Give workers a break, or face the consequences

By Holly Culhane, Contributing Columnist

There was a lot of "head shaking" at news reports this month that the City of Los Angeles will pay trash-truck drivers $26 million to settle a lawsuit over the city's ban on lunchtime naps.

Concerned about potential bad publicity, city officials had prohibited drivers from snoozing in their trash trucks and, among other things, eating in large groups at restaurants during their meal breaks.

This month, the Los Angeles City Council settled a class-action lawsuit involving nearly 1,100 sanitation workers by agreeing to pay an average of $45,000 in lost wages for each driver. Drivers' attorneys will receive nearly $8.7 million.

While this lawsuit may seem funny to some, Los Angeles taxpayers aren't laughing. The city settled because its attorneys advised it would likely cost much more if the case went to trial.

The dispute centered on California law, which requires non-exempt workers be provided a 30-minute, uninterrupted, off-duty meal break that begins no later than the employee's fifth hour of work; and a 10-minute rest period for every four hours worked.

Sanitation workers successfully argued that the city's restrictions – which controlled where they could go, who they could dine with and what they could do -- essentially denied them their legally entitled breaks.

The Los Angeles case is just one of several recent attention-getting cases that demonstrate ignoring California labor laws can be costly.

Consider a sampling of other cases this summer:

--In July, a California state court granted "class certification" to about 21,000 current and former Apple employees who allege the Cupertino-based company denied them meal and rest breaks. Apple now must face several claims involving breaks and the payment of final checks to separating employees.

--Also in July, a California Supreme Court ruling opened the door for truck drivers working in California to make a claim for missed meal breaks under California law. The ruling turned aside arguments that California law was pre-empted by federal laws regarding working conditions.

--In August, two lawsuits were filed in Los Angeles County accusing rocket manufacturer SpaceX of enforcing shift and break schedules that shortened, interrupted or failed to provide meal and rest breaks.

The giant among meal-break class action lawsuits involved the Chili's restaurant