

Court: Some unauthorized breaks can be unpaid

Federal law requires paying employees for short breaks. That doesn't mean employees can take as many breaks as they want and expect to be paid for that time.

Recent case: Harold worked as a light-rail operator. When he had to pull his train into the storage yard, the task was supposed to take 46 minutes. Harold consistently took an extra 15 minutes to finish the job and always put in for overtime.

Eventually, the transit authority looked at why Harold took so long. It discovered that before pulling in the train, he took an unscheduled restroom break. It refused to pay OT.

Harold sued, claiming the breaks had to be paid. Therefore, he argued, the resulting overtime work should be paid, too. The court disagreed, reasoning that employers only have to pay for authorized breaks. (*Sheehy v. Santa Clara*, 9th Cir., 2017)