

MEAL-AND-REST PERIOD WORKSHEET

1. Who is entitled to meal and rest periods?

In general, most employees are entitled to receive meal and rest periods. This is true even if you are

classified as an “independent contractor.” Certain limited classifications of employees are considered “exempt” and are not entitled to mandatory meal and rest periods. Most employees, however, are “non-exempt” and entitled to meal and rest periods. Many employers have incorrectly classified their employees. This worksheet assumes that you are “non-exempt.”¹

2. What are meal and rest periods?

a) Meal Periods

A meal period is an uninterrupted period during your workday of at least 30 minutes during which you are “off the clock.” If you work more than 5 hours in a day, your employer must give you a meal period. You must be relieved of all of your duties during this meal period. If not, then that 30 minute meal period must be counted as hours worked for which you must be paid. In addition, if you are not provided a meal period, or work during any part thereof, then you are entitled to an additional hour of pay for each workday that the meal period was not provided.

b) Rest Periods

A rest period is an uninterrupted period during your workday of at least 10 minutes during which you are still “on the clock.” The amount of rest periods that you are entitled to on a daily basis depends on the number of hours worked. For example, if you work 8 hours a day, you are entitled to 10 minute rest period for every 4 hours worked. However, an employer is not required to provide you with a rest period if your total hours worked for that work day is less than 3 1/2 hours. If you are not provided with an uninterrupted rest period, or if you work during part of your rest period, then you are entitled to an additional hour of pay for each workday that you were not provided with one or both of your rest periods.

You can only receive one extra hour of pay per day, regardless of how many meal and/or rest periods you miss.

3. How do you prove your claim?

Please fill out the attached form to determine the amount of wages you are owed for your employer’s failure to provide you with either a meal or rest period for each workday.

¹ There is no guarantee that you are entitled to meal and rest periods. We are proceeding under the assumption that you are a nonexempt employee entitled to same. A court may later determine that you are exempt and therefore not entitled to meal and rest periods. Until then, we need the information contained in the form to calculate your damages.

Please attach any time sheets, payroll records, or any other documents which demonstrate the amount of days you were not provided with either a meal or rest period.

4. How far back can you collect wages for not being provided a meal or rest period?

4 years from the date you file a lawsuit.

MEAL-AND-REST PERIOD WORKSHEET

	Time Period	Hourly Rates	Workday	Length of Meal Periods	Missed Meal Periods	Worked Meal Periods	Missed Rest Periods
	Identify each period of time (e.g., weekly, monthly, or annually) in which you were not provided with either a meal or rest period. Do not go back more than 4 years. If your regular rate changed, use different time periods.	Identify each hourly rate and the dates of same for each time period.	State the average # of hours you worked per day.	State the length of your scheduled meal periods.	On average, state the # of days you did not receive a meal period per week.	On average, state the # of days you spent working through your meal periods per week.	On average, state the # of days you did not receive a rest period per week.
1		\$					
2		\$					
3		\$					
4		\$					
5		\$					
6		\$					
7		\$					
8		\$					
9		\$					
10		\$					
11		\$					
12		\$					
13		\$					
14		\$					
15		\$					
16		\$					