Rest Periods
Employees are authorized to take rest periods, which, insofar as practicable, shall be in the middle of each work period. The rest period time shall be based on the total hours worked daily at the rate of 10 minutes of net rest time per four hours, or major fraction thereof (which California State law defines as exceeding two hours). Rest periods are counted as time worked.

A rest period does not have to be authorized for an employee whose total daily work time is less than three and a half hours. Unlike meal periods, the supervisor does not have to insist that the employee take the rest period, but only to authorize and permit it.

If a non-exempt employee (02 or 03) is not authorized and permitted to take a rest period, the penalty that is paid to the employee is the equivalent of one hour of wages at their regular rate of pay per day.

Meal Periods
Under California labor law, non-exempt employees (02 or 03) may not work more than five hours without a meal break of at least 30 minutes. The meal break is unpaid and is for 30 to 60 minutes, depending on the department’s schedule.

A second meal period is required if an employee works more than ten hours.

An employee may also choose to waive or delay their meal break by mutual consent between the employee and his/her supervisor in advance of the scheduled lunch period. If an employee waives or delays their meal break, a comment on the employee’s timecard must clearly indicate that this was the employee’s choice. Employees who choose to work during his/her provided meal and rest periods must be paid for the time worked, overtime rules applying. If a supervisor requires an employee to work without a meal break or past the five-hour mark or if business circumstances do not allow the employee a reasonable opportunity to take their meal break, the employee must be paid one hour of straight-time pay penalty per day.