



California Employers Should Review Time-Keeping Practices for Meal Breaks, *SHRM*, ft. Allyson Thompson

Allyson Thompson, partner in the KD Los Angeles office, was quoted in Lisa Nagele-Piazza's *SHRM* article on time-clock punches for employee meal periods in California.

California employers are prohibited from rounding time-clock punches for employee meal periods, according to a recent ruling by the state's high court.

Employees in the Golden State generally must receive a 30-minute unpaid meal break for every five hours they work. "The meal period provisions are designed to prevent even minor infringements on meal period requirements, and rounding is incompatible with that objective," wrote Justice Goodwin Liu for the California Supreme Court on Feb. 25.

Additionally, the court said, if time records show evidence of noncompliant meal periods, the court will assume a violation was committed unless the employer proves otherwise.

Review Policies and Practices

Allyson Thompson, an attorney with Kaufman Dolowich & Voluck in Los Angeles, said employees should be accurately recording their own time every day. "If a supervisor is recording meal breaks every day at exactly 12:00, it's a red flag." The actual time an employee clocks out for lunch may be 11:59 or 12:02. So a timesheet that reflects a 12:00 to 12:30 meal period each day may signal to a court that the time was rounded.

Employers can have great policies and time-keeping software, Thompson said, but someone needs to ensure that employees are actually getting their full breaks. An employee in HR should be trained to look through time-keeping records to identify short breaks, she noted. Employees who received short breaks should be given the one hour of premium pay, and paystubs should clearly designate the payment as a meal break premium.

Said Thompson: "The golden rule is to pay for all hours worked."