

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT

LEGAL SECTION

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MILES E. LOCKER, Staff Counsel

"Reimb. meals"

Question received by e-mail at DLSE Info Web Site:

From: Robert Roginson
[SMTP:Rrr@aalrr.com] <mailto:[SMTP:Rrr@aalrr.com]>
Sent: Friday, March 09, 2001 5:00 PM
To: Mlocker@dir.ca.gov
Subject: Reimbursement for meals

Are employers required under California law to reimburse employees for meal costs incurred while traveling on company related business? If so, may the employer set a cap on the amount the employee can claim for reimbursement?

Any response you could give to this would be greatly appreciated.

Robert Roginson

Response by DLSE Info by E-Mail:

March 19, 2001

Absent a contractual agreement, an employer would not be required to reimburse an employee for meals while on a business trip; in that the cost of meals (unlike, say, the cost of overnight lodging or transportation) is not incurred as a result of the business trip--the employee would have to eat meals whether on a business trip or not. However, if the employee was required to entertain the employer's customers by going to a restaurant with them, then the cost of the meals (for the employee and the customers, if paid by the employee) would be reimbursable by the employer under Labor Code section 2802.

Of course, the employer could set a cap-- provided the cap were reasonable -- on the amount the employee is authorized to spend.

Also, if the employee was required to attend a work-related meeting in a restaurant during which time a meal or drinks were served, the amount paid by the employee for food and drink would also be reimbursable under Labor Code section 2802; again, subject to a reasonable cap.

Miles Locker
Attorney for the Labor Commissioner

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