



CLIENT INFORMATION GUIDE

Section: Employment Practices

Topic: Employee Breaks

The federal laws for breaks are outlined here. However, various states may have laws controlling this issue. If a state's requirements grant greater rights to the employee in this matter than the federal standard, they are generally given priority over the federal guidelines.

Federal law does not require lunch or coffee breaks. However, when employers do offer breaks of 5 to 20 minutes, federal law considers the break as work time that must be paid.

Bona fide meal periods are breaks which last 30 minutes or more, are not work time and are not compensable.

To qualify as a bona fide meal period, a break must be a rest period. The employee must be completely relieved from duty for the purposes of eating regular meals.

If the employee is not relieved or if he is required to perform any duties during the meal period, whether active or inactive, it is not considered a bona fide meal period and the employee must be compensated. For example, an office employee who is required to eat at his desk or a factory worker who is required to be at his machine while eating (whether or not active work is performed) is working and must be compensated for the time.

For a break to be considered a bona fide meal period, it is not necessary that an employee be permitted to leave the premises if he is otherwise completely freed from duties during the meal period.