancellation, or termination of contract> AZCentral. Phoenix Oks heat safety regulation for contractors to protect outdoor workers. Published March 26, 2024.
19. <review of 80 studies> Harvard Business Review. How to Take Better Breaks at Work, According to Research. Published May 31, 2023.
20. <Tork survey> Tork survey. Published June 29, 2022.
21. <How TCP can help> TCP Software. TimeClock Plus.



Want to learn more? Let's talk.

866.783.9890 | www.tcpsoftware.com | **Get time right, every time**

©2024 TimeClock Plus, LLC (TCP Software). All rights reserved.