

Spotlight on Wage and Hour Issues: Are Employee Breaks Mandated by Law?

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Both employers and employees alike are often surprised to learn that federal employment laws do not require employers to set specific intervals or even make time for employees to take work breaks or eat meals.

However, this does not mean that employers are totally off the hook.

Some states have laws that require employers to make time for employees to take breaks or eat meals. Many of these laws deal with underage employees.

For instance, in New Jersey, the mandatory break law only applies to minors under the age of 18, and they must be given a thirty (30) minute meal period after five (5) consecutive hours of work. Whether a company offers breaks and lunch periods for all other employees is dictated by the company and shall be set forth in their policies.

Employers that do allow their employees to take work breaks and eat meals must understand the laws regarding employee pay for those periods. Under the Fair Labor Standards Act, there is an important distinction between rest breaks and meals.

Rest Breaks

If employers voluntarily give one or more short rest breaks of about 20 minutes or less, they must pay employees for their time while on such work breaks. Under the FLSA, the work breaks are counted as time for which employers must pay employees.

Meal Breaks

Under the FLSA, if employers voluntarily give meal breaks of at least thirty (30) minutes, they do not have to pay employees while they're on such work breaks. However, the breaks must be bona fide meal breaks for employers to be relieved of break pay. This means employers must allow employees to take meal breaks free of work duties. If the employer fails to do so, it counts as work time, for which the employer must pay employees.

If your company is concerned about its break and meal policies, it is imperative to consult with an experienced employment law attorney.

The [***Law Office of Beth Lincow Cole***](#) is committed to helping employers comply with federal and state employment law and avoid potential business-wrecking lawsuits. If your company is concerned about meal and break pay or other FLSA compliance procedures, [***contact***](#) employment law attorney [***Beth Lincow Cole***](#).



About Beth Lincow Cole

*The [***Law Office of Beth Lincow Cole***](#) is committed to helping employers comply with federal and state employment law and avoid potential business-wrecking lawsuits. If your company needs employee or management training or assistance in drafting, reviewing, or revising its EEOC/discrimination policies, [***contact***](#) employment law attorney [***Beth Lincow Cole***](#).*