

California Meal & Rest Break Policy

Policy · US · Updated 2026-08-09 · Square brackets are placeholders to replace with your own details.

A California meal and rest break policy is the written statement of how an employer provides the meal periods and paid rest breaks California law requires for non-exempt (hourly) employees — when breaks fall within a shift, when they can be waived, and what an employee is owed when a compliant break is not provided.

California's break rules are stricter than almost anywhere else in the US, and the cost of getting them wrong is automatic: each workday with a missed, late, short, or interrupted meal period owes the employee an extra hour of pay, and each workday with a failed rest break owes another. In hospitality and retail — single-coverage positions, lunch rushes, closes that run long — breaks are exactly what gets skipped informally, and missed-break claims are a fixture of California wage litigation.

This template gives you a ready-to-edit policy covering meal period timing, waivers and on-duty meal agreements, paid rest breaks, premium pay when a break fails, and the scheduling and recordkeeping that make compliance provable.

Purpose and scope

This policy explains how [Your company] provides meal periods and rest breaks to non-exempt (hourly) employees working in California, and what happens when a break is missed, cut short, taken late, or interrupted. It applies to every non-exempt employee and to every manager who writes a schedule or runs a shift at [location].

Properly classified exempt employees are generally outside California's break requirements and outside this policy. Roles covered by a collective bargaining agreement or by a wage order with modified break rules follow those terms — [list any such roles at [Your company], or state that there are none].

Policy statement

[Your company] provides every break the law requires, on time and duty-free, and schedules shifts so that taking them is realistic rather than theoretical. No manager may ask, pressure, or expect an employee to skip, shorten, or delay a break to cover the floor. A missed break is a scheduling failure for [Your company] to fix — never a favor for an employee to offer.

Meal periods

If you work more than five hours in a workday, [Your company] provides an unpaid, uninterrupted meal period of at least 30 minutes, starting no later than the end of your fifth hour of work. If you work more than ten hours, a second 30-minute meal period is provided, starting no later than the end of your tenth hour.

- During a meal period you are relieved of all duty and free to leave the premises. You will not be asked to answer calls, watch the register or the floor, or stay available "just in case" — if any of that happens, the meal period does not count, and you should report it under the missed-break section below.
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[Manager on duty / scheduling system] schedules meal periods so the timing thresholds are met even on busy shifts — a lunch rush is not a reason for a late meal period.

- Clock out and back in for every meal period in [timekeeping system]. The recorded start and end times are the evidence that the break happened on time and in full.

Waivers and on-duty meal agreements

- If your shift is no more than six hours, you and [Your company] may agree to waive the meal period. If your shift is no more than twelve hours and you took your first meal period, you and [Your company] may agree to waive the second. [Your company] records every waiver in writing, and you can revoke yours at any time by telling [name/role].
- A waiver is a genuine mutual agreement. [Your company] never makes waiving a condition of getting shifts, and a manager hinting that an employee "should" waive is in breach of this policy.
- On-duty, paid meal periods are lawful only in the narrow case where the nature of the work prevents the employee from being relieved of all duty, and only under a written agreement the employee may revoke in writing at any time. Most roles at [Your company] do not qualify — a busy floor is not the same as work that cannot be left. [State any roles with an on-duty meal agreement, or state that there are none.]

Rest breaks

[Your company] provides a paid rest break of at least ten minutes' net rest time for every four hours worked or major fraction thereof — anything over two hours counts as a major fraction. No rest break is required when total daily work time is under three and a half hours.

In practice: one rest break on a shift of three and a half to six hours, two once the shift passes six hours, and a third once it passes ten — each falling as close to the middle of its work period as the operation allows.

- Rest breaks are on the clock: paid, counted as hours worked, and never deducted.
- They are duty-free. No staying reachable, monitoring a radio or phone, or remaining on call — a break you can be pulled back from is not a break, and California courts have said so.
- Rest breaks are taken during the shift as scheduled; they cannot be banked to arrive late, leave early, or stretch a meal period.

If a break is missed, short, late, or interrupted

If [Your company] fails to provide a compliant meal period — on time, at least 30 minutes, fully duty-free — you are owed one additional hour of pay at your regular rate for that workday. A failed rest break earns the same: one additional hour for that workday. The two are separate, so a day with both failures earns two premium hours. For employees who earn commissions or non-discretionary bonuses, the regular rate can be higher than the base hourly rate — payroll applies the DIR's current guidance on calculating it.

Premium pay is not a substitute for breaks, and no one will face retaliation for reporting a missed break or for taking the breaks this policy provides.

1. Report the missed, short, late, or interrupted break to [manager on duty / name/role] before the end of the shift where possible, or through [system/channel].
2. [Name/role] records the failure and its cause, and payroll adds the premium hour to [the next pay run].
3. Repeated failures on the same shift pattern go to [name/role] to fix the schedule or the coverage — the premium is the symptom; the schedule is the cause.

Scheduling and manager responsibilities

- Build breaks into the schedule when it is written, not on the day: every shift over five hours has a meal period slotted before the end of the fifth hour, and rest breaks placed near the middle of each work period.
- Plan relief for single-coverage positions — a cashier or barista alone on shift cannot take a duty-free break unless someone relieves them, and "there was no one to cover" is a premium hour, not an excuse.
- The manager on duty confirms before the end of each shift that breaks actually happened, and resolves any that have not.
- [Name/role] reviews time records [frequency, e.g. weekly] for late, short, or missing meal punches and triggers premium pay without waiting for a complaint.

Records and review

Meal period start and end times are recorded in [timekeeping system] — California's wage orders require meal periods to be recorded, while authorized rest breaks need not be. Waivers, on-duty meal agreements, premium payments, and break-failure reports are kept in [system/location] for [period — at least the state minimum for payroll records].

This policy is reviewed [frequency, e.g. annually] and whenever the DIR updates its meal and rest period rules. Owner: [name/role]. Next review due: [date].

How to use this template

1. Confirm which IWC wage order covers each role — restaurants and hotels generally sit under the public housekeeping order, retail under the mercantile order — and check the DIR's current meal and rest period FAQs before publishing.
2. Fill the brackets: timekeeping system, who takes missed-break reports, who reviews meal punches, and how premium hours reach payroll.
3. Audit your standard shift patterns against the thresholds — three and a half, five, six, ten, and twelve hours — and fix any shift that makes a compliant break impossible before leaning on waivers.
4. Set the timekeeping system to record meal start and end times and to flag late, short, or missing meal punches automatically.
5. Train shift managers that a skipped break costs a premium hour, and that pressuring staff to waive or shorten breaks is a policy breach, not a scheduling technique.

Official guidance

- › [California DIR — Meal periods](#)
- › [California DIR — Rest periods](#)
- › [California DIR — IWC wage orders by industry](#)

This template is provided in good faith and for general information — it is not legal advice. Adapt it to your organisation and, where your sector carries specific legal requirements, have the finished document reviewed by a qualified adviser. The live version at <https://trainedteam.com/templates/california-meal-rest-break-policy> is kept current; this file is a snapshot.