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Break Scenario - What would you do?

How confident are you in applying break laws?

Scenario:

John normally gets a 30 minute lunch break, but today he grabs a quick sandwich and returns to work after only 10 minutes. Which of the below statements is true?

- A) John must be paid an extra hour as a penalty for not receiving a full 30 minute break.
- B) John must be paid for 20 minutes of his 30 minute break.
- C) John must be paid for the full 30 minutes of his break.

The correct answer is **C**.

Federal regulations are more restrictive than California law in this scenario. Federal regulations say "bona fide" meal periods should be at least 30 minutes ([29 CFR §785.19](#)) and breaks under 20 minutes must ordinarily be paid ([29 CFR §785.18](#)).

So, if a meal break is less than 20 minutes, all of it must be paid to comply with federal law (even though California permits a short unpaid meal break).



California's Minimum Wage Increase Affects Exempt Employees As Well

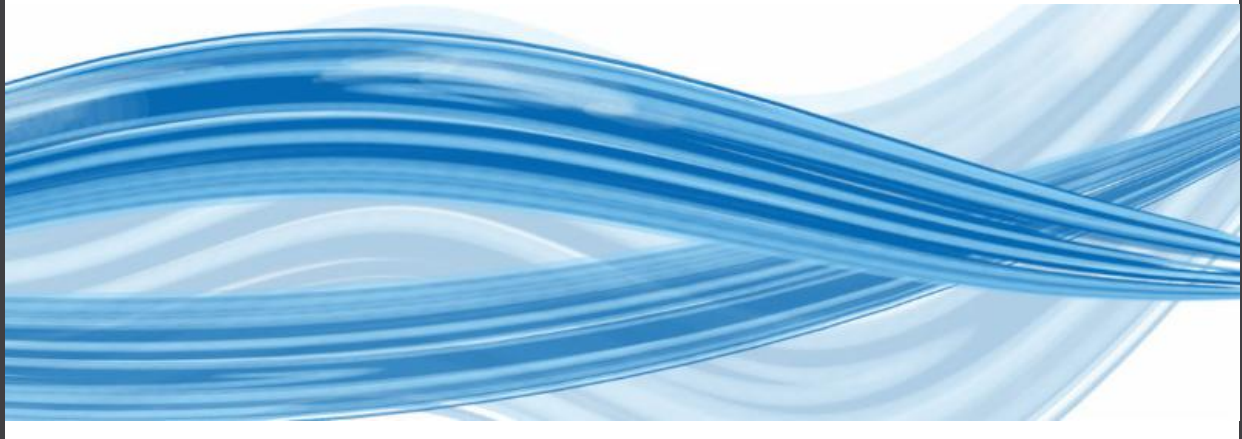
The California Minimum Wage increased to \$10 per hour as of January 1, 2016, but don't forget this will also affect private sector exempt employees. The minimum salary test for the California Executive, Administrative, and Professional Exemptions will increase to \$41,600 annually. So far, the minimum salary test only takes the state minimum wage into account and not local/city minimum wage rates like

San Francisco at \$12.25 per hour. However, the U.S. Department of Labor is expected to raise the federal minimum salary test to \$970 a week or \$50,440 annually later this year.



Right to Work May Be Coming to the Public Sector

The U.S. Supreme Court is currently considering the fate of public sector unions with the case Friedrichs vs CTA. Currently, CA Teachers are compelled to pay the California Teachers Association "agency fees" for collective bargaining purposes whether they are union members or not. Friedrich contends collective bargaining is fundamentally political and violates non-union members First Amendment rights of free speech by forcing non-members to subsidize positions they do not support. Oral arguments were heard on 1/11 and a decision is not expected until early summer. A ruling in Friedrichs' favor would reverse the Supreme Court's previous position requiring non-union employees to pay dues and prevent "free riders". It also has larger implications in states who currently authorize "agency shops" and would diminish the power public sector unions possess.



[Jennifer Searock PHR-CA, SHRM-CP](#) | Searock HR Consulting |

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