



California Break Book Package



Ensuring compliance with California's strict and highly technical meal and rest break rules is a critical challenge for employers with operations in California. On May 23, 2022, the Supreme Court of California issued its [third key decision](#) on employee meal and rest breaks in a 14-month time period that significantly increases the liability exposure for California employers faced with ever-ubiquitous claims of noncompliant meal and rest breaks. In these three rulings, the state's high court established a [presumption of legal liability](#) based on discrepancies in the meal break time records and created new rules for the [calculation and payment of premium wages](#) for meal and rest break violations, as well as the recording of premiums on wage statements. This "trifecta" of precedent sets the stage for a new wave of meal and rest break litigation, both on a class-wide basis as well as on a representative basis under the Private Attorneys General Act (PAGA) that can involve millions of dollars of exposure for unwary California employers.

In addition to written policies, regular training, and audits of meal and rest break practices and timekeeping records, an "attestation" system that provides employees with the opportunity to regularly confirm whether they received compliant break opportunities can generate an essential record of compliance that can serve to prevent or even potentially defeat class and PAGA actions alleging break violations. To assist California employers in navigating the rules around break requirements and managing the related litigation risks, our attorneys have created a **California Break Book Package**.

This package includes:



A comprehensive meal and rest break policy that details the required frequency and duration of such breaks under California law, with accompanying acknowledgement, waiver, and revocation forms



A detailed PowerPoint presentation that employers can use to train employees on the timekeeping policy, the California meal and rest break policies, and the attestation process, as well as a comprehensive acknowledgement form for employees to sign



Comprehensive and detailed guidance for designing an effective attestation system, with recommended language for question prompts regarding the accuracy of employee timecards and opportunities to take meal and rest breaks



An attestation program guide for employees with instructions on the proper response to specific questions regarding meal and rest break opportunities



A sample timekeeping policy and corresponding employee acknowledgement form as to the rules and procedures for recording all time worked by nonexempt employees

Please reach out to the Ogletree Deakins attorney with whom you work for additional information.