

Compliance Overview

Overview of State Meal Periods and Rest Breaks

Ensuring employees receive proper meal periods and rest breaks is a foundational component of workplace compliance and employee well-being. The Fair Labor Standards Act (FLSA) does not require employers to provide meal periods and rest breaks for their employees. However, if an employer chooses to provide meal periods or rest breaks, the employer must comply with the FLSA's meal periods and rest breaks requirements. As a general rule, **rest breaks**—breaks of five to 20 minutes—are considered hours worked, but **bona fide meal breaks**—breaks of 30 minutes or longer—are not covered under the FLSA.

While the FLSA does not require employers to provide meal periods or rest breaks for their employees, many states and localities have laws requiring employers to provide meal periods, rest breaks or both. These requirements prevail over the FLSA's silence on the subject. Employers must comply with the applicable federal, state or local law that provides employees with the greatest rights and protections. In situations where employers are not subject to state meal period and rest break requirements, employers may still be subject to the FLSA.

Meal period and rest break requirements vary significantly from state to state, creating a complex compliance landscape for employers operating across multiple jurisdictions. This Compliance Overview provides a high-level summary of each state's meal period and rest break laws to help organizations understand the core requirements of state meal periods and rest breaks. For each state and the District of Columbia, this overview outlines the rules on the timing, duration and compensability of meal periods and rest breaks, as well as exceptions and special rules that apply to specific occupations and industries. This Compliance Overview also outlines steps employers may take to ensure compliance with state meal period and rest break requirements.

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State Meal and Rest Break Overview

The following tables provide high-level overviews of the key provisions of each state’s meal period and rest break laws. In general, this Compliance Overview outlines meal period and rest break requirements for adult, nonexempt employees working for private employers.

Alabama

Alabama does not impose meal period and rest break requirements for nonexempt employees who are 16 years of age or older.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Alaska

Alaska does not impose meal period and rest break requirements for nonexempt employees who are 18 years of age or older.

Meal Periods	None. However, according to guidance from the Alaska Department of Labor and Workforce Development (ADLWD), if an employer allows employees to take meal periods, the employer is not required to pay employees if the meal period lasts more than 20 minutes and employees perform no work during that time.
Rest Breaks	None. However, if an employer allows employees to take breaks lasting less than 20 minutes, the employer must pay them for the break, according to ADLWD guidance .
Specific Occupation or Industry Requirements	None.
Penalties	Employers that violate the Alaska Wage and Hour Act are subject to a fine between \$100 and \$2,000, imprisonment between 10 and 90 days, or both. Each day a violation occurs constitutes a separate offense. Employers that violate Alaska’s minimum wage laws are liable for unpaid minimum wages, liquidated damages and attorneys’ fees and costs.

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Arizona

Arizona does not impose meal period and rest break requirements for nonexempt employees.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Arkansas

Arkansas does not impose meal period and rest break requirements for nonexempt employees who are 16 years of age or older.

Meal Periods	None. However, if employers offer unpaid meal periods, employees must be completely relieved from duty and have at least 30 minutes for the purpose of eating regular meals (less time may be sufficient under certain circumstances). It is not necessary that an employee be permitted to leave the premises if they are otherwise completely free from duties during the meal period. Bona fide meal periods do not include coffee breaks or time for snacks.
Rest Breaks	None. However, rest periods of five to about 20 minutes must be counted as compensable hours worked and may not be offset against other working time, such as compensable waiting time or on-call time.
Specific Occupation or Industry Requirements	None.
Penalties	Employers that fail to pay employees at least the minimum wage are liable for the full amount of the wages (less any amount actually paid), liquidated damages up to the full amount of wages for willful violations, and reasonable attorneys' fees and costs. Employers may also be subject to a civil penalty between \$50 and \$1,000 for willfully violating any provision of the state's minimum wage law and regulations. Each violation is a separate offense.

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California

California imposes meal period and rest break requirements for adult, nonexempt employees who are 18 years of age or older.

Meal Periods

Employees are entitled to an **unpaid meal period of at least 30 minutes for work periods of more than five hours**. However, if the workday is completed in six hours or less, the employer and employee may waive the meal period by mutual consent. Employees are entitled to a **second meal period** of at least 30 minutes for **work periods of more than 10 hours**. The second meal period may be waived by mutual agreement between the employer and employee if the total hours worked is not more than 12 hours and the first meal period was not waived. Employers may not require employees to work during meal periods.

Unless employees are relieved of all duties during their 30-minute meal period, the meal period must be considered an **on-duty meal period** that is counted as hours worked and compensated at the employee's regular rate of pay. On-duty meal periods are permitted only if both:

- The nature of work prevents an employee from being relieved of all duties; and
- The on-duty meal period is agreed to in writing by the employer and employee. The agreement must expressly state that the employee may revoke the agreement in writing at any time.

Meal periods must be paid if the employer requires an employee to remain at the worksite during the meal period, even if the employee is relieved of all work duties during the meal period.

In workplaces where employees are required to eat on the premises, employers must designate a suitable place for that purpose. This does not apply to on-site occupations in the construction, drilling, logging and mining industries. If employees are required to eat on premises, employers must provide an adequate supply of potable water, soap or other suitable cleaning agent and single-use towels for handwashing.

If a meal period occurs on a shift beginning or ending at or between the hours of 10 p.m. and 6 a.m., employers must provide suitable facilities for securing hot food and drink or for heating food or drink and consuming food and drink.

California's Department of Industrial Relations (DIR) provides [guidance](#) for employers on the state's meal period requirements.

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Rest Breaks

Employers must provide nonexempt employees rest breaks at a **daily rate of a net of 10 minutes for every four hours** or major fraction thereof (meaning more than two hours). A “net 10-minute rest break” is 10 consecutive minutes starting when the employee reaches the worksite rest area. Rest periods must be counted as time worked and are compensable. To the extent possible, rest breaks must occur in the middle of the work period. Employers cannot require employees to work during rest periods.

In California, employees are entitled to rest periods as follows:

- For shifts less than 3.5 hours, no rest break is required;
- For shifts from 3.5-6 hours, one 10-minute rest break;
- For shifts of more than 6-10 hours, two 10-minute rest breaks;
- For shifts of more than 10-14 hours, three 10-minute rest breaks;
- For shifts of more than 14-18 hours, four 10-minute rest breaks; and
- For shifts of more than 18-22 hours, five 10-minute rest breaks.

Employers must provide suitable resting facilities during working hours in an area separate from restrooms. Employees paid on a commission or piece-rate basis are entitled to separate rest period pay.

California’s DIR provides [guidance](#) for employers on the state’s rest break requirements.

Specific Occupation or Industry Requirements

Employees in the **motion picture industry** may not work longer than six hours without a meal period of at least 30 minutes but not longer than one hour. A subsequent meal period must occur no later than six hours after the termination of the preceding meal period. Hot meals and drinks must be provided to employees in the motion picture industry if they are required to work after midnight (except for off-production employees who are regularly scheduled to work after midnight).

California’s meal period requirements do not apply to employees in **wholesale baking industry** who are subject to an Industrial Welfare Commission (IWC) wage order and covered by a valid collective bargaining agreement (CBA) that provides for a 35-hour workweek consisting of five seven-hour days, payment of 1.5 times the regular rate of pay for time worked in excess of seven hours per day and a rest period of not less than 10 minutes every two hours.

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Additionally, California's meal period requirements do not apply to employees working in the **motion picture or broadcasting industry** (as defined by IWC wage orders) that are covered by a valid CBA that provides for meal periods and includes a monetary remedy.

Employees working as **commercial drivers, registered security officers or in construction** or employed by an **electrical corporation, gas corporation or local publicly owned electrical utility** are exempt from the state's meal period requirements if they are covered by a valid CBA that provides for meal period protections (among other wage and hour protections).

Health care industry employees may voluntarily waive one of their two meal periods if the employee works a shift of over eight hours in a workday. The waiver must be voluntary and written and signed by both the employer and employee. The employee may revoke the waiver by providing at least a day's notice to the employer.

Certain occupations have different or additional rest period requirements, including:

- Airline cabin crew employees covered by a valid CBA under the federal Railway Labor Act (RLA) containing meal period and rest break provisions;
- Employees of 24-hour residential care facilities;
- Swimmers, dancers, skaters and other performers engaged in strenuous physical activities;
- Private unionized security officers who may be required to remain on the employer's premises and on call during paid rest periods;
- Drivers transporting hazardous materials, working for interstate carriers regulated by U.S. Department of Transportation hours-of-service requirements or transporting nutrients and byproducts from a commercial feed manufacturer;
- Emergency ambulance employees who must remain on call;
- Unionized employees in the manufacturing industry;
- Unionized employees of petroleum facilities and other refineries holding safety-sensitive positions; and
- Employees on oil platforms on the outer continental shelf.

