

Required Rest Period Best Practices

Failing to comply with government labor regulations and collective bargaining agreements can lead to serious financial consequences for organizations.

The United States Department of Labor's Wage and Hour Division outlines rest period requirements for states that require paid rest periods for adult private-sector employees. Several of these states (California, Colorado, Nevada, Oregon, and Washington) require that employers permit nonexempt employees to take a rest period in the middle of each work period, if practicable.¹

10-minute rest break obligations

In California, in particular, failure to comply with meal and rest break rules is an ongoing cause for litigation. To comply with this state's rest break laws, employers should be aware that:

- Uninterrupted rest breaks are required for all nonexempt employees whose total daily work is 3.5 hours or more. A rest period is not required for employees whose total daily work time is less than 3.5 hours.
- Rest breaks must be 10 minutes long and offered every 4 hours worked.
- Rest breaks must be paid.
- The rest period must be in the middle of the 4-hour work period, if practicable, and there is no obligation to permit a rest period before a meal period.²

Consequences for failing to provide rest breaks

If a rest break is not given to an employee or if that rest break is interrupted, the organization owes the employee one hour of pay for each day on which a break violation occurred. This additional pay must be included in the next paycheck.

Kronos can help maintain rest break compliance

Using the Kronos® Attestation Tool Kit, both managers and employees have the tools they need to foster compliance with state, local, union, and organization policies on meal and rest breaks.



How to improve rest break compliance with Kronos solution

The Kronos Attestation Tool Kit provides a range of benefits:

- » Employee breaks are properly documented and warnings are generated when breaks are not met.
- » Employee is asked electronically whether uninterrupted rest break was taken.
- » If the employee answers "No Break," a reason for interruption is required.
- » The reason for the interrupted break is sent to the manager.
- » Once alerted, the manager can act.
- » Automated payroll action includes payment for missed break(s).
- » Analysis of missed break costs is automatically calculated.

¹ United States Department of Labor, Wage and Hour Division, *Minimum Paid Rest Period Requirements Under State Law for Adult Employees in Private Sector* (January 1, 2017), found at <https://www.dol.gov/whd/state/rest.htm>.

² CalChamber, *Meal & Rest Breaks in California* (January 2017), found at <https://www.calchamber.com/california-employment-law/Pages/meal-and-rest-breaks.aspx>.

Kronos Attestation Tool Kit captures employee break responses

Within the Kronos Attestation Tool Kit, a special set of Smart View™ features and web forms can be configured to allow employees to designate whether they took their required breaks. If an employee registers as “No Break,” the tool kit can prompt the employee to indicate why the break was not taken. In addition, the pay for the missed break can be automatically calculated into the next paycheck and the shift supervisor can be notified.

Kronos Attestation Tool Kit supports rest break compliance

- **Break Compliance:** Shows at a glance how employees have answered the break question and calculates the percentage of missing breaks.
- **Detailed Compliance Reports:** Show every question and answer, as well as the time it took for the employee to answer each question. Punch restrictions also can be recorded.
- **Summary Reports:** Show the questions and answers with the counts and ratios of responses, allowing managers to act as trends arise.

Compliance Policy Tracking

