

FLSA-372

May 10, 1988

This is in response to your letter of March 29 in which you ask if you can exclude from hours worked meal periods of less than thirty minutes under the special conditions you describe. On a voluntary basis your employees would receive meal breaks of only twenty minutes for a few weeks once or twice a year during your busiest season. The employees would be relieved of all duties in order to eat and the company would provide the meal at no cost to these employees.

The Wage and Hour Division of the Department of Labor administers the Fair Labor Standards Act (FLSA), the Federal law of most general application concerning wages and hours of work. This law requires that all covered and nonexempt employees be paid not less than the minimum wage of \$3.35 per hour and not less than one and one-half times their regular rates of pay for all hours worked over 40 in a workweek. The FLSA is discussed in more detail in the enclosed "Handy Reference Guide to the Fair Labor Standards Act."

The determination of hours worked under the Fair Labor Standards Act is discussed in Interpretative Bulletin, Part 785 (copy enclosed). As explained in section 785.19, bona fide meal periods are not working time under the act. Bona fide meal periods are those in which an employee is relieved from all duties for the purpose of eating meals. The periods are not coffee breaks or time off for snacks, which are in reality rest periods. Generally, 30 minutes is considered sufficient for a bona fide meal period. Where the employer and employees agree that a shorter bona fide meal period is sufficient, as is the case here, Wage Hour will accept the period agreed upon as being adequate.

We trust the above is responsive to your inquiry.

Sincerely,

Paula V. Smith
Administrator