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	Employers should consult IWC's wage orders for more information about meal period and rest break requirements for specific occupations or industry requirements.
Penalties	If an employer fails to provide an employee with a meal period or rest break, the employer must pay one additional hour of pay at the employee's regular rate of pay for each workday that the meal period or rest break is not provided. This has been interpreted to mean that an employer can be liable for up to two hours of extra pay for each workday in which an employee misses one or more meal periods and one or more rest breaks in a single day. This additional hour is not counted as hours worked for purposes of overtime calculations. Wage statement, recordkeeping and waiting time penalties may also apply.

Colorado

Colorado imposes the following meal period and rest break requirements for nonexempt employees who are 18 years of age or older:

Meal Periods	<p>Employees are entitled to an uninterrupted and duty-free meal period of at least 30 minutes for every work shift of more than five consecutive hours. To the extent possible, meal periods must occur at least one hour after starting and one hour before ending a shift. For meal periods to be unpaid, employees must be completely relieved of all duties, allowed to pursue personal activities and permitted to leave the worksite.</p> <p>If the type of work makes an uninterrupted, duty-free meal period impractical, on-duty meal breaks are permitted if employees are allowed to eat while working and are paid for that time.</p> <p>The Colorado Department of Labor (CDOL) provides guidance for employers on the state's meal period requirements.</p>
Rest Breaks	<p>Employers must allow employees to have at least one paid 10-minute rest break for every four hours of work time or major fraction thereof (e.g., more than two hours). An additional rest period is required for any period that rounds up to four hours as follows:</p> <ul style="list-style-type: none">• For two or fewer work hours, no rest period is required;• For over two and up to six work hours, one rest period is required;• For over six and up to 10 work hours, two rest periods are required;

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- For over 10 and up to 14 work hours, three rest periods are required;
- For over 14 and up to 18 work hours, four rest periods are required;
- For over 18 and up to 22 work hours, five rest periods are required; and
- For over 22 work hours, six rest periods are required.

To the extent possible, rest breaks must occur in the middle of each four-hour work period. Rest periods must not include work; however, employers are not required to allow employees to leave the premises for a rest break.

Employers must authorize and permit employees to take all required rest breaks. **“Authorize”** means formal permission to take a rest break, and **“permit”** means the employee was actually able to take a rest break without repercussions, given workplace realities. However, this does not mean that employees must actually have a rest break if they choose to keep working. An employee’s choice to skip a rest break must be entirely voluntary and made without employer coercion.

An employer may provide shorter rest breaks of at least five minutes if the employer and employee agree, voluntarily and without coercion, to have two five-minute rest periods every four hours instead of one 10-minute break if five minutes is sufficient in the work setting to allow the employee to go back and forth to a bathroom or other location where a bona fide rest break would be taken. Employers may also agree to a shorter rest period of at least five minutes if the work is under a CBA or in Medicaid-funded home care and the day’s total rest periods average 10 minutes per four hours.

Alternatively, an employee may voluntarily and without coercion agree on a different rest period schedule with their employer. However, employers are not required to negotiate rest period schedules. Any agreement to a different rest period schedule does not change the employee’s right to payment for time spent on duty during rest periods.

If an employer does not authorize and permit a 10-minute rest break, the violation results in the employee working an additional 10 minutes without compensation. Therefore, employers must pay for an additional 10 minutes of work for each missed rest break. In Colorado, required rest periods are working time for minimum wage and overtime pay purposes. Therefore, rest breaks missed during overtime hours must be paid at overtime rates.

The CDOL provides [guidance](#) for employers on the state’s rest break requirements.

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Specific Occupation or Industry Requirements	<p>Certain employees and occupations are exempt from Colorado’s meal periods and rest break requirements, including interstate transportation workers, taxi drivers, property managers residing onsite and employees of certain seasonal camps and programs. Additionally, agricultural workers who operate trucks hauling livestock or harvesters or combines are exempt from meal periods and rest breaks.</p> <p>Agricultural workers engaged in hand weeding or thinning are entitled to 15-minute rest periods for every four hours.</p>
Penalties	<p>Meal period and rest break violations may result in compliance orders requiring the employer to cease the violation, change policies or otherwise redress the violation. Employers may also be required to pay back pay, fines, penalties, liquidated damages for acting without good faith, and attorneys’ fees and costs.</p>

Connecticut

Connecticut imposes the following meal period and rest break requirements for nonexempt employees:

Meal Periods	<p>Employees are entitled to an unpaid meal break of at least 30 consecutive minutes when working 7.5 consecutive hours or more. The meal period must occur after the first two hours of work but before the last two hours of work. However, an employer and employee may enter into a written agreement (including CBAs) providing for a different meal period schedule.</p> <p>Connecticut’s meal period requirements do not apply to any employer who provides 30 or more total minutes of paid meal periods or rest periods to employees within each 7.5-hour work period.</p>
Rest Breaks	<p>None.</p>
Specific Occupation or Industry Requirements	<p>The Connecticut Department of Labor can exempt employers from meal period requirements if the department finds the following:</p> <ul style="list-style-type: none">• Requiring compliance would be adverse to public safety;• The duties of a position may only be performed by one employee;• The employer employs less than five employees on a shift at a single place of business (this exemption only applies to the employees on such shift); or

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	<ul style="list-style-type: none"> The continuous nature of an employer’s operations (e.g., chemical production, research experiments) requires that employees be available to respond to urgent or unusual conditions at all times and employees are compensated for meal periods and rest breaks. <p>In hotel and restaurant occupations, if meal periods are unpaid, employees must be entirely free from work and free to leave the premises. Employers must record the beginning and ending times of unpaid meal periods.</p> <p>Additionally, Connecticut’s meal period requirements do not apply to any professional employee certified by the Connecticut State Board of Education and employed by a local or regional board of education of any town or regional school district to work directly with children.</p>
Penalties	Employers that violate meal break provisions are subject to a \$300 civil penalty for each violation. Additionally, violations of Connecticut’s wage payment law can result in additional fines, imprisonment or both.

Delaware

Delaware imposes the following meal period and rest break requirements for nonexempt employees who are 18 years of age or older:

Meal Periods	<p>Employees are entitled to an unpaid meal period of at least 30 consecutive minutes when working 7.5 consecutive hours or more. The meal period must occur after the first two hours of work but before the last two hours of work. Employees must be completely relieved from their duties during the break period, and the break time must be free and uninterrupted. An employer and employee may enter into a written agreement (including CBAs) providing for a different meal period schedule.</p> <p>Employers that operate consecutive, nonoverlapping shifts may provide paid meal periods of at least 20 minutes.</p>
Rest Breaks	None.
Specific Occupation or Industry Requirements	<p>The following employees are exempt from Delaware’s meal period requirements:</p> <ul style="list-style-type: none"> Compliance would adversely affect public safety; Only one employee may perform the duties of a position;

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	<ul style="list-style-type: none"> • The employer has fewer than five employees on a shift at a single place of business (in which case the exemption applies only to the shift); or • The continuous nature of the employer’s operations (e.g., chemical production, research experiments) requires employees to respond to urgent or unusual conditions at all times, and employees are compensated for their meal break periods. <p>Employees who are exempt from the state’s meal period requirements must be permitted to eat meals at their workstations or other authorized locations and to use restroom facilities as reasonably necessary.</p> <p>Additionally, Delaware’s meal period requirements do not apply to professional employees certified by the Delaware State Board of Education and employed by a local school board to work directly with children.</p>
Penalties	Employers that violate Delaware’s meal period requirements are subject to a civil penalty between \$1,000 and \$5,000 for each violation.

District of Columbia

The District of Columbia does not impose meal period and rest break requirements for nonexempt employees.

Meal Periods	None. However, employers may deduct \$2.12 for each meal they make available to an employee. Employers may deduct for one meal if the employee works less than four hours or for two meals if the employee works for more than four hours. If an employee resides at the place of employment, the employer may deduct \$6.36 per day.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	If an employee works a split shift, the District of Columbia requires employers to keep daily records of the employee’s actual work hours and meal break hours. Employers may face criminal, civil and administrative penalties for violating these recordkeeping requirements.

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Florida

Florida does not impose meal period and rest break requirements for employees who are 18 years of age or older.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Georgia

Georgia does not impose meal period and rest break requirements for nonexempt employees. However, the Georgia Department of Labor [provides](#) guidance for employers on meal periods and rest breaks.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Hawaii

Hawaii does not impose meal period and rest break requirements for employees who are 16 years of age or older.

