

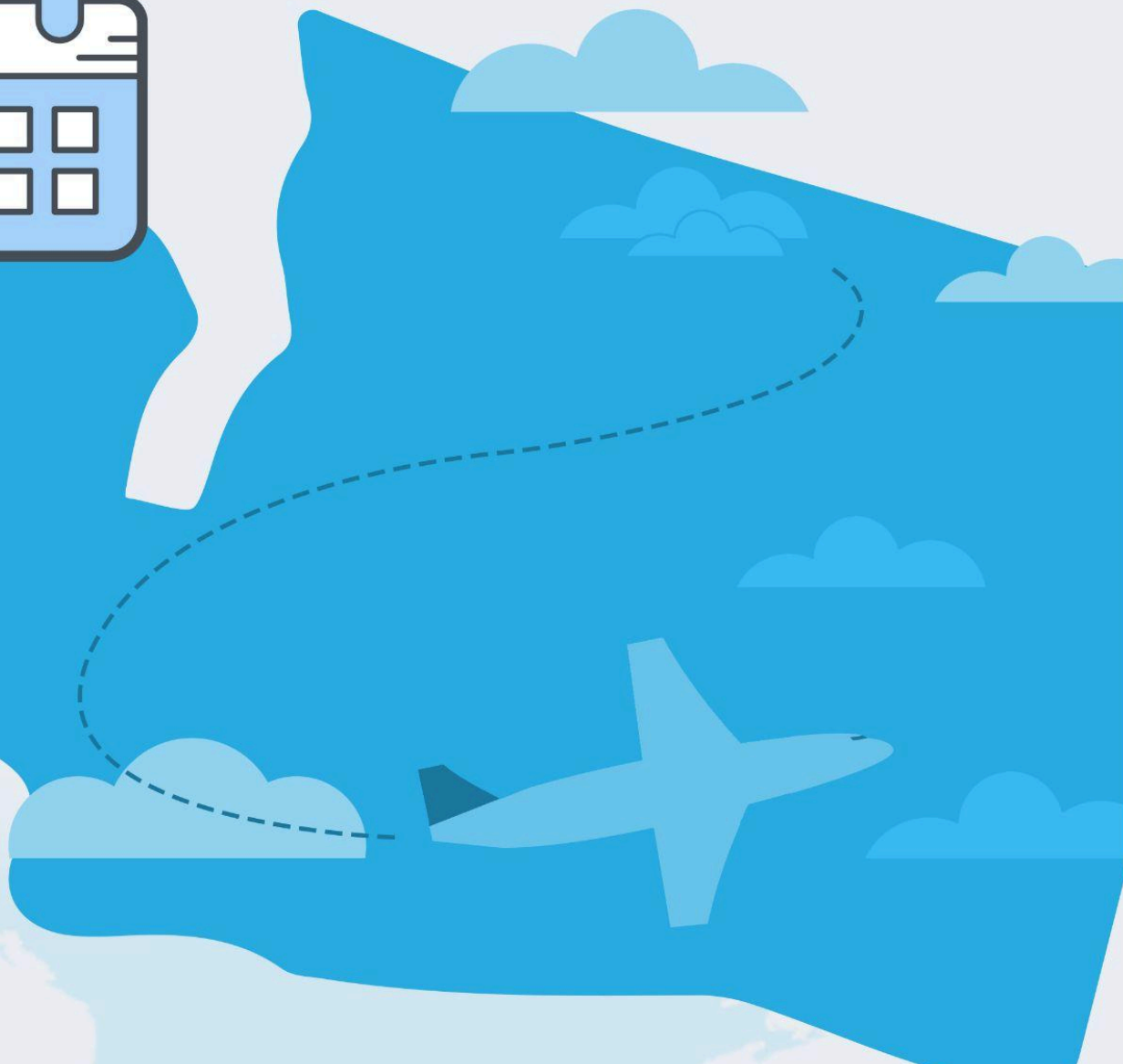


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# > WASHINGTON EMPLOYEE BREAK POLICY SAMPLES



# Washington State Employee Break Policy Samples

Below are sample break policies for Washington State employers. These samples are written in accordance with Washington Rest Break, Meal Period & Schedule Laws.

Included below are sample policies for:

- Employee Rest Breaks
- Employee Meal Breaks
- Express Milk Breaks

**Note:** *Washington State employers should be aware that there are special considerations for both healthcare and agricultural employees. If you operate in either of these industries, please note that the following policies may not be sufficient for your business. There are also special break requirements for minor employees*

# Employee Rest Break Policy

Eligible employees are entitled to paid rest breaks per Washington Labor Laws.

## Eligibility

All employees in Washington are entitled to paid rest breaks. Employees cannot waive rest breaks.

## Break Length

Employees are entitled to one 10-minute rest break for every four hours that they work in a shift.<sup>1</sup>

## Break Frequency

Employees shall not be required to work more than three hours straight without being given a rest break.

*For example, if an employee works a four-hour shift they are entitled to one break which must be scheduled after the third hour of work at the latest.*

Breaks shall be scheduled as close to the midpoint of a work period as possible.

## Employee Rights Regarding Rest Breaks

When taking a rest break, employees shall be free from duties. Rest breaks shall also be considered “hours worked” when paid sick leave and overtime are being calculated.

Employers may require employees to stay on the job site during their rest break.

<sup>1</sup> *Employers may implement “mini” rest breaks instead of a scheduled rest break. These types of breaks must still total at least 10 minutes over a 4-hour period in order for the exception to apply.*

# Employee Meal Break Policy

Eligible employees are entitled to meal breaks per Washington Labor Laws.

## Eligibility

All employees in Washington working more than five hours in a shift are entitled to a meal break. Employees may waive their meal break requirement if an agreement is made with the employer.

## Break Length

Employees are entitled to 30 total minutes of mealtime, excluding interruption, per meal break.<sup>1</sup>

## Break Frequency

Meal breaks shall begin between the second and fifth hour of an employee's work period or shift.

Meal breaks shall also be scheduled as close to the midpoint of a work period as possible.

## Employee Rights Regarding Meal Breaks

Unpaid meal breaks are not considered "hours worked." However, in the following circumstances, an employee's meal break shall be paid:

- Required to remain on duty during their meal period
- Called back to work during their break
- Required to remain on-call on the premises or work site in the interest of the employer, even if they are not called back to duty

If the meal break is paid, the entire break time shall be paid and considered "hours worked" when calculating paid sick leave and overtime.

<sup>1</sup> Employees may be entitled to more than one meal break if certain requirements are met.

# Express Milk Break Policy

Eligible employees are entitled to express milk breaks per Washington Labor Laws.<sup>1</sup>

## Eligibility

Most nursing employees shall be entitled to a reasonable break time and a private place to express breast milk in the workplace.

## Break Length

Covered employees are allowed to take reasonable time to express breast milk without denial from the employer for up to one year after the child's birth.

## Employee Rights Regarding Express Milk Breaks

Nursing employees shall be entitled to a private place, other than a restroom, shielded from view to express breast milk in the workplace.

When taking an express milk break, employees shall be completely relieved of duty while on the clock, or otherwise must be compensated for the given break time.

*<sup>1</sup> Employers with fewer than 50 employees are not subject to comply with express milk break requirements if the provisions needed would impose an undue hardship on the employer's business.*



*This content is provided as a sample and may not be suitable for all situations. This should NOT be considered legal advice or legal opinion. If you use this policy (either "as is" or by modifying it in its original state), you are legally responsible and liable for its contents. Note that you should always consult experienced counsel for legal advice.*