



WHD-OL-1982-0003

August 30, 1982

**NAME\***

Thank you for your letter asking on behalf of one of your clients whether it may, under the Fair Labor Standards Act, schedule two uncompensated 30-minute meal periods during an 8-hour work shift.

Your client is engaged in industrial building maintenance. Its crews are stationed in various locations such as textile plants where they provide primarily janitorial service. Most of the plants operate 24 hours per day and the janitorial work has to be done continuously while the plants are operating. During each eight-hour workshift, your client has scheduled its employees to work and be paid for seven hours. The employees are off duty and are not paid for two meal periods of 30 minutes each during the eight-hour workshift. You state these are uninterrupted 30-minute meal periods when the employees are completely relieved from duty. You and your client have attempted to schedule meal periods to allow employees to eat meals at times that are convenient to them. This arrangement is not the result of collective bargaining. While your research has not disclosed any court decisions or opinion letters specifically on point, you believe that the two 30-minute meal periods in an 8-hour workshift may be excluded from compensable work hours since all employees were advised of the schedule prior to their employment.

It is the Department's position that bona fide meal periods need not be considered compensable hours of work under the Act. To constitute a bona fide meal period, it must be a period set aside for a regular meal and must be long enough to allow the employee to use it for this purpose; it must occur at a scheduled hour or within a specified period at a time of day which, in the light of the employee's working hours, is suitable for a normal meal period; and, finally, it must be an uninterrupted period during which the employee has no duties whatever to perform. If so-called meal periods do not meet these test, they must be considered hours worked and paid for accordingly.

The scheduling of two 30-minute meal periods during the same eight-hour shift is, at the very least, unusual. However, if an employee is completely relieved from duty and is able to use the time effectively for his/her own purposes, it is our opinion that the regularly scheduled 30-minute meal periods may be excluded from compensable work hours. Our opinion would be the same even if an employee were to choose not to consume a meal during either or both of the meal periods.

Sincerely,

William M. Otter  
Administrator

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\*Note: The actual name(s) was removed to protect privacy in accordance with 5 U.S.C. § 552(b)(7).