Meal Periods	None. However, according to guidance from the Hawaii Department of Labor and Industrial Relations (HDLIR), if an employer provides a meal period, the period is not compensable if it is 30 minutes or more and the employee is completely relieved of duty.
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Rest Breaks	None. However, rest periods of five to 20 minutes are counted as hours worked and are compensable, according to guidance from the HDLIR.
Specific Occupation or Industry Requirements	None.
Penalties	Employers that fail to pay proper wages may be fined between \$500 and \$5,000, imprisoned for up to one year or both. Additionally, an employer that pays or agrees to pay employees less than the required legal amount is also guilty of a Class C felony and subject to a fine of at least \$500. Each violation is a separate offense. The HDLIR may also seek permanent or temporary injunctions for violations of the state's wage and hour law. Civil penalties for unpaid wages include unpaid wages, interest of 6% per year from the date the wages were owed, litigation costs, reasonable attorneys' fees and a penalty of \$500 or \$100 for each violation, whichever is greater.

Idaho

Idaho does not impose meal period and rest break requirements for nonexempt employees.

Meal Periods	None. However, according to the Idaho Department of Labor (IDOL), employees are entitled to meal periods only if the employer's policy provides them. Time spent going to or returning from lunch is not considered hours worked.
Rest Breaks	None. Employees are only entitled to breaks if the employer's policy provides them, according to IDOL guidance .
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Illinois

Illinois imposes the following meal period and rest break requirements for nonexempt employees:

Meal Periods	Employees are entitled to an unpaid meal period of at least 20 minutes that begins no later than five hours after the start of the workday when working 7.5 consecutive hours . Employees working more than 7.5 continuous hours are
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	entitled to another 20-minute meal period for every additional 4.5 continuous hours worked . A meal period does not include a reasonable time spent using restroom facilities. Meal periods must be paid only if the time is spent predominantly for the employer's benefit.
Rest Breaks	None.
Specific Occupation or Industry Requirements	<p>The following employees are exempt from Illinois' meal period requirements:</p> <ul style="list-style-type: none">• Employees whose meal periods are established through the collective bargaining process;• Employees who monitor individuals with developmental disabilities, mental illness or both and are required to be on call during an entire eight-hour work period (these employees must be allowed to eat a meal during the eight-hour work period while continuing to monitor those individuals); and• Individuals employed by a private company and licensed under the Emergency Medical Services Systems Act are required to be on call during an entire eight-hour work period and are not local government employees (these individuals must be allowed to eat a meal during the eight-hour work period while on call). <p>Hotel room attendants must receive a minimum of two 15-minute paid rest breaks and one 30-minute meal period in each workday when the employee works at least seven hours. Employers may not require hotel room attendants to work during a break period. Employers of hotel room attendants must make available adequate seating and tables for the purpose of allowing employees to enjoy break periods in a clean and comfortable environment. The room must have clean drinking water provided without charge. Employers of hotel room attendants must also keep complete and accurate records of these break periods.</p> <p>For domestic workers, a bona fide meal break is a period in which the worker is completely relieved from duty for the purpose of eating regular meals. Ordinarily, 20 minutes or more is long enough for a bona fide meal break. A domestic worker is not completely relieved from duty if they are required to perform any duties, whether active or inactive, while eating. A rest period is a period of time in which domestic workers have complete freedom from all work-related duties and during which they may either leave the location where the domestic work is performed without an obligation to be on call or remain at a location where the domestic work is being performed for purely personal pursuits. Rest periods of less than 20 minutes must be counted as "hours worked."</p>

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Penalties

Employers that fail to comply with Illinois' wage laws may be liable for unpaid wages, penalties, damages, fines, fees, and attorneys' fees and costs.

Hotel room attendants are entitled to all remedies available under law or in equity, including, but not limited to, damages, back pay, reinstatement and injunctive relief. Hotel room attendants who are terminated in violation of Illinois law can recover treble their normal daily compensation and fringe benefits, interest and any consequential damages. Courts may award hotel room attendants reasonable attorneys' fees and costs if they are the prevailing party in an enforcement action.

Indiana

Indiana does not impose meal period and rest break requirements for nonexempt employees who are 18 years of age or older.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	According to guidance from the Indiana Department of Labor, certain categories of workers may be entitled to mandatory breaks under applicable regulations or by contract, including: <ul style="list-style-type: none">• Workers covered by a CBA;• Airline pilots; and• Truck drivers.
Penalties	Not applicable.

Iowa

Iowa does not impose meal period and rest break requirements for employees who are 16 years of age or older.

Meal Periods	None. However, according to guidance from the Iowa Department of Inspections, Appeals and Licensing (IDOIAL), meal breaks are not compensable if employees are completely relieved of their duties. Employers can require employees to stay on the business premises during meal breaks. CBAs may require employers to provide meal breaks.
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Rest Breaks	None. However, all employees must be allowed toilet breaks when needed, according to IDOIAL guidance .
Specific Occupation or Industry Requirements	Certain categories of workers, such as airline pilots, may be entitled to mandatory breaks under applicable regulations. Additionally, employers of rail crew transport drivers must comply with certain rest requirements.
Penalties	Employers that violate Iowa's minimum wage law may be liable for unpaid wages or expenses, liquidated damages (if an employer's failure to pay wages is intentional), civil money penalties, court costs and attorneys' fees.

Kansas

Kansas does not impose meal period and rest break requirements for nonexempt employees.

Meal Periods	None. However, meal periods of at least 30 minutes can be unpaid if the employee is advised in advance that the time is unpaid and the employee is not required to perform any services during that time.
Rest Breaks	None. While state law does not require rest breaks, break periods of less than 30 minutes are generally treated as hours of work.
Specific Occupation or Industry Requirements	None.
Penalties	Employers that violate the Kansas Wage Payment Act may be liable for unpaid wages, interest on those wages, statutory penalties and reasonable attorneys' fees.

Kentucky

Kentucky imposes the following meal period and rest break requirements for nonexempt employees:

Meal Periods	All employers (except those subject to the federal RLA) must provide employees with a meal period of reasonable length . Ordinarily, a reasonable meal period lasts about 30 minutes, but a shorter meal period may be permitted under special conditions. The meal period must occur as close to the middle of an employee's scheduled shift as possible but not less than three or more than five hours after the employee's shift begins . Meal periods are compensable if employees spend that time predominantly performing duties for the employer's benefit. Kentucky's meal period requirements do not negate CBAs or mutual agreement between an employer and employee.
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Rest Breaks	All employers (except those subject to the federal RLA) must provide employees with a paid 10-minute rest break during each four hours of work . Rest breaks are in addition to regularly scheduled meal periods. Kentucky's rest break requirements do not apply where a CBA provides for rest breaks that are equal to or exceed 10 minutes accrued for each four hours of work. If a CBA does not contain provisions allowing for rest periods, employers must allow a rest period of at least 10 minutes during each four hours worked.
Specific Occupation or Industry Requirements	None.
Penalties	Employers that violate Kentucky's meal period and rest break requirements may face a civil penalty between \$100 and \$1,000. Kentucky also provides for a private right of action for meal period and rest break violations.

Louisiana

Louisiana does not impose meal period and rest break requirements for employees who are 16 years of age or older.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Maine

Maine imposes the following meal period and rest break requirements for nonexempt employees:

Meal Periods	Employees may use rest time as an unpaid meal period, but only if they are completely relieved of their duties .
Rest Breaks	Employers cannot require employees to work more than six hours without the opportunity to take a rest break of at least 30 consecutive minutes . If an employer allows employees to work through their rest break, the time is

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	<p>compensable working time. Employees may waive their right to rest breaks. Additionally, employers can require employees to take a 30-minute consecutive rest break. Employers are not required to provide shorter rest breaks; however, if employers allow shorter breaks or pauses away from performing duties, these breaks must be paid and cannot be deducted from the employee's time worked.</p> <p>An employer and employee may enter into a written agreement (including CBAs) providing for a different rest break arrangement.</p>
Specific Occupation or Industry Requirements	<p>Maine's rest break requirements do not apply to employers with fewer than three employees on duty at one time, and the nature of the work done by the employee allows the employee frequent paid breaks of a shorter duration during the employee's workday. Additionally, Maine's rest break requirements do not apply in emergencies involving danger to property, life, public safety or public health.</p>
Penalties	<p>Employers that violate Maine's rest time statute are liable for a fine between \$100 and \$500 for each violation. Additionally, the Maine Attorney General may seek injunctive relief to enjoin any further violations or compel reinstatement of employees.</p>

Maryland

Maryland does not impose meal period and rest break requirements for employees who are 18 years of age or older.

