

MA Superior Court Adopts “Relief from Duties” Test to Determine If Meal Breaks Are Compensable

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In a recent decision, a Massachusetts Superior Court judge clarified the standard for determining whether employers must pay employees for time spent on meal breaks under Massachusetts law. In *Devito v. Longwood Security Services, Inc.*, the Court held that, under state law, employers must pay their employees for meal breaks unless the employees are relieved of all work-related duties during that time. In so holding, the Court rejected the application of the federal “predominant test,” which provides that meal breaks need only be paid when the employee’s meal break time is spent predominantly for the benefit of the employer. The decision holds that the standard Massachusetts employers must meet to avoid paying employees for meal breaks is much stricter than the federal standard.

The Court based its conclusion on the language of the Massachusetts Department of Labor Standards’ regulations, which the Court held to be a source of authority for determining whether certain hours worked should be counted for the purpose of a Wage Act claim. Those regulations provide that “Working Time” does not include “meal times during which an employee is relieved of all work-related duties.” Further, they state that all on-call time is compensable unless the employee is not required to be on work premises and is “effectively free to use his or her time for his or her own purposes.” Taken together, the Court found that meal breaks are compensable hours worked under the Wage Act unless employees are relieved of all work-related duties during the meal breaks.

The Court rejected authorities that applied the “predominant test” used under the federal Fair Labor Standards Act. It ruled that there was no reason to look to interpretations of the FLSA for guidance in interpreting the governing Massachusetts law and regulations because the law and regulations are unambiguous.

While this trial court decision is not binding on other courts, the decision demonstrates the risks that employers face when providing meal breaks to employees without relieving them of all duties. Prudent Massachusetts employers should review their meal break policies and pay employees for any meal breaks during which employees are expected to be available for work-related matters. Only if an employee is truly relieved of all work responsibilities during the meal break can a Massachusetts employer avoid paying employees for break time without risking a potential Wage Act claim.

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