

Allotted Time

The U.S. Department of Labor says meal periods typically last 30 minutes or more. Depending on your state, lunch breaks might be required at specific times during the workday. For example, in California, an employer cannot employ an [employee](#) for more than five hours without giving her a lunch break of at least 30 minutes. An exception applies if the employee works a maximum of six hours for the day. In this case, no lunch break is required if both the employer and employee agree to a waiver. State laws may have other exceptions that apply if the employee works a specific number of hours for the day or in certain fields such as the motion picture industry. If state law does not mandate lunch times, you can negotiate it with your employees. To keep the work site functional, you can schedule lunch breaks to occur at different times.

Unpaid Lunch Breaks

Provided the employee is completely relieved of all her duties during her lunch break, you do not have to pay her for the time. Meal periods are for the purpose of consuming regular meals, so if the employee is required to perform any work at all during this period, she's not totally relieved. State law generally views meal periods as unpaid, provided the employee is completely relieved of duties.

Paid Lunch Breaks

Under federal law, if an employee is not completely relieved of her work duties during the lunch period, you must pay her for the time. States may also have other conditions for paid lunch breaks. For example, on-duty meal periods may be allowed if the nature of the employee's work requires that she remain on duty during the lunch break and if a written agreement exists between you and her. Also, if you require that the employee stay at the job site during her meal period, even if she's totally relieved all of her duties, the state may deem the time as paid time.

Policy Manual Inclusion

You do not have to include all the laws on lunch breaks in your employee handbook. To avoid confusing your employees, simply explain the permitted length of time and how the time is allotted, such as after every five-hour work period. For more information on lunch breaks, they can consult their manager or supervisor or the [human resources](#) department.

Considerations

The state may have lunch break laws specifically for child laborers. Consult your state labor department for child labor rules, if applicable. For example, in West Virginia, children under 16 cannot be allowed to work for more than five hours straight without being given a lunch break of at least 30 minutes.