

Minimum Length of Meal Period Required Under State Law For Adult Employees in Private Sector<sup>1/</sup>  
 January 1, 2006

**Table of Meal Period Requirements Under State Law For Adult Employees in Private Sector**

<b>Jurisdiction</b> <u>2/</u>	<b>Basic Standard</b>	<b>Prescribed By:</b>	<b>Coverage</b> <u>3/</u>	<b>Comments</b>
<b>California</b>	<p>½ hour, after 5 hours, except when workday will be completed in 6 hours or less and there is mutual employer/employee consent to waive meal period. On-duty meal period counted as time worked and permitted only when nature of work prevents relief from all duties and there is written agreement between parties. Employee may revoke agreement at any time.</p> <p>The Industrial Welfare Commission may adopt working condition orders permitting a meal period to start after 6 hours of work if the commission determines that the order is consistent with the health and welfare of the affected employees.</p>	Administratively issued Industrial Welfare Commission Orders.	<p>Uniform application to industries under 14 Orders, including agriculture and private household employment.</p> <p>Exempts employees in the wholesale baking industry who are subject to an Industrial Welfare Commission Wage Order and who are covered by a valid collective bargaining agreement that provides for a 35-hour workweek consisting of five 7-hour days, payment of 1 and ½ times the regular rate of pay for time worked in excess of 7 hours per day, and a rest period of not less than 10 minutes every 2 hours.</p>	
	<p>½ hour, to not more than 1 hour, after 6 hours, with subsequent meal periods required 6 hours after termination of preceding meal period. On-duty meal period counted as time worked and permitted only when nature of work prevents relief from all duties and there is written agreement between parties.</p>		Applicable under motion picture industry.	

<b>Colorado</b>	½ hour after 5 hours, except when workday will be completed in 6 hours or less. On-duty meal period counted as time worked and permitted when nature of work prevents relief from all duties.	Administratively issued Wage Order for 7 industries	Applicable to retail trade, food and beverage, public housekeeping, medical profession, beauty service, laundry and dry cleaning, and janitorial service industries. Excludes certain occupations, such as teacher, nurse, and other medical professionals.	
<b>Connecticut</b>	½ hour after first 2 hours and before last 2 hours for employees who work 7½ consecutive hours or more.	Statute	Excludes employer who provides 30 or more total minutes of paid rest or meal periods within each 7½ hour work period.  Meal period requirement does not alter or impair collective bargaining agreement in effect on 7/1/90, or prevent a different schedule by written employer/employee agreement.	Labor Commissioner is directed to exempt by regulation any employer on a finding that compliance would be adverse to public safety, or that duties of a position can be performed only by one employee, or in continuous operations under specified conditions, or that employer employs less than 5 employees on a shift at a single place of business provided the exemption applies only to employees on such shift.
<b>Delaware</b>	½ hour, after first 2 hours and before the last 2 hours, for employees who work 7½ consecutive hours or more.	Statute	Excludes teachers and workplaces covered by a collective bargaining agreement or other written employer/employee agreement providing otherwise. Exemptions may also be granted where compliance would adversely affect public safety; only one employee may perform the duties of a position, an employer has fewer than five employees on a shift at a single place of business; or where the continuous	An administrative penalty of up to \$1,000 for each violation may be assessed an employer who discharges or discriminates against an employee for complaining or providing information to the Department of Labor pursuant to a violation of this requirement.

