



### **Meal and Rest Period:**

Existing law requires employers to provide employees a 30-minute meal period before the completion of the fifth working hour and provide employees who work more than 10 hours an additional 30-minute meal period before completion of the tenth hour. These requirements are made even more inflexible by the California Division of Labor Standards Enforcement position that not only the meal period be taken in the time frame established but also require the employer to ensure that the break is actually taken and documented.

### **At Issue:**

The United States Supreme Court has issued an opinion regarding the proper application of state laws and regulations related to motor carrier rates, routes and services. *Rowe v New Hampshire Motor Transport Association*, affirmed the preemptive scope of the federal statute and explained in general terms the types of state regulations that would be subject to preemption.

Conflicting federal and state regulations of when “the nature of the work” prevents an employee from being relieved of duty have left trucking employers and drivers without a practical, consistent standard to apply and have created potential liability for the employers even where and when they agree to an “on duty” meal.

### **CTA Concerns:**

- These rigid California Meal period requirements severely disrupt many types of motor carrier operations leading to adverse economic, safety, and societal consequences.
- The transportation industry is often prohibited from taking specific meal breaks due to road conditions, geographical location, or other issues arising out of the nature of their employment.
- Mandated meal breaks and rest periods ignore simple safety conditions such as traffic, a driver’s ability to exit a freeway, access to food and ample parking.
- There are situations where a truck driver is required by law to remain in his vehicle, for example:
  - During transportation of certain hazardous materials
  - During transportation of high-value cargo
  - During transportation of livestock under certain conditions
- Truck drivers often work in situations that would deprive them of income without flexibility, for example:
  - The driver would lose his place in line at the port
  - The driver may miss his allotted time slot at the shipper’s dock
  - The driver may be held responsible for shortages, damage or theft unless present and attentive during loading and unloading