Meal Periods	<p>None. However, according to the Maryland Department of Labor, if an employer chooses to provide a break, the employer does not have to pay wages for meal periods or other breaks in excess of 20 minutes if the employee:</p> <ul style="list-style-type: none">• Is free to leave the worksite (or workstation if leaving the workplace is physically impractical);• Actually takes a meal period or break (whether freely choosing to leave or remain at the worksite); and• Does not actually perform work (if employees are told their pay will be reduced each day by 30 minutes for lunch, and they are not free to take this lunch period without an expectation or reasonable understanding that they must work or be on hand to work, they must be paid for the time; a "reasonable understanding" that they must work or be on hand to work is a condition in which it is generally known, or the employee reasonably believes, that failure to perform work (or be available "on hand" to perform work) during their break, will result in some negative effect on employment).
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	Meal periods are compensable if employees must perform any work during the meal period.
Rest Breaks	None. See meal period requirements.
Specific Occupation or Industry Requirements	<p>Under the Maryland Healthy Retail Employee Act (MHREA), retail establishments (excluding restaurants and wholesalers) with at least 50 retail employees for each working day in each of 20 or more calendar weeks in the current or preceding year must provide:</p> <ul style="list-style-type: none">• A 15-minute nonworking break for employees working four to six consecutive hours;• A 30-minute nonworking break for employees working more than six consecutive hours (if an employee is entitled to a 30-minute break, the employee is not entitled to a 15-minute break); or• An additional nonworking break of at least 15 minutes for every additional four consecutive hours for employees working eight consecutive hours. <p>If an employee does not work more than six consecutive hours, the employer and employee can enter into a written agreement to waive the 15-minute break.</p> <p>Breaks may be treated as working breaks if the employer and employee mutually agree in writing, and either the type of work prevents an employee from being relieved of work during the break or the employee is allowed to eat a meal while working and the working break is counted toward the employee's work hours.</p> <p>The MHREA does not apply to the following individuals:</p> <ul style="list-style-type: none">• Employees covered by a CBA or employment policy that includes shift breaks equal to or greater than those required by the law;• Employees exempt from the FLSA's overtime pay requirements;• Employees who work for a unit of the state or a county or municipality;• Employees who work in a corporate office or other office location; and• Employees who work at least four consecutive hours for an employer at a single location with five or fewer employees.

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Penalties

Under the MHREA, employers that fail to provide required shift breaks may be assessed civil penalties of up to:

- \$300 per affected employee; or
- \$600 per affected employee for violations occurring within three years of a previous complaint that led to a finding of a violation.

Employees may bring a court action to enforce an order issued for a subsequent violation of the law against the same employee within three years of the employee's initial complaint. If the employee prevails in the action, the employee may receive three times the value of their hourly wage for each shift break violation occurring after the most recent prior violation against the same employee and reasonable attorneys' fees and other costs.

Massachusetts

Massachusetts imposes the following meal period and rest break requirements for nonexempt employees:

Meal Periods

Employers cannot require employees to work **more than six hours in a calendar day** without an unpaid [meal period](#) of **at least 30 minutes**. Meal periods are employees' free time, and employees must be allowed to engage in private pursuits during meal periods. During meal periods, employees must be relieved of all duties and allowed to leave the workplace and pray. However, employers may require employees to take meal periods.

Meal periods are unpaid. However, employers must pay employees if the employee voluntarily agreed to waive the meal period by either working through the break or remaining at the workplace at the employer's request during the break time.

Rest Breaks

None. However, working time includes rest periods of short duration, usually 20 minutes or less.

Specific Occupation or Industry Requirements

Massachusetts' meal period requirements do not apply to the following:

- Iron works;
- Glass works;
- Paper mills;
- Letterpress establishments;

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- Print works;
- Bleaching works;
- Dyeing works; and
- Other factories, workshops or mechanical establishments exempted by the Massachusetts Attorney General.

Meal periods and rest breaks for domestic workers who are required to be on duty for 24 hours or more are considered working time unless a prior written agreement provides otherwise. Domestic workers who are required to be on duty for less than 24 hours and who do not reside on the employer's premises must be paid for meal periods and rest breaks unless the worker is free to leave the premises, relieved of all duties and able to use the time for their sole benefit.

Penalties

Employers that violate Massachusetts's meal period requirements may be liable for a fine between \$300 and \$600. Additionally, employers that violate Massachusetts' wage payment provisions are subject to additional civil citations and penalties.

Michigan

Michigan does not impose [meal period and rest break requirements](#) for employees who are 18 years of age or older.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Minnesota

Minnesota imposes the following [meal period and rest break requirements](#) for nonexempt employees:

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Meal Periods

Employers must allow employees who **work six or more consecutive hours** an unpaid meal period of **at least 30 minutes**. However, employees may voluntarily waive a meal period. Employers are not required to provide more than one meal period if an employee works six or more consecutive hours. Additionally, employers can require employees to remain on the premises during their meal periods. Breaks of longer than 20 minutes can be unpaid, provided the employee is completely relieved of work duties. If the employee is not completely relieved of work duties during a meal period, the break must be paid. Bona fide meal periods do not include rest periods such as coffee breaks or time for snacks.

Employers may combine a 30-minute meal period with two 15-minute rest breaks during an eight-hour shift as long as employees receive a 15-minute rest break within each four consecutive hours worked (e.g., a lunch break from 11:45 a.m. to 12:45 p.m. during an 8 a.m. to 4:30 p.m. shift).

Employers and employees may establish different meal period arrangements pursuant to a CBA.

Rest Breaks

Employers must provide employees with a rest break of **at least 15 minutes or enough time to utilize the nearest convenient restroom, whichever is longer, within every four consecutive hours of work**. However, employees may voluntarily waive a rest break. The rest break must be within the four hours worked. A break after four hours violates Minnesota's meal and rest break law. Employees may use rest breaks to attend to personal matters and use the restroom.

Breaks of less than 20 minutes must be paid. Breaks of longer than 20 minutes can be unpaid as long as the employee is completely relieved of work duties. If the employee is not completely relieved of work duties, the break must be paid.

Employers and employees may establish different rest break arrangements pursuant to a CBA.

Specific Occupation or Industry Requirements

Employers are not required to provide meal periods or rest breaks for certain agricultural workers; individuals employed in a bona fide executive, administrative or professional capacity; and certain seasonal day camp staff members.

If an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods from hours worked.

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Penalties

Employers that do not allow employees to take meal periods or rest breaks are liable to the employee for the meal or rest break time that should have been allowed at the employee's regular rate of pay, plus an additional equal amount as liquidated damages.

Mississippi

Mississippi does not impose meal period and rest break requirements for nonexempt employees.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Missouri

Missouri does not impose meal period and rest break requirements for nonexempt employees.

Meal Periods	None. However, according to the Missouri Department of Labor (MDOL), meal periods are either left up to the discretion of the employer, can be agreed upon by the employer and employee, or may be addressed by company policy or contract.
Rest Breaks	None. However, according to the MDOL , meal periods are either left up to the discretion of the employer, can be agreed upon by the employer and employee, or may be addressed by company policy or contract.
Specific Occupation or Industry Requirements	Employers of coal miners and laborers must allow workers to come to the surface for at least one hour for the purpose of eating and resting.
Penalties	Not applicable.

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Montana

Montana does not impose meal period and rest break requirements for nonexempt employees. However, Montana has adopted the federal Code of Federal Regulations' (CFR) meal period and rest break rules.

Meal Periods	None. However, under CFR, bona fide meal periods are not compensable work time. To qualify as a bona fide meal period, an employee must be completely relieved from all active or inactive duties while eating for at least 30 minutes or longer. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period.
Rest Breaks	None. However, under CFR, short rest periods (e.g., coffee and snack breaks), typically five to 20 minutes long, are paid as working time. Compensable rest periods cannot be offset against other working time, including compensable waiting or on-call time.
Specific Occupation or Industry Requirements	None.
Penalties	Employers that violate the state's minimum wage law may be guilty of a misdemeanor and liable for unpaid wages, penalties not exceeding 110% of wages due and reasonable attorneys' fees and costs.

Nebraska

Nebraska does not impose [meal period and rest break requirements](#) for nonexempt employees.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	Employees working in assembling plants, workshops and mechanical establishments are entitled to a meal period of at least 30 consecutive minutes for each eight-hour shift. Employers cannot require those employees to remain in buildings or on the premises where their labor is performed during their breaks. This requirement does not apply to employment covered by a CBA or other written agreement between an employer and employee.
Penalties	Employers found in violation of Nebraska's lunch period law are guilty of a Class III misdemeanor.

