

Wisconsin Paid Break Laws – 4 Tips for Employers

A recent settlement of a class action wage and hour lawsuit in a Wisconsin federal court serves as an important reminder that failing to properly structure meal and break periods could result in significant liability.

The United States District Court for the Eastern District of Wisconsin recently approved a settlement of \$5.1 million (including attorneys' fees) in a wage and hour lawsuit. The plaintiffs alleged that the employer failed to properly pay employees for 20 minute meal periods over a three year period of time.

In light of this settlement, here are four tips for Wisconsin employers to consider when determining whether break periods must be paid:

1. Although Wisconsin and federal law do not require employers to provide break periods to employees age 18 or older, they are encouraged to do so. Employees under the age of 18 must receive a break period of at least 30 consecutive minutes in duration when working six hours or longer.
2. Breaks of less than 30 consecutive minutes must be paid. It does not matter whether the break is designated as a coffee break, "smoking" break, meal period, or nursing mother break.
3. Breaks where the employee is not permitted to leave the employer's premises must be paid, regardless of the length of the break. For example, if an employee is provided with a 45 minute break, but is not permitted to leave the employer's premises during that time, the break must be paid.
4. Breaks where an employee is not completely relieved of duties must be paid, regardless of the length of the break.

If you have any questions about when breaks must be paid, or would like us to review your breaks and meal periods policies, please contact Robert S. Driscoll, Katie D. Triska or your Reinhart attorney.

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