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Insights

DOL Clarifies When Meal Breaks May Be Unpaid

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The U.S. Department of Labor recently issued guidance addressing when employers may treat meal breaks as unpaid under the Fair Labor Standards Act (“FLSA”). While opinion letters are not binding legal precedent, they provide helpful guidance about how the DOL interprets and may enforce wage and hour issues.

As a general rule, the FLSA does not require employers to provide meal breaks. However, if an employer provides a meal break and treats that time as unpaid, the break must qualify as a bona fide meal period. To satisfy that standard, the employee must be relieved from work duties during the break.

When Must a Meal Break Be Paid?

The central issue in most meal-break cases is whether employees are required to work during the break or are actually relieved from duty. The break must be spent predominantly for the employee’s benefit, rather than the employer’s. If the employer receives the predominant benefit of the break time, the time must be paid. Whether a particular break satisfies that standard is a highly fact-sensitive inquiry.

Thirty minutes is typically sufficient for a bona fide meal period. Employees must be relieved from work duties, but employers are not required to allow employees to leave the premises for the break to remain unpaid.

What Does the DOL Guidance Say?

Opinion Letter FLSA2026-7 involved an employee working at a large, secured facility with controlled access points and parking located a significant distance from work areas. The employee claimed that, because of the time required to walk from the work area through security and to the parking lot, some employees had only 10–15 minutes remaining in their 30-minute meal break, creating a “coercive dynamic” that discouraged employees from taking breaks off-site.

The DOL concluded that the employer provided a bona fide meal period because the employee was relieved from work duties during the 30-minute break and could use that time to eat or engage in personal activities on-site. The DOL also explained that an employer need not exclude time voluntarily spent traveling off-site to obtain or eat a meal from the allotted break period and may require employees to take meal breaks on the employer’s premises.

Key Takeaway for Employers

This guidance reinforces several practical points for employers. First, the key question is whether employees are relieved from work duties during the break—not whether they can leave the facility or obtain food off-site. Second, time employees voluntarily spend traveling off-site during a meal period may count toward the allotted break time. Third, employers may require employees to remain on company premises during meal periods without automatically converting the time into compensable work time.

Employers should nevertheless remain mindful that state and local wage and hour laws may impose more protective meal-break requirements than federal law. Employers should evaluate meal-break policies accordingly.

If you have questions about wage and hour issues, including what constitutes a bona fide meal period under the FLSA, please contact any member of the Labor and Employment team at Krieg DeVault, LLP for additional guidance.
