

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF LABOR STANDARDS ENFORCEMENT

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December 11, 2002

Paul K. Schrieffer, Esq.
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Re: **Hours worked - Split Shift** (00189)

Dear Mr. Schrieffer:

Anne Stevason, Chief Counsel for the State Labor Commissioner, has asked me to respond to your letter concerning the Industrial Welfare Commission Order 9-2001 as regards the issue of whether there is a designated amount of time that would turn a meal period into a split shift.

Order 9-2001, as with all of the orders, provides, *inter alia*, at Section 4:

"(C) When an employee works a split shift, one (1) hour's pay at the minimum wage shall be paid in addition to the minimum wage for that workday, except when the employee resides at the place of employment."

The Orders define the term "split shift" as: "a work schedule, which is interrupted by non-paid non-working periods established by the employer, other than bona fide rest or meal periods." (See Definitions, Section 2 of IWC Orders)

DLSE has historically taken the position that a "bona fide" meal period is one that does not exceed one hour (60 minutes) in length. The IWC is aware of this long-standing DLSE enforcement position.

The quick answer to your question, therefore, is that any interruption exceeding a one-hour period will give rise to a "split shift" situation.

2002.12.11

Paul K. Schrieffer, Esq.

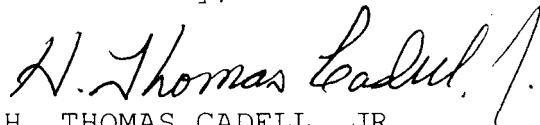
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The duty-free interruption (so long as it exceeds 30 minutes) would, of course, meet the requirements of a meal period.

We hope this adequately addresses the question you raised in your letter. We thank you for your interest in California labor law.

Yours truly,



H. THOMAS CADELL, JR.

Attorney for the Labor Commissioner

c.c. Arthur Lujan, State Labor Commissioner
Tom Grogan, Chief Deputy Labor Commissioner
Anne Stevason, Chief Counsel
Assistant Labor Commissioners
Regional Managers

2002.12.11