

## Wage Theft Ordinance Fact Sheet

### Meal & Rest Breaks

Seattle's Wage Theft Ordinance, Seattle Municipal Code (SMC) 14.20, protects against wage theft by creating requirements for payment of wage and tips in Seattle. The law applies to employers that have one or more employees that perform work in Seattle. This law became effective on April 1, 2015.

The law requires employers to pay employees "all compensation owed" by reason of employment. This broad requirement means a failure to follow Washington State meal and rest break law in Seattle can be enforced through private litigation under this law or enforced by the Seattle Office of Labor Standards (OLS).

#### What are rest period requirements under Washington State law?

Employers must give one *paid*, ten-minute rest period for every four hours of work to employees who are subject to the Washington State Minimum Wage Act. If employers do not provide this, the rest period is considered missed.

Employees can take rest periods intermittently if: (1) The intermittent breaks add up to 10 minutes over the four-hour period, and (2) each intermittent break is long enough to give a true break from work and an opportunity for relaxation. Employees cannot waive their rest periods.

#### What are meal period requirements under Washington State law?

For work shifts of more than five consecutive hours, employees must receive a meal period of at least 30 minutes between two and five hours from the start of the shift. If these conditions are not met, the meal period is considered missed.

- An employee cannot be required to work more than five hours without a meal period.
- An employee can waive their meal periods, but the employee may change their mind at any time.
- If an employee must remain on the worksite and act in the interest of the employer, any time spent performing work tasks is not considered part of the meal period.
- Meal periods *may be unpaid* only if: (1) The employee receives at least 30 minutes of uninterrupted mealtime, and (2) the employee is completely relieved of work duties.
- Meal periods may be intermittent, so long as: (1) the total amount of mealtime during which the employee is completely relieved of work duties adds up to 30 minutes, and (2) the mealtime is *paid*.

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#### More Information

Call: (206) 256-5297

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## What are payment requirements for missed rest and meal periods?

An employer must pay an employee for a missed rest or meal period in addition to payment for the active time that the employee worked. The examples below help explain.

**Example -- Restaurant Employee.** This employee worked a six-hour shift and had two intermittent breaks of three minutes for a total of six minutes. The employer gave the employee a meal at the end of the shift for the employee to eat after clocking out. The employee missed one 10-minute rest period and one 30-minute meal period.

The employer must pay the employee for six hours of active work, one missed rest period, and one missed meal period.

**Example -- Construction Employee.** This employee worked from 8 am to 4:30 pm and took 10-minute rest breaks at 10 am and 2 pm during which time they stopped working and walked away from the jobsite. At noon, they stopped working for 15 minutes to eat lunch, but then went back to work. The employee had two rest periods and missed one 30-minute meal period.

The employer must pay the employee for eight hours and 30 minutes of active work, and one missed meal period.

**Example -- Security Employee.** This employee worked from 3 pm to 11 pm. Their duties required them to be always reachable by walkie-talkie. The employer encouraged them to take 10-minute rest breaks at 5 pm and 9 pm, and a 30-minute meal period at 7 pm. At 5 pm, they began a rest break that was interrupted after six minutes. Twenty minutes later, they took four more minutes of break time (for a total of 10 minutes). At 7 pm, they began eating their meal at the desk, but had to respond to the walkie-talkie three times during their meal, though they did not leave the desk. They spent 30 minutes eating their meal and relaxing.

Before 9 pm, the fire alarm sounded, and the employee was busy through the end of their shift. The employee received one intermittent 10-minute rest period and one intermittent 30-minute meal period and missed one 10-minute rest period. The employer must pay the employee for seven hours and 30 minutes of active work, for a paid 30-minute meal break, and for one missed rest period.

## Seattle's Domestic Worker Ordinance

Seattle's Domestic Workers Ordinance provides rights related to meal and rest breaks for domestic workers, who can be either independent contractors or employees. This Fact Sheet does not cover that law's requirements. For information, visit OLS's Domestic Workers Ordinance webpage.

## Resources

The Office of Labor Standards has made several templates and required notices for employers available on its website (some in multiple languages) at <http://www.seattle.gov/laborstandards>:

- Wage Theft Ordinance, SMC 14.20
- Wage Theft Fact Sheet
- Annual Labor Standards Poster
- Notice of Employment Information Template

Resources for Washington State law on meal and rest breaks can be found on the Washington State Labor & Industries webpage at <https://lni.wa.gov>:

- Washington State Labor & Industries, Administrative Policy ES.C.6.1
- Revised Code of Washington 49.12
- Washington Administrative Code 296-126-092