			nature of an employer's operations requires employees to respond to urgent or unusual conditions at all times and the employees are compensated for their meal break periods.	
<b>Illinois</b>	Each hotel room attendant -- those persons who clean or put guest rooms in order in a hotel or other establishment licensed for transient occupancy -- shall receive a minimum of two 15-minute paid rest breaks and one 30-minute meal period in each workday in which they work at least seven hours.	Statute	Applies to an establishment located in a county with a population greater than three million.  Excludes employees whose meal periods are established by collective bargaining. Different requirements apply to employees who monitor individuals with developmental disabilities and/or mental illness.	Employees may not be required to work during a break period. Break area must be provided with adequate seating and tables in a clean and comfortable environment. Clean drinking water must be provided without charge. Employer must keep complete and accurate records of the break periods.
<b>Kentucky</b>	Reasonable off-duty period, ordinarily ½ hour but shorter period permitted under special conditions, between 3 <sup>rd</sup> and 5 <sup>th</sup> hour of work. Not counted as time worked. Coffee breaks and snack time not to be included in meal period.	Statute and regulation	Excludes employers subject to Federal Railway Labor Act. Meal period requirement does not negate collective bargaining agreement or mutual agreement between employer and employee.	
<b>Maine</b>	½ hour, after 6 consecutive hours, except in cases of emergency and except where nature of work allows employees frequent breaks during workday.	Statute	Applicable to places of employment where 3 or more employees are on duty at one time.  Not applicable if collective bargaining or other written employer-employee agreement provides otherwise.	
<b>Massachusetts</b>	½ hour, if work is for more than 6 hours.	Statute	Excludes iron works, glass works, paper mills, letter press establishments, print works, and bleaching or dyeing works.	Labor Commissioner may grant exemption to a factory workshop or mechanical establishment, if in

				discretion of Commissioner, it is necessary by reason of continuous process or special circumstance, including collective bargaining agreement.
<b>Minnesota</b>	Sufficient unpaid time for employees who work 8 consecutive hours or more.	Statute	Excludes certain agricultural and seasonal employees.  Meal period requirement does not prohibit different provisions under collective bargaining agreement.	
<b>Nebraska</b>	½ hour, off premises, between 12 noon and 1 p.m. or at other suitable lunch time.	Statute	Applicable to assembly plant, workshop, or mechanical establishment, unless employee is covered by a valid collective bargaining agreement or other written agreement between an employer and employee.	
<b>Nevada</b>	½ hour, if work is for 8 continuous hours.	Statute	Applicable to employers of two or more employees.  Excludes employees covered by collective bargaining agreement	Labor Commissioner may grant exemption on employer evidence of business necessity.
<b>New Hampshire</b>	½ hour, after 5 consecutive hours, unless feasible for employee to eat while working and is permitted to do so by employer.	Statute	Applicable to any employer.	
<b>New York</b>	1 hour noon-day period	Statute	Factories	Labor Commissioner may give written permission for shorter meal period under each standard.
	30 minute noonday period for employees who work shifts of more than 6 hours that extend over the noon day meal	Statute	All other establishments and occupations covered by the Labor Law.	

	period.			
	An additional 20 minutes between 5 p.m. and 7 p.m. for those employed on a shift starting before 11 a.m. and continuing after 7 p.m.	Statute	All industries and occupations.	
	1 hour in factories, 45 minutes in other establishments, midway in shift, for those employed more than a 6-hour period starting between 1 p.m. and 6 a.m.	Statue	See basic standard	
<b>North Dakota</b>	½ hour, if desired, on each shift exceeding 5 hours.	Administratively issued Minimum Wage and Work Conditions Order.	Applicable when two or more employees are on duty. Collective bargaining agreement takes precedence over meal period requirement.	Employees who are completely relieved of their duties but required to remain on site do not have to be paid.
<b>Oregon</b>	½ hour, with relief from all duty, for each work period of 6 to 8 hours, between 2 <sup>nd</sup> and 5 <sup>th</sup> hour for work period of 7 hours or less and between 3 <sup>rd</sup> and 6 <sup>th</sup> hour for work period over 7 hours; or, less than ½ hour but not less than 20 minutes, with pay, with relief from all duty, where employer can show that such a paid meal period is industry practice or custom; or, where employer can show that nature of work prevents relief from all duty, an eating period with pay while on duty for each period of 6 to 8 hours.	Administratively issued Wage and Hour Commission rules.	Applicable to every employer, except in agriculture and except employees covered by collective bargaining agreement.	In absence of regularly scheduled meal periods, it is sufficient compliance when employer can show that the employee has, in fact, received the time specified (permitted only where employer can show that ordinary nature of the work prevents employer from establishing and maintaining a regularly scheduled meal period).
<b>Rhode Island</b>	All employees are entitled to a 20 minute mealtime within a six hour work	Statute	Uniform application to all employees except to an employer of a licensed	