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Nevada

Nevada imposes the following [meal period and rest break requirements](#) for nonexempt employees:

Meal Periods	Employees are entitled to an unpaid meal period of at least 30 uninterrupted minutes if they work at least eight continuous hours . Employees may voluntarily waive any meal period; however, employers bear the burden of proving an agreement exists.
Rest Breaks	<p>Employees are entitled to a paid 10-minute rest break for every four hours of continuous work or major fraction thereof. Specifically, employees who work at least 3.5 continuous hours are permitted:</p> <ul style="list-style-type: none">• One 10-minute rest break if the employee works at least 3.5 hours but less than seven continuous hours;• Two 10-minute rest breaks if the employee works at least seven but less than 11 continuous hours;• Three 10-minute rest breaks if the employee works at least 11 but less than 15 continuous hours; and• Four 10-minute rest breaks if the employee works at least 15 continuous hours and less than 19 continuous hours. <p>If possible, rest breaks must be given near the middle of an employee’s shift. Rest breaks are counted as compensable hours worked. Employees may voluntarily waive any rest break; however, employers bear the burden of providing an agreement exists.</p>
Specific Occupation or Industry Requirements	<p>Nevada’s meal period and rest break requirements do not apply to the following:</p> <ul style="list-style-type: none">• Employees covered by a CBA;• To situations where only one person is employed at a particular place of employment;• If the Nevada Office of the Labor Commissioner grants an exemption due to proven business necessity; and• Where an employee voluntarily agrees to forego a meal period or rest break. <p>Nevada permits an unpaid, regular scheduled sleeping period for employees on duty for 24 hours or more in a residential facility. In addition, if a domestic service employee resides in the household where they work, the employer</p>

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	and employee may agree in writing to exclude meal periods of at least 30 minutes and sleep periods that do not exceed eight hours from the employee's wages.
Penalties	Employers found in violation of Nevada's minimum wage law may be liable for back pay, damages, reinstatement, injunctive relief, and reasonable attorneys' fees and costs. Employers may also be subject to an administrative penalty of up to \$5,000 for each violation and a misdemeanor conviction, punishable by a fine of up to \$1,000, imprisonment for up to six months or both.

New Hampshire

New Hampshire imposes the following [meal period requirements](#) for nonexempt employees:

Meal Periods	Employers may not require employees to work more than five consecutive hours without granting an unpaid 30-minute lunch or eating period . However, employers do not have to provide a meal period if it is possible and convenient for the employee to eat while working and the employer permits it. If an employee works while eating, the meal period must be paid.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Employees may file claims for meal period violations with the New Hampshire Department of Labor or in the New Hampshire Superior Court for any legal or equitable relief, including unpaid wages, liquidated damages and reasonable attorneys' fees and costs. An employer, including its officers and agents, may also be subject to civil penalties of up to \$2,500 per violation and criminal misdemeanor charges (if a natural person) or felony charges (if any other person).

New Jersey

New Jersey does not impose [meal period and rest break requirements](#) for employees who are 18 years of age or older.

Meal Periods	None. However, if an employer requires an employee to remain on the employer's premises or to work during a meal period, the employer must pay the employee for that meal period.
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Rest Breaks	None.
Specific Occupation or Industry Requirements	Under the New Jersey Domestic Workers' Bill of Rights Act (DWBORA), employers must provide domestic workers with a rest period of at least 10 minutes for each four consecutive hours worked (unless the nature of the work prevents the domestic worker from being relieved of all duties (e.g., childcare workers or caretakers for sick, elderly or disabled persons)). The employer must provide a paid "on-duty" rest period if the domestic worker is not relieved of all duties. Additionally, under the law, employers must provide domestic workers with a 30-minute meal period after more than five consecutive hours worked. Unless the domestic worker is relieved of all work duties during their meal period and is permitted to leave the worksite, the meal period is considered an "on-duty" meal period and must be paid at the domestic worker's regular rate of pay. Employers may not employ a domestic worker unless the engagement is governed by a written contract specifying the domestic worker's meal periods and rest breaks. "On-duty" meal periods and rest breaks are only permitted when both the nature of the work prevents the domestic worker from being relieved of all duties and the parties have a written contract agreeing to "on-duty" meal periods or rest breaks.
Penalties	The New Jersey Department of Labor may also impose penalties and fines, order reinstatement of a domestic worker and full restitution of the worker's lost wages and benefits, and award damages. Employers that violate the DWBORA may be guilty of a disorderly person's offense punishable by a fine between \$100 and \$2,000 for a first offense, and between \$200 and \$4,000 for each subsequent offense. Employers that knowingly violate the DWBORA may be guilty of a crime of the fourth degree. Each day the violation continues is a separate offense. Additionally, domestic workers may bring a civil action for violations and recovery any legal or equitable relief that is not duplicative of relief received in an administrative action, including reinstatement, back pay, injunctive relief and attorneys' fees and costs.

New Mexico

New Mexico does not impose meal period and rest break requirements for nonexempt employees.

Meal Periods	None.
Rest Breaks	None. However, according to the New Mexico Department of Workforce Solutions , breaks of less than 30 minutes must be paid.

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Specific Occupation or Industry Requirements	None.
Penalties	Employers that violate the state’s payment of wages laws may be found guilty of a misdemeanor for the first offense. For subsequent offenses, employers may be found guilty of a misdemeanor and fined between \$250 and \$1,000 for each offense for which the employer is convicted. Employers that violate New Mexico’s Minimum Wage Act are also guilty of a misdemeanor. Employers that fail to pay required wages are liable for the amount of unpaid or underpaid wages, interest on the unpaid wages, an amount equal to twice the unpaid or underpaid wages, and reasonable attorneys’ fees and costs.

New York

New York imposes the following [meal period requirements](#) for all employees who work in New York State:

Meal Period	<p>Employers must provide employees with an unpaid, work-free meal period as follows:</p> <ul style="list-style-type: none">• Factory employees working a shift of more than six hours over the noonday meal period (between 11 a.m. and 2 p.m.) must receive at least a 60-minute lunch period;• Factory employees working a shift of more than six hours between 1 p.m. and 6 a.m. must receive at least a 60-minute lunch period midway between the beginning and end of their shift;• Non-factory employees working a shift of more than six hours over the noonday meal period (between 11 a.m. and 2 p.m.) must receive at least a 30-minute lunch period;• Non-factory employees working a shift of more than six hours between 1 p.m. and 6 a.m. must receive at least a 45-minute lunch period midway between the beginning and end of their shift; and• All employees who work before 11 a.m. and continue until after 7 p.m. must receive an additional meal period of at least 20 minutes between 5 p.m. and 7 p.m. <p>A “factory” includes a mill, workshop or other manufacturing establishment and includes all buildings, sheds, structures or other places used for or in connection with these establishments. It does not include dry-dock plants engaged in ship repair, powerhouses, generating plants, or other structures owned or operated by a public service corporation. Any</p>
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	<p>employee who works in or whose primary duties involve the maintenance and/or operation of a factory is a factory worker for purposes of New York’s meal period law.</p> <p>The New York State Department of Labor may permit shorter meal periods upon application by an employer if such modifications are warranted by special circumstances. Meal periods of not less than 20 minutes require a special permit.</p> <p>In some instances where only one person is on duty or is the only one in a specific occupation, the employee may voluntarily consent to eating their meal without being relieved from duty. If an employee works through a meal period due to one-employee shift requirements, the employee must be paid for such meal period. However, employers must allow an uninterrupted meal period for any employee who requests one.</p>
Rest Break	None.
Specific Occupation or Industry Requirements	Residential employees who live on the employer’s premises are not required to be available for work or deemed to be permitted to work at any time the employee is free to leave the place of employment and during normal sleeping hours.
Penalties	Employers that violate New York’s meal period requirements may be liable for unpaid wages, interest, liquidated damages equal to 100% of the unpaid wages and attorneys’ fees and costs. Employers may also be subject to a \$500 civil penalty for each failure to pay. For an initial failure to pay, employers may be guilty of a misdemeanor, punishable by a fine between \$500 and \$20,000, imprisonment up to one year or both. For a subsequent failure to pay within six years, employers may be guilty of a felony, punishable by a fine between \$500 and \$20,000, imprisonment for up to one year and one day, or both.

North Carolina

North Carolina does not impose meal period and rest break requirements for nonexempt employees who are 16 years of age or older.

Meal Periods	None. However, according to the North Carolina Department of Labor (NCDOL), if employers provide meal periods, breaks of 30 minutes or more may be unpaid if employees are completely relieved of their duties. Employers are not required to allow employees to leave the premises during meal periods as long as the employee is completely relieved of duty during the break. Additionally, employers are not required to provide a breakroom.
Rest Breaks	None. However, breaks of less than 30 minutes generally must be paid, according to NCDOL guidance .

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Specific Occupation or Industry Requirements	None.
Penalties	Employers that fail to pay wages when due are liable for all unpaid wages, interest and liquidated damages.

