

## MEAL AND BREAK PERIODS

### *Lunch*

Any employee who works for a period of more than (5) hours must have a meal period of not less than 30 minutes. A classified employee working (6) hours per day or less may *annually* waive their meal period by mutual agreement of both employee and employer, per Labor Code 512. Waiver form attached.

### *Breaks*

As far as breaks, *classified* employees must be permitted to take a rest period near the middle of each work period when practical. The time is based on total hours worked daily at the following rate: 15 minutes of rest time per (4) hours or main fraction thereof. Therefore, *classified* employees who work a:

- 4 hr. & 5 hr. day      one 15-minute break and no lunch
- 6 hr. day              one 15-minute break and a lunch not less than 30 minutes  
(unless they choose to waive the lunch)
- 7 hr. & 8 hr. day      two 15-minute breaks and a lunch not less than 30 minutes

The easiest way to explain the “main fraction thereof” is to look at the second block of the day. If the remaining hours exceed more than 50% of a 4-hour block (2 hours), the employee is entitled to an additional 15-minute break.

Attachment

**OFFICE OF CHRISTINE LIZARDI FRAZIER**  
**KERN COUNTY SUPERINTENDENT OF SCHOOLS**  
*Advocates for Children*

California Labor Code Section 512 allows for the waiver of a lunch period by mutual agreement between employee and employer for six hour per day – classified employees. This agreement is good for the duration of a school year unless revoked by either the employee or their supervisor for cause. At least two weeks notice should be given if revoked during the school year by either party.

REASON FOR WAIVER: \_\_\_\_\_

\_\_\_\_\_

PROGRAM	WORK SITE
_____ Employee's Signature	_____ Date
_____ Supervisor's Signature	_____ Date
_____ Administrator's Signature	_____ Date
_____ Deputy Superintendent's Signature	_____ Date

*Completed form should be sent to the Human Resources Department for placement in employee's personnel file. A copy will be sent to the employee.*