	shift, and a 30 minute mealtime within an eight hour work shift.		health care facility or an employer who employs less than three people on any shift at the worksite.	
<b>Tennessee</b>	½ hour for employees scheduled to work 6 consecutive hours or more.	Statute	Applicable to every employer.	
<b>Washington</b>	½ hour, if work period is more than 5 consecutive hours, to be given not less than 2 hours nor more than 5 hours from beginning of shift. Counted as worktime if employee is required to remain on duty on premises or at a prescribed worksite. Additional ½ hour, before or during overtime, for employees working 3 or more hours beyond regular workday.	Administrative regulation	Excludes newspaper vendor or carrier, domestic or casual labor around private residence, sheltered workshop, and agricultural labor. <a href="#">2/</a>  Rules for construction trade employees may be superseded by a collective bargaining agreement covering such employees if the terms of the agreement specifically require meal periods and prescribe requirements concerning them.	Director of Labor and Industries may grant variance for good cause, upon employer application.
<b>West Virginia</b>	20 minutes for employees who work 6 consecutive hours or more.	Statute	Applicable to every employer. Meal period is required where employees are not afforded necessary breaks and/or permitted to eat lunch while working.	
<b>Guam</b>	½ hour, after 5 hours, except when workday will be completed in 6 hours or less and there is mutual employer/employee consent to waive meal period. Not considered time worked unless nature of work prevents relief from duty.	Statute	Excludes agriculture where fewer than 10 are employed, domestic employment, and fishing industry, among others.	
<b>Puerto Rico</b>	1 hour, after end of 3 <sup>rd</sup> but before beginning of 6 <sup>th</sup> consecutive hour worked. Double-time pay	Statute	Excludes domestic service; and public sector employment other than agricultural, industrial,	Meal period may be shortened for convenience of employee by mutual

	required for work during meal hour or fraction thereof.		commercial or public service enterprises.	<p>employer-employee consent and with approval of Secretary of Labor. Such consent and approval not necessary if union and employer agree on shorter period.</p> <p>Requirement for a second meal period for employees working up to 10 hours may be waived with approval of Secretary of Labor.</p>
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## FOOTNOTES

**1/**The following 35 jurisdictions also have separate provisions requiring meal periods specifically for minors (when minors are covered by two provisions, employer must observe the higher standard): Alabama, Alaska, California, Colorado, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Virginia, Washington, West Virginia, Wisconsin, Guam, and Puerto Rico.

**2/** In addition to the States with Standards of general application a 30-minute meal period is required for seasonal farm workers after 5 hours in **Pennsylvania**, and for migrant workers in **Wisconsin** after 6 hours. In **Washington** State, although agricultural labor is excluded from the listed requirement of general application, a separate regulation requires a 30-minute meal period after 5 hours in agriculture and an additional 30 minutes for employees working 11 or more hours in a day. In addition to the listed States with mandatory Standards, other provisions appear in two States:

**New Mexico.** A provision applicable to females and administratively extended to men does not require a meal period, but provides that when a meal period is granted (in industrial, mercantile and certain service industries), it must be at least ½ hour, not counted as time worked.

**Wisconsin.** By regulation, the recommended standard is ½ hour after 6 consecutive hours' work in factories, mechanical and mercantile establishments and certain service industries, to be given reasonably close to usual meal time or near middle of shift.

**3/** Not displayed in table are exemptions for executive, administrative and professional employees, and for outside salespersons.

Of the 21 States or other jurisdictions with meal period requirements, 7 States also have rest periods requirements (California, Colorado, Kentucky, Minnesota, Nevada, Oregon, and Washington).

**Division of External Affairs  
Wage and Hour Division  
Employment Standards Administration  
U.S. Department of Labor  
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*This document was last revised in December 2005; unless otherwise stated, the information reflects requirements that were in effect, or would take effect, as of January 1, 2006.*