North Dakota

North Dakota imposes the following meal period requirements for nonexempt employees:

Meal Periods	<p>Employers must provide a meal period of at least 30 minutes for each shift exceeding five hours if two or more employees are on duty. Employees may waive their right to a meal period upon agreement with the employer.</p> <p>Employers do not need to compensate employees for meal periods if employees are completely relieved of duties during the meal period and the meal period is at least 30 minutes long. Employees are not completely relieved if any duties must be performed during the period.</p> <p>CBA provisions related to meal periods prevail over the state’s meal period requirements.</p>
Rest Breaks	None. While rest breaks are not required by law, they must be paid if offered by an employer, according to guidance from the North Dakota Department of Labor and Human Rights.
Specific Occupation or Industry Requirements	If an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal and regular sleeping periods from hours worked.
Penalties	<p>Employers that violate North Dakota’s minimum wages and hours law are guilty of a Class B misdemeanor and may be fined \$1,500, imprisoned for up to 30 days or both.</p> <p>Employers that willfully refuse to pay wages due or falsely deny that wages are due or the amount of wages due with the intent to get a discount on the amount owed or to annoy, harass, oppress, hinder, delay or defraud the employee are guilty of an infraction. Employers found guilty of an infraction may be fined up to \$1,000. Employers found guilty of an infraction and found to have committed the same infraction at least twice within the preceding year may be sentenced as though guilty of a Class B misdemeanor. Employers may also face additional penalties including paying interest on the unpaid wages from the date the wages are due until payment is made in full and an amount equal to</p>

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double the employee's unpaid wages if the employer was liable for two wage claims during the previous year or three times the employee's unpaid wages if the employer was liable for three or more wage claims during the previous year.

Ohio

Ohio does not impose meal period and rest break requirements for nonexempt employees who are 18 years of age or older.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Oklahoma

Oklahoma does not impose [meal period and rest break requirements](#) for nonexempt employees who are 16 years of age or older.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Oregon

Oregon imposes the following [meal period and rest break requirements](#) on nonexempt employees who are 18 years of age or older:

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Meal Periods

Employers must provide meal periods of **at least 30 continuous minutes** to employees working **six to eight hours in one work period**. For work periods of seven hours or less, the employee must take the meal period between the end of the second hour and the beginning of the fifth hour of work. For work periods of more than seven hours, the employee must take the meal period between the end of the third hour and the beginning of the sixth hour of work. Employees must be relieved of all duties during the meal period. If employees are not relieved of all duties for 30 continuous minutes, employers must pay employees for the full 30-minute meal period.

Employees working less than six hours are not entitled to a meal period. However, employees who work at least six hours are permitted:

- One 30-minute meal period if the employee works at least six but less than 14 hours;
- Two 30-minute meal periods if the employee works at least 14 but less than 22 hours; and
- Three 30-minute meal periods if the employee works at least 22 hours.

Meal periods are excluded from the work period calculation to determine the number of required meal periods. However, if an employee is not fully relieved of duties during a meal period, that time must be counted as work time.

Employers do not need to provide meal periods if they meet one of the following exceptions:

- The employer demonstrates that providing a meal period would impose an undue hardship on the operation of the employer's business and the employer has, instead, provided adequate paid periods for employees to rest, eat a meal and use the restroom (in addition to providing all rest periods required by law for the number of hours worked in any given shift); and provides affected employees with advanced [notice](#) on a form prescribed by the Oregon Bureau of Labor and Industries (BOLI), regarding meal periods and rest breaks (employers must maintain a copy of the notice of the duration of the employee's employment and for at least six months after the employee's termination date);
- Industry practice or custom has established a paid meal period of less than 30 minutes, but not less than 20 minutes, during which employees are relieved of all duty;
- The failure to provide a meal period was caused by unforeseeable equipment failures, acts of nature or other exceptional and unanticipated circumstances that only rarely and temporarily preclude the provision of a required meal period; or
- The terms of a CBA modify the rules regarding meal periods and rest breaks.

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Employers are not required to allow employees to leave the premises during their meal periods. However, if an employee is required to stay on the premises and on-call during that time, the employee has not been completely relieved of all duties.

Employers must require employees to take all mandated meal periods and may discipline employees for refusing to take required breaks.

Rest Breaks

Employers must provide employees with a paid rest break of **at least 10 continuous minutes for every four-hour work period** or major part thereof (e.g., more than two hours). Employees must be relieved of all duties during rest breaks without any deduction in pay. The rest break must be given approximately in the middle of each four-hour segment or major part thereof worked in a work period to the extent allowed by the nature of the work.

Rest breaks must be provided in addition to and taken separately from the time provided for a meal period. Employers may not require or allow an employee to add the rest break to a meal period or deduct the rest break from the beginning or end of the employee's workday to shorten the overall length of the employee's work period. Additionally, rest breaks may not be treated as working time to make up for missed time (e.g., late arrivals).

Employees working two hours or less are not entitled to a rest break. However, employees who work more than two hours are permitted:

- One 10-minute rest break if the employee works more than two but not more than six hours;
- Two 10-minute rest breaks if the employee works more than six but not more than 10 hours; and
- Three 10-minute rest breaks if the employee works more than 10 but not more than 14 hours;
- Four 10-minute rest breaks if the employee works more than 14 but not more than 18 hours;
- Five 10-minute rest breaks if the employee works more than 18 but not more than 22 hours; and
- Six 10-minute rest breaks if the employee works more than 22 hours.

Employers do not need to provide rest breaks if a CBA specifically provides for rest breaks.

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	<p>Employers are not required to allow employees to leave the premises during their rest breaks. However, if an employee is required to remain on the premises and on call during that time, the employee has not been completely relieved of all duties.</p> <p>Employers must require employees to take all mandated rest breaks and may discipline employees who refuse to take them.</p>
Specific Occupation or Industry Requirements	<p>For employees of an acute inpatient care facility, if the work period is more than seven hours but less than 10 hours, the meal period must be taken after the conclusion of the third hour worked and completed prior to the commencement of the sixth hour worked. If the work period is 10 hours or more, the meal period must be taken after the conclusion of the third hour worked and completed before the conclusion of the ninth hour worked.</p> <p>Employees who are tipped food and beverage servers may voluntarily waive their meal period under the following conditions:</p> <ul style="list-style-type: none">• The employee is employed to serve food or beverages, and receives and reports tips to their employer;• The employee is at least 18 years of age;• The employee voluntarily requests to waive the meal period (for newly hired employees, the request to waive the meal period may not be made until the employee has worked for the employer at least seven days);• The request to waive the meal period is in writing in language used by the employer to communicate to the employee, on a form provided by BOLI, and signed and dated by the employee and employer;• The employer retains a copy of the meal waiver during the duration of the employee's employment and for at least six months after the employee separates from employment;• The employee has a reasonable opportunity to consume food during shifts of six hours or longer;• The employee is paid for any meal period during which the employee is not relieved of all duties;• When the employee works more than eight hours, the employee must be given a 30-minute meal period in which the employee is relieved of all duties;• The employer makes and keeps accurate records of hours worked by each employee, clearly showing whether or not the employee has received the meal period; and

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- The employer conspicuously posts a notice provided by BOLI regarding rest and meal periods in a conspicuous and accessible place where all employees can view it.

The employer or employee may revoke the meal period waiver by providing at least seven calendar days' written notice. Additionally, employees may request a meal period without revoking the agreement to waive meal periods by submitting a written request to the employer at least 24 hours before the meal period is requested. Employers may not coerce an employee into waiving a meal period.

Employers are not required to provide a rest break to an employee of a **retail or service establishment** (i.e., a place where goods and services are sold to the general public, not for resale) if all of the following conditions are met:

- The employee is 18 years of age or older;
- The employee works less than five hours in any period of 16 continuous hours;
- The employee is working alone; and
- The employee is permitted to leave their assigned station when they must use the restroom facilities.

A public school district, education service district or public charter school may provide **substitute teachers** with the same meal periods and rest breaks that a regular teacher is entitled to under any applicable law, employment contract, policy or CBA.

Penalties

Employees may bring claims for the full amount of unpaid wages and civil penalties when an employer fails to pay wages owed.

Pennsylvania

Pennsylvania does not impose meal period requirements for nonexempt employees who are 18 years of age or older.

Meal Periods

None. However, time allowed for meals is excluded from hours worked unless the employee is required or permitted to work during that time. Time spent on the employer's premises for the convenience of the employee is also excluded from hours worked.

