

Working During Breaks

Recently, a number of lawsuits have been filed against employers by non-exempt employees claiming that they were not paid for time actually worked during their lunch breaks. These suits typically involve claims for overtime pay, since the employees' "off the clock" work usually pushes their weekly hours over the 40 hour limit. Though the employees are often simply attempting to meet deadlines or be more productive, the situation is obviously creating problems for their employers.

These suits serve as a reminder to supervisors of the importance of enforcing a "no work during lunch or other break" rule. Just having a policy forbidding work by non-exempt workers during meal breaks or requiring specific supervisor approval is not sufficient. A worker must be paid for time actually worked, even if he/she has failed to comply with the policy or rule in doing so. In the event that a worker continues to disregard instructions not to work off-the-clock, disciplinary action for insubordination or violation of policy may become necessary. In most cases, however, supervisor monitoring and an occasional reminder to employees should be effective.