



California Break Laws

"In California, an employer may not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than thirty minutes, except that if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the employer and employee."

Most California workers must receive the following breaks:

- An uninterrupted 30-minute unpaid meal break when working **more than five hours** in a day.
- An additional **30-minute unpaid meal break** when working **more than 12 hours** in a day.
- A paid 10-minute rest period for **every four hours worked**.

Paylocity automatically calculates the 1.5x penalty rate if a lunch is not taken. This means that if a lunch is taken late or not taken at all, Innowave is charged 1.5 times their hourly rate for every hour past the five hours worked until the lunch is taken. Lunches are not optional for California employees and managers should encourage these lunches to be taken. These employees have signed the break acknowledgment (Please reference page below) during their onboarding process and should fully understand that this is their responsibility to clock out for at least 30 minutes at the end of the employee's fifth hour of work. If HR notices a trend of late lunches/no lunches, the manager will be notified and be asked to speak to the employee to stress this break law. If this becomes an issue with a specific employee HR will work with the manager to determine the next steps.

What are the timing requirements for when any required first or second meal period must be provided during the workday?

A. In general, when an employee works for a work period of more than five hours, a meal period must be provided no later than the end of the employee's fifth hour of work (in other words, no later than the start of the employee's sixth hour of work). When an employee works for a period of more than 10 hours, a second meal period must be provided no later than the end of the employee's tenth hour of work (in other words, no later than the start of the employee's eleventh hour of work). The foregoing rules are subject to certain waivers by mutual consent (as explained above), and different rules apply to employees in the motion picture industry. See *Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004.

Resources/Information

https://www.dir.ca.gov/dlse/FAQ_MealPeriods.htm

https://www.dir.ca.gov/dlse/FAQ_RestPeriods.htm