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	If an employer provides meal periods, the employer is not required to pay employees for the meal period if employees do not perform any work during the meal period, and it lasts less than 20 minutes.
Rest Breaks	None. However, according to the Pennsylvania Department of Labor and Industry , if an employer allows rest breaks, employees must be paid for the breaks if they last less than 20 minutes.
Specific Occupation or Industry Requirements	Seasonal farm workers may not work more than five hours continuously without an unpaid meal period or rest break of at least 30 minutes. This time is not considered part of the workers' hours of labor.
Penalties	If an employee brings a successful civil suit for unpaid wages, the employee may be entitled to wages owed, liquidated damages (equal to 25% of the total amount of wages due or \$500, whichever is greater) and reasonable attorneys' fees. Employers that fail to pay employee wages may also be subject to criminal penalties for each offense, including a fine of up to \$300, up to 90 days' imprisonment or both. Additionally, employers that violate the Pennsylvania Minimum Wage Act may be subject to fines and penalties.

Rhode Island

Rhode Island imposes the following [meal period requirements](#) on nonexempt employees:

Meal Periods	Employers must provide employees working a six-hour shift with a 20-minute meal period and employees working an eight-hour shift with a 30-minute break . Employers are not required to compensate employees for meal periods.
Rest Breaks	None.
Specific Occupation or Industry Requirements	Rhode Island's meal break requirements do not apply to employers of certain licensed health care facilities and employers that employ fewer than three people on a shift at the worksite.
Penalties	Employers that violate the state's meal period requirements are liable for a fine of \$100 for each offense.

South Carolina

South Carolina does not impose [meal period and rest break requirements](#) for nonexempt employees.

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Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

South Dakota

South Dakota does not impose [meal period and rest break requirements](#) for nonexempt employees.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Tennessee

Tennessee imposes the following [meal period and rest break requirements](#) on nonexempt employees:

Meal Periods	Employers must provide employees who are scheduled to work six consecutive hours with a 30-minute unpaid meal break . The meal break may not be scheduled during or before the first hour of scheduled work activity. Employers do not need to provide meal periods if the workplace environment, by its nature of business, provides ample opportunity to rest and take an appropriate break. Examples of work environments where employees have sufficient opportunity to rest or take an appropriate break include food and beverage industry employees and security guards.
Rest Breaks	In Tennessee, “meal break” means a rest break or meal period.

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Specific Occupation or Industry Requirements

Employees who are principally employed in food or beverage service, receive tips in the course of their employment and report those tips to their employer may waive their right to an unpaid 30-minute meal break if the following conditions are met:

- The employer, in its discretion, permits waivers;
- The employee submits a written waiver request using the employer's form;
- The employee's waiver is knowing, voluntary and not coerced by the employer;
- The employer and employee both consent to the waiver; and
- The employer or employee may rescind the waiver with notice to the other party at least seven calendar days before the date the waiver is no longer in effect.

Employers that intend to permit meal break waivers must establish a written, posted waiver policy that includes at least a waiver form with specific information about the employee's knowing and voluntary waiver, the length the waiver is in effect and procedures for rescinding the waiver. The policy must be posted in at least one conspicuous place in the workplace.

Penalties

Employers that violate the state's meal period requirements are guilty of a Class B misdemeanor, punishable by a fine between \$100 and \$500. Employers that willfully violate meal period requirements may be subject to a civil penalty between \$500 and \$1,000. Each infraction constitutes a separate offense. If the commissioner determines that a violation was unintentional, the commissioner must issue a warning instead of a penalty on the first offense but may assess a civil penalty for each subsequent violation. The Tennessee Department of Labor and Workforce Development has discretion to proceed either civilly or criminally for each violation, but an employer may not be charged both civilly and criminally for the same violation.

Texas

Texas does not impose [meal period and rest break requirements](#) for nonexempt employees.

Meal Periods

None. However, according to the Texas Workforce Commission (TWC), lunch breaks lasting 30 minutes or more during which employees are fully relieved of duties do not have to be paid.

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Rest Breaks	None. However, if an employer provides coffee or rest breaks of 20 minutes or less, they must be paid, according to the TWC.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Utah

Utah does not impose [meal period requirements](#) for nonexempt employees who are 18 years of age or older.

Meal Periods	None. However, rest or meal periods of at least 30 minutes are not treated as working time if employees are relieved of all duties.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Employers that fail to comply with Utah’s wage payment laws may be subject to both a class B misdemeanor and a 5% penalty of the unpaid wages. This penalty may be assessed daily for a maximum of 20 days. However, willfully failing to pay wages within 24 hours of a written request may result in a penalty of up to 60 days’ wages. In a civil action for unpaid wages, employees may receive actual damages and an amount equal to 2.5% of the unpaid wages owed to the employee, assessed daily for the lesser of the period beginning the day the court issues a final order and ending the day the employer pays the unpaid wages or 20 days after the court issues a final order.

Vermont

Vermont imposes the following [meal period and rest break requirements](#) on nonexempt employees:

Meal Periods	Employers must provide employees with a reasonable opportunity during work periods to eat to protect the health and hygiene of the employee. State law does not define “reasonable opportunity.”
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Rest Breaks	Employers must provide employees with a reasonable opportunity to use toilet facilities to protect the health and hygiene of the employee. State law does not define “reasonable opportunity.”
Specific Occupation or Industry Requirements	None.
Penalties	Employers that violate Vermont’s meal period and rest break requirements may be assessed a civil penalty of up to \$100 for each violation. Employees may bring a private cause of action for compensatory and punitive damages or equitable relief for violations of the state’s meal period and rest break requirements, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, reasonable attorneys’ fees and other appropriate relief.

Virginia

Virginia does not impose [meal period and rest break requirements](#) for nonexempt employees who are 16 years of age or older.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

Washington

Washington imposes the following [meal period and rest break requirements](#) on nonexempt employees who are 18 years of age or older:

Meal Period	Employees who work more than five hours are entitled to a 30-minute meal period . Employees must receive a meal period between the second and fifth hours of work. The requirement that no employee can be required to work more than five consecutive hours without a meal period applies to the employee’s normal workday. “ Normal workday ” is the shift the employee is regularly scheduled to work. For example, an employee who normally works a 12-hour shift must be allowed to take a 30-minute meal period no later than at the end of each five hours worked. Employees working
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Provided by **Connor & Gallagher OneSource**

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at least three hours longer than a normal workday must be allowed a meal period before or during the overtime portion of the shift. For example, an employee working a regular 12-hour shift who works three hours or more after their regular shift is entitled to a meal period (and possibly to additional meal periods depending on the number of hours to be worked). Additional 30-minute meal periods must be given within five hours from the end of the first meal period and for each additional five hours worked.

Employers are not required to pay for meal periods if employees are completely relieved from all duties for their entire break and receive 30 minutes of uninterrupted mealtime. Employees can only be required to remain on the premises or worksite during their meal period if they are completely free from work duties. Employees who remain on the premises during their meal period on their own initiative and are completely free from duty are not required to be paid when they keep their pager, cell phone or radio on if they are under no obligation to respond to the pager or cell phone or to return to work. Unpaid meal periods are not considered hours worked.

The meal period must be paid if one of the following conditions is met:

- The employee is required to remain on duty during the break;
- The employer requires the employee to remain on-call on the premises or worksite in the interest of the employer, even if the employee is not called back to duty; or
- If the employee is called back to work, interrupting the meal period.

Employees who are required to work or remain on duty during a meal break are still entitled to 30 total minutes of mealtime, excluding interruptions. The entire meal period must be paid regardless of the number of interruptions. Work performed during meal periods is considered “hours worked” when calculating paid sick leave and overtime.

Employees may waive their meal period requirement if both the employee and employer agree. Employees who waive meal periods may, at any time, request a meal period. If, at some future date, the employee wishes to receive a meal period, any agreement would no longer be in effect. Employers may refuse to allow employees to waive the meal period and require that an employee take a meal period. Employers may also file a variance application to modify meal period requirements.

Employers may not round, deduct or average any time from a meal period.

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Rest Breaks

Employees must receive a paid [rest break](#), free from duties, of **at least 10 minutes for every four hours worked**. Employers may not require employees to work more than three hours without a rest break. Rest breaks must be scheduled as close as possible to the midpoint of the work period as possible. However, rest breaks must be allowed no later than the end of the third working hour. Where the nature of the work allows employees to take intermittent rest periods equivalent to 10 minutes for each four hours worked, scheduled rest periods are not required. In some jobs, mini rest breaks can be taken instead of a scheduled rest break. These mini rest breaks must total at least 10 minutes over a four-hour period. Employees may not waive their right to a rest break. Rest breaks are not considered “hours worked” when calculating paid sick leave and overtime. Employers may file a variance application to modify rest break requirements.

