

# Manager Guide to Training Non-Exempt Employees on CA Meal Period & Rest Break Compliance

30 minutes



**This training is mandatory and must be conducted at least twice a year**

## Prepare for the Training

- Step 1.** Instruct all non-exempt employees in your unit (including non-exempt managerial, professional, technical, and administrative employees, as well as hourly supervisors) to attend a training session.
- Step 2.** Be prepared to explain the following:
- When employees must be provided meal periods and rest breaks;
  - What are California's requirements regarding meal periods and rest breaks (e.g., duration, timing, off duty, uninterrupted, etc.);
  - What employees must do if they are not provided with a compliant meal period and/or rest break and the amount of the resulting premium(s);
  - What employees must do if they miss a time punch;
  - The importance of employees approving their timecards each pay period; and
  - What role the hourly supervisors play
- Step 3.** To prepare for training your employees, download and print the Training Sign-In Sheet, the CA Meal Period Rest Break Policy and Acknowledgment Form (the version for your non-exempt employees in both English and Spanish), and the Summary Chart available on the [Meal Period and Rest Break Policy - California](#) page of Sodexo LINK.

Also, review the applicable CBA for unionized employees. **To the extent an applicable CBA is more generous than California law, follow the CBA's requirements.**

- Step 4.** Print enough of the following documents to hand out to your non-exempt employees (both English and Spanish versions if you have any Spanish speaking employees):
- California Meal Period and Rest Break Policy / Acknowledgment Form for your non-exempt employees; and
  - Summary Chart of how many meal periods and rest breaks are required and when to take them.
- Step 5.** Allocate 30 minutes to complete this training session.

## Train Your Team

### ***Distribute important documents:***

Distribute copies of the California Meal Period & Rest Break Policy / Acknowledgment Form and the Summary Chart to those being trained.

### ***Discuss the purpose of the training:***

Explain that providing compliant meal periods and rest breaks to employees is mandatory and important to Sodexo Live!. Also explain that the failure to take a compliant meal period and/or rest break violates Company policy and may negatively impact work performance.

### ***Identify the requirements for compliant meal periods and rest breaks:***

**Explain** these specific requirements under California law and Company policy:

**For meal periods:** If an employee works more than 5 hours per day, the employee is entitled to a 30-minute, unpaid, uninterrupted, duty-free meal period. The meal period must begin on or before 4 hours and 59 minutes into the shift. For example, if the employee's shift starts at 8:00 a.m., the employee must begin the meal period by 12:59 p.m.

If an employee works more than 10 hours per day, the employee is entitled to a second 30-minute, unpaid, uninterrupted, duty-free meal period. The meal period must begin before the employee completes the tenth hour of work (which is 9 hours and 59 minutes into the employee's shift).

**For rest breaks:** Let employees know that they must be authorized and permitted to take a paid, duty-free, uninterrupted, 10-minute rest break every "4 hours of work" or "major fraction thereof," which is defined as two hours. Specifically:

- a. If an employee works *less than* 3.5 hours, no rest break is required.
- b. If an employee works from 3.5 hours to 6 hours, one rest break is required.

- c. If an employee works from 6 hours and 1 minute to 10 hours, a second rest break is required.
- d. If an employee works from 10 hours and 1 minute to 14 hours, a third rest break is required.

It is important to stress that an employee's 10-minute paid rest break begins once the employee reaches the place of rest (e.g., the breakroom).

**For meal periods and rest breaks:** Explain that employees must not perform any work duties or be on call for any reason during meal periods and rest breaks. Also explain that employees are permitted to leave the premises for the duration of their meal periods and rest breaks. Let employees know where to find their schedules to ensure they take their meal periods and rest breaks on time.

***Describe how to report violations and recover the related premium(s):***

Explain that a missed, short, late, or interrupted meal period or rest break may require a premium payment for the employee and that employees must immediately report such violations to a supervisor or manager and complete a related entry on the Punch Exception Log.

***Describe how to handle missed punches and stress the importance of timecard approvals:***

Explain that if they are not provided a meal period or rest break, they should notify their supervisor, manager, or Human Resources immediately.

Explain that when employees miss a punch, they must promptly complete an entry on the Punch Exception Log with their name, shift date, reason code, missed/correction to punch times, and include their initials for verification.

Reinforce that employees must approve their timecard every pay period. By doing so, they are acknowledging that their timecard (including meal periods) is accurate and complete.

***If you have hourly supervisors at your unit:***

Remind your hourly supervisors that they are a role model and ask them to follow best practices regarding California meal periods and rest breaks and pass along those best practices to others on their shift.

Also remind hourly supervisors that they should ensure that the employees on their shift:

- ✓ Receive their meal periods and rest breaks and remind them of when their meals and rest breaks are scheduled. Ensure coverage is available.
- ✓ Are relieved of all duty and permitted to leave work premises for duration of meals and breaks. Employees cannot be "on call" for any reason.
- ✓ Clock or sign out and in for their 30-minute unpaid meal periods.

- ✓ Let their supervisor know whenever a meal period or rest break is missed so the supervisor can report it to a manager.
- ✓ Use the Punch Exception Log to record any missed punches; initial the entry.
- ✓ Approve their time each pay period for accuracy.

### ***Obtain the required signatures:***

Ask non-exempt employees (including hourly supervisors) to review, sign and date the California Meal Period and Rest Break Policy / Acknowledgment Form. Next, make a copy of the form for the employee and place the original in the employee's file. Employees should review, sign and date the form even if they previously signed one (which they should have done at their new hire orientation)

Ask that employees sign the attendance sheet to verify their participation in the training. You as their manager must also sign the sheet and save it in your file as you would any other training record.

### ***Closing information:***

Say "Let's recall what we've learned" and call on employees to answer the following questions:

- a. How many hours must you work to qualify for a meal period?
- b. When must your first meal period begin?
- c. How many hours must you work to qualify for a second meal period?
- d. When must your second meal period begin?
- e. Must your meal period last at least 30 minutes?
- f. How many hours must you work to qualify for a first rest break?
- g. How many hours must you work to qualify for a second rest break?
- h. Must your rest break last at least 10 minutes?
- i. What do you do if your meal period and/or rest break is missed, late, short, or interrupted?
- j. What do you do if you miss a timecard punch?
- k. How do you approve your timecard each pay period?

Finally, reinforce that a failure to comply with California law and Company policy with respect to meal periods and/or rest breaks will result in constructive counseling up to and including termination.