



State of California
DIVISION OF LABOR STANDARDS ENFORCEMENT
MEMORANDUM

DATE: February 6, 2007

TO: DLSE Staff

FROM: Lupe Almaraz, Deputy Chief

SUBJECT: Meal Period Requirement Under IWC 14-2001

The purpose of this memorandum is to clarify that language in IWC Order 14-2001 regarding meal period obligations is distinct from that of the other Orders. We have recently been advised that field enforcement personnel have used an incorrect standard and are requiring self audits simply because the employer's records do not reflect that a meal period was taken.

Specifically, IWC Order 14-2001 provides under section 11 that "Every employer shall authorize and permit all employees after a work period of not more than five (5) hours to take a meal period of not less than thirty (30) minutes...."

In contrast, all other Orders provide that "No employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than 30 minutes...."

The distinction made by the IWC is clear in that the obligation of the employer under Order 14 is to authorize the worker to take a meal period and not to dissuade or deny the worker the opportunity for the entitled meal period (same standard as for rest period).

Please ensure that this subject is discussed with all staff as it is raised as often in BOFE investigations as it is in individual wage claims (and hearings).

Cc: DLSE Management