

# Know Your Agreement

## 10-Minute Rest Periods/Breaks

Recently, our office dealt with a grievance regarding a failure to take breaks on the jobsite. As we discovered, it was the employees on the site, working with their on-site supervisor, who all decided to forgo their breaks so they could leave the jobsite early, avoiding traffic. With that, we thought we would remind everyone of their obligations regarding rest periods/breaks, regardless of whether the employer or their representative (Foreman or Superintendent) condone the activity.

We know State law requires that employers must give uninterrupted rest breaks for all nonexempt employees who work more than 3.5 hours. Mandatory rest breaks must be offered at no less than 10 minutes for every four hours worked. Keep in mind that anything over two hours is considered the minimum amount of time worker and employers are required to give a 10-minute paid break. As a general rule the rest break should be scheduled to be in the middle of each four-hour work period. In an eight-hour day, one rest break normally falls on either side of the meal break, which has to be given before the worker finishes 5 hours. Though this is the general rule, there is no absolute obligation to permit a rest period before a meal period. Employers must treat rest periods as hours worked and must pay rest periods as time worked.

Keep in mind that rest periods shall take place at employer designated areas, which may include or be limited to the employees' immediate work area.

Rest periods need not be authorized in limited circumstances when the disruption of continuous operations would jeopardize the product or process of the work, ie., a material delivery or crucial wire pull. However, the employer shall make up the missed rest period within the same workday or compensate the employee for the missed ten (10) minutes of rest time at his/her regular rate of pay within the same pay period.

A rest period need not be authorized for employees whose total daily work time is less than three and one-half (3 1/2) hours. But keep in mind that each Collective Bargaining Agreement has "show up time" and traditionally employers are required to pay no less than 4 hours of time when workers show up to the jobsite without prior knowledge of their shift being canceled. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

If an employer fails to provide an employee a rest period, or if the rest period is interrupted, in accordance with the applicable provisions of [California Wage Order 16](#), the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the rest period is not provided. Keep in mind that this premium or penalty is given for each infraction, so if an employee misses two breaks in a day that is two hours of pay that is owed.

In cases where a valid CBA provides final and binding mechanism for resolving disputes regarding enforcement of the rest period provisions, the CBA will prevail. All negotiated agreements have Labor-Management Committees which adjudicate grievances brought forth.

Please reach out to the Chapter staff if you have any questions.