

DEPARTMENT OF INDUSTRIAL RELATIONS

## DIVISION OF LABOR STANDARDS ENFORCEMENT

525 GOLDEN GATE AVENUE  
SAN FRANCISCO, CA 94102ADDRESS REPLY TO:  
P.O. BOX 603  
SAN FRANCISCO, CA 94102

IN REPLY REFER TO

January 5, 1988

1988.01.05

Mr. Richard S. Rosenberg  
Ballard, Rosenberg & Colper  
10 Universal City Plaza, 16th Floor  
Universal City, CA 91608

Dear Mr. Rosenberg:

This is in reply to your letter of December 18, 1987 regarding the Division's application of Section 11 of the Industrial Welfare Commission orders when employees are required to remain on the employer's premises during meal periods.

The Division has historically taken the position that unless employees are relieved of all duties and are free to leave the premises, the meal period is considered as "hours worked."

This issue was the subject of a request for a preliminary injunction in the Superior Court of Sacramento County (enclosed are the Division's Points and Authorities, setting forth our position).

The court refused to issue the injunction. Therefore, it is still the Division's position that meal periods that restrict employees to the employer's premises must be paid as "time worked."

I hope this answers your questions, if not, please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lloyd W. Aubry, Jr.", written over a large, stylized flourish.

Lloyd W. Aubry, Jr.  
State Labor Commissioner

LWA/st

Enclosure