

## Rules for Meal and Break Periods

Many employers are confused about their obligation to provide lunch breaks to employees and whether lunch breaks should be paid. This confusion may be the result of the fact that provisions of relevant state and federal laws are inconsistent.

Virtually all employers are covered by both the Fair Labor Standards Act (FLSA) and state wage and hour rules. If both federal and state regulations cover an organization, and the rules conflict on a specific point, the law that contains the provision that is most favorable for the employee must be followed.

### FAIR LABOR STANDARDS ACT (FLSA)

The FLSA does not require that employers provide lunch periods for employees. If an employer chooses to provide lunch breaks, absent special conditions, *meal periods of less than 30 minutes must be counted as working time*. In order to classify the meal period as non-working time, “. . . the employee must be completely relieved from duty for the purposes of eating regular meals.”

The FLSA also requires employers to permit employees who are nursing mothers to take reasonable break times during their working hours to express breast milk for their child (until the child reaches the age of one year). Employers must provide a place that nursing mothers can use to express milk that is not a bathroom, shielded from view, and free from intrusion by co-workers and the public.

Employers are not required to compensate nursing mothers for break times to express milk. If an employer already provides paid breaks to employees, however, a nursing mother who uses that allotted time to express milk must be paid in the same way that other employees are compensated for break time.

Employers with less than 50 employees are not required to provide breaks for nursing mothers if doing so causes significant difficulty or expense in relation to the employers’ size, financial resources, nature, or business structure.

STATE	REGULATION
<b>WISCONSIN</b>	<p>In Wisconsin, breaks are not mandated for adult employees. Break times of at least 30 minutes in duration at a time reasonably close to the usual meal period are encouraged and are considered to be determined directly between the employer and the employee.</p> <p>Employees under 18 years of age may not work longer than six consecutive hours without receiving at least a 30-minute duty-free meal period.</p> <p>Wisconsin regulations require employers to pay employees for “on-duty” meal periods which are defined as “meal periods where the employer does not provide at least 30 minutes free from work.” Regulations also state that “Any meal period where the employee is <i>not free to leave the premises</i></p>

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STATE	REGULATION
	of the employer will also be considered an on-duty meal period.”
MINNESOTA	<p>Minnesota regulations mandate employee lunch breaks under certain circumstances. If employees are scheduled to work for eight or more consecutive hours in a given workday, the employer must provide “. . . sufficient time to eat a meal.” Practically speaking, in light of the federal rules, a Minnesota employer must provide an uninterrupted lunch break <i>of at least 30 minutes before this lunch break could be deducted from working time</i>. This rule does not apply if a collective bargaining agreement establishes lunch breaks under different circumstances or in certain other limited circumstances.</p> <p>Employers must allow employees who work four consecutive hours adequate time to use a restroom.</p> <p>Minnesota employers are required to accommodate nursing mothers by providing reasonable paid break times during the day to express breast milk. The employer must make reasonable efforts to provide a place, other than a bathroom, that is in close proximity to the work area and is shielded from view and intrusion. The location must include access to an electrical outlet.</p> <p><i>Note: Effective January 1, 2022, Minnesota’s <a href="#">statutes</a> pertaining to nursing mothers were amended to prohibit an employer from docking an employee’s compensation for the time used to express milk. This obligation continues for up to 12-months following the birth of the child.</i></p>
ILLINOIS	<p>Illinois regulations mandate employee lunch breaks under certain circumstances. If employees are scheduled to work for seven and one-half consecutive hours or longer in a given workday, the employer must provide “. . . at least 20 minutes for a meal period beginning no later than five hours after the start of the work period.” This rule does not apply if a collective bargaining agreement establishes lunch breaks under different circumstances or in certain other limited circumstances.</p> <p>The meal period that is required by Illinois rules need not be paid. As previously noted, however, federal rules require that <i>meal periods of less than 30 minutes must be counted as working time</i>. Practically speaking, in light of the federal rules, an Illinois employer must provide an uninterrupted lunch break <i>of at least 30 minutes before this lunch break could be deducted from working time</i>. Illinois does not require that employees be allowed to leave the work premises during the lunch period in order to classify the lunch as non-working time.</p> <p>Illinois mandatory lunch rules apply to employees age 16 and over. Employees age 14 and 15 must be provided with a 30-minute meal period if they are scheduled to work five or more consecutive hours.</p> <p>Illinois employers are required to accommodate pregnant and nursing mothers. Specific reasonable accommodations may include: more frequent or longer bathroom breaks, breaks for increased water intake and periodic rest, and a private non-bathroom space for breastfeeding and expressing breast milk.</p>

STATE	REGULATION
<p><b>IOWA</b></p>	<p>In Iowa, breaks are not mandated for adult employees, except where noted below. Employers are not required to pay for breaks during the times employees are completely relieved of their job responsibilities. As previously noted, however, federal rules require that <i>meal periods of less than 30 minutes must be counted as working time</i>. Practically speaking, in light of the federal rules, an Iowa employer must provide an uninterrupted lunch break of <i>at least 30 minutes before this lunch break could be deducted from working time</i>. Employers can require employees to stay on the business premises during breaks. The following breaks are required:</p> <ol style="list-style-type: none"> <li>1. Minors younger than 16 must be given a 30-minute break if they are working five hours or more in a day.</li> <li>2. All employees must be allowed toilet breaks when needed.</li> <li>3. Workers covered by union contract may have provisions in their contract for breaks.</li> <li>4. Truck drivers have special requirements. Contact the Iowa Department of Transportation for regulations regarding breaks.</li> <li>5. Certain other limited categories of workers, such as airline pilots, may be entitled to mandatory breaks under applicable regulations. Check with the appropriate regulatory agency for such regulations.</li> </ol>