

Practical Tips for Smart Businesses

The California Labor Commissioner recently withdrew its proposed regulations regarding meal and rest periods leaving California employers in a quandary over what rules now apply regarding lunch periods. Employers are still required to follow the applicable sections of the IWC Wage Orders with regards to meal breaks. Non-exempt employees who are scheduled to work more than 5 hours in a day must be provided with at least one 30-minute unpaid meal break. The employer is held accountable to ensure the employee takes the meal break and that he/she documents the time of day the meal break was taken. Employers should not take it upon themselves to later alter an employee's time card to notate the meal period as that may create credibility issues with the Labor Commissioner. Employers cannot allow employees to "skip" lunch in order to leave early

at the end of the day without the risk of penalty. Meal period waivers and on duty meal period agreements are narrow exceptions to this rule which are subject to strict legal guidelines. It is crucial that employers use a time clock or some form of rigid time manager to capture meal break time entry as the Labor Commissioner will impose a penalty of one additional hour of pay for each day an employee is denied a meal period in addition to any overtime liability. ■