Employers can require employees to stay on the worksite during rest breaks. In certain circumstances, employers may have a business need to require employees to remain on call during their paid rest breaks; however, if they are called to duty, the on-call time becomes an intermittent rest period, and employees must receive the remainder of the 10-minute break during that four-hour work period.

Employees must be provided “reasonable access” to bathrooms and toilet facilities. Employers cannot restrict the use of bathroom or toilet facilities to rigid time schedules (e.g., only during scheduled breaks) or impose unreasonable time use restrictions.

Employers may not round, deduct or average any time from a rest break.

Specific Occupation or Industry Requirements

Washington’s meal period and rest break requirements do not apply to the following:

- Newspaper vendors and carriers;
- Domestic or causal labor in or about private residences;
- Agricultural labor;
- Sheltered workshops; and
- Health care workers engaged in patient care or clinical services.

Agricultural employees working more than five hours are entitled to a meal period of at least 30 minutes. Agricultural employees working 11 or more hours must receive an additional 30-minute meal period. These workers are also entitled to a paid rest break of at least 10 minutes for each four-hour work period. For purposes of computing the minimum

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wage on a piecework basis, the time allotted to agricultural employees for rest periods is included in the number of hours for which minimum wage must be paid.

Employers of nonexempt **health care workers** directly involved in patient care or clinical services must be provided with meal periods and rest breaks in accordance with Washington law, subject to the following:

- Rest breaks must be scheduled at any point during each work period during which the employee is required to receive a rest break;
- Meal periods and rest breaks must be uninterrupted except during an unforeseeable emergent circumstance or an unforeseeable clinical circumstance that may lead to a significant adverse effect on the patient's condition;
- Where a worker is entitled to one or more meal periods and more than one rest break, the employee and employer may agree that one or more meal periods or rest breaks may be combined with one or more rest periods, subject to the following conditions:
 - The agreement may be revoked at any time by the employee;
 - If the employee is required to remain on duty during the combined meal period and rest break, the time must be paid; and
 - If the employee is released from duty for an uninterrupted combined meal period and rest break, the time corresponding to the meal period is unpaid, but the time corresponding to the rest break is paid;
- An employee may agree to waive a meal period in a work shift of less than eight hours or the second and/or third meal period in a shift of eight hours or longer if at least one meal period is provided and taken during the shift.

With the exception of employees in the construction industry and certain public sector employees, meal period and rest break provisions in a CBA must be at least equal to or more favorable than the state law requirements.

Penalties

Employees may bring a civil action for the full amount of minimum wages owed (less any wages already paid by the employer), double damages for willful violations and reasonable attorneys' fees and costs. Employers may also be guilty of a misdemeanor punishable by a fine between \$25 and \$1,000. However, a recent appellate court held that the remedy for a meal period violation includes payment for the time worked during the meal period plus compensation for an additional break (30 minutes) as a penalty.

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Additionally, employers that violate Washington’s wage payment requirements may be liable for unpaid wages due and interest of 1% per month. For willful or repeated willful violations, employers may be subject to a civil penalty equal to the greater of \$1,000 or 10% of the total unpaid wages, up to a maximum of \$20,000.

West Virginia

West Virginia imposes the following [meal period and rest break requirements](#) on nonexempt employees who are 16 years of age or older:

Meal Period	<p>Employers are required to provide employees who work six or more hours with a minimum of a 20-minute meal/break period. The state’s break requirement remains at 20 minutes regardless of the total number of hours the employee works in excess of the required six. The break may be given at any time throughout the employee’s workday at a time deemed reasonable by the employer. Additionally, employers do not have to provide the 20-minute meal period in a single break. The employer, at its discretion, may provide the meal period in smaller increments for a total of 20 minutes.</p> <p>The state’s 20-minute break requirement does not apply in the following situations:</p> <ul style="list-style-type: none">• The employee is already being afforded a lunch and/or break period; and• The employee is allowed necessary restroom breaks and is allowed to eat while working. <p>Bona fide meal periods that typically last for a period of 30 minutes or longer may be paid or unpaid as determined by the employer. However, any meal break or rest period that lasts 20 minutes or less must be paid. Employers may treat meal periods of 30 consecutive minutes or longer as nonworking time.</p>
Rest Breaks	None. However, rest breaks of 20 minutes or less must be treated as compensable time.
Specific Occupation or Industry Requirements	For employees who must be on duty for 24 hours or more, if the employer and employee have an express or implied agreement regarding the employee’s scheduled meal and break times, the employer may treat meal or break times of 30 consecutive minutes or more and bona fide sleep periods as nonworking time. If the employer and employee do not have an express or implied agreement regarding the employee’s scheduled meal and break times and bona fide sleep periods, the employer must include the employee’s meal and break times and bona fide sleep periods as compensable time. When the employee’s meal or break time is interrupted by a call to duty, the employer must count the entire meal or break time as compensable time.

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Penalties

Employees may bring a civil action to recover lost wages. In any judgment award to the employee, the court may additionally assess court costs, reasonable attorneys' fees, liquidated damages in an amount equal to the unpaid wages and interest on liquidated damages against the employer. Employers that willfully violate West Virginia's minimum and maximum hours law may be guilty of a misdemeanor, resulting in a fine of up to \$100 if convicted. Any employer that retaliates against an employee because the employee has instituted an action against the employer under the state's minimum wage law, makes a complaint to the employer or testifies in a minimum wage proceeding is guilty of a misdemeanor and subject to a fine between \$100 and \$500.

Wisconsin

Wisconsin does not impose [meal period and rest break requirements](#) on nonexempt employees who are 18 years of age or older:

Meal Period

None. However, the Wisconsin Department of Workforce Development (WDWD) encourages employers to provide meal periods of at least 30 minutes at a time reasonably close to the usual meal period (e.g., 6 a.m., noon, 6 p.m. or midnight) or near the middle of the shift. Employers should avoid scheduling shifts of more than six hours without a meal period. According to the WDWD, employers may require employees to take meal periods.

On-duty meal periods are counted as work time and must be paid. **"On-duty meal periods"** are breaks where employees either do not have at least 30 minutes free from work and any period where the employee is not free to leave the employer's premises.

Bona fide meal periods of 30 minutes or more are not work time if both the employee is completely relieved from duty to eat a regular meal and the meal period is sufficiently long (ordinarily at least 30 minutes). An employee is not relieved from duty if the employee must perform any duties, whether active or inactive, while eating. Bona fide meal periods do not include coffee breaks or time for snacks. If an employer provides a break that is less than 30 consecutive minutes, the authorized break is considered work time and must be paid by the employer.

Rest Breaks

None. However, rest breaks of less than 30 minutes must not be counted as working time and may not be offset against other working time, such as compensable waiting time or on-call time. According to the WDWD, employers may require employees to take rest breaks.

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Specific Occupation or Industry Requirements

For employees who must be on duty for 24 consecutive hours or more, the employer and employee, pursuant to a mutual written agreement, may agree to exclude bona fide meal periods and regularly scheduled sleeping periods from hours worked. Additionally, for employees residing on the employer's premises or home care premises or working at home, the employer and employee may establish meal periods and rest breaks pursuant to any reasonable written agreement.

For migrant workers employed exclusively in agricultural labor, employers must provide workers with a meal period of at least 30 minutes when working more than six continuous hours unless a shift can be completed within one additional hour. The meal period does not need to be considered as part of the worker's hours of labor. For migrant workers not employed exclusively in agricultural labor, employers must provide workers with a rest break of at least 10 minutes within each five hours of continuous employment. The rest period is considered part of the worker's hours of labor.

Penalties

Employers that violate Wisconsin's wage payment laws may be liable for back pay, increased wages (unless the employer can show undue hardship) of up to 50% of the wages due if the employee commences the action before the WDWD has completed its investigation or 100% of the wages due if the employee commences the action after the WDWD has completed its actions, attorneys' fees and a fine of up to \$500, imprisonment for up to 90 days or both. Each failure to pay an employee their wages is a separate offense.

Wyoming

Wyoming does not impose [meal period and rest break requirements](#) for nonexempt employees.

Meal Periods	None.
Rest Breaks	None.
Specific Occupation or Industry Requirements	None.
Penalties	Not applicable.

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Next Steps for Employers

Employers with employees in states that have enacted meal period requirements, rest break requirements or both can consider taking the following steps to ensure compliance with such requirements:

- Revising employer policies to reflect state meal period and rest break requirements, if necessary;
- Establishing reliable timekeeping and documentation practices;
- Preparing and posting a notice of employee rights, if applicable;
- Training supervisors on their obligations and restrictions with respect to meal periods and rest breaks;
- Conducting regular audits of meal period and rest break practices; and
- Investigating and taking prompt corrective action when any issues arise.

Additionally, employers should continue to monitor new meal period and rest break requirements in the jurisdictions in which they have employees.