

CALIFORNIA REST & MEAL BREAKS FOR NON-EXEMPT EMPLOYEES

INFORMATION SHEET

Disclaimer: This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice.

GENERAL GUIDANCE

- ✓ Meal must be taken before the 5th hour begins, e.g., employee starts work at 8 a.m. and must begin meal no later than 11:59 a.m. after first break but not combined with either break
- ✓ Employees may not accumulate rest breaks or use rest breaks as a basis for starting work late, leaving work early, or extending a meal break.
- ✓ Employees shall be relieved from all duties and free to leave the worksite during rest and meal breaks with no interruptions
 - ✓ If interruption occurs, it's as if employee did not receive break
 - ✓ To allow the employee the break, they need to start the break over and receive the fully allotted time from the start over time.

Shift Length	10-Minute Rest Break	30-Minute Meal Break
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.		

Note: Some employers allow 15-minute rest breaks and meal breaks longer than 30 minutes. The regulations are applied in the same way regardless of duration.

PREMIUM PAY

Premium Pay for missed/late meal and/or missed rest break(s) due to business needs should be paid to the employee as follows:

1. For each daily occurrence, employee should receive a maximum of one hour of premium pay for missed meal(s) or a meal taken on or after the 5th hour of their shift
2. For each daily occurrence, employee should receive a maximum of one hour of premium pay for missed rest break(s). Recovery breaks are treated the same as regular rest breaks.
3. For each daily occurrence, employee should receive a maximum of two hours of premium pay if both 1 and 2 apply.

Premium pay = 1 hour of employee's regular rate of pay, not just the base hourly rate

Note: Recovery breaks are for those employees working outdoors who are entitled to take a recovery break to cool down and prevent heat illness. They are in addition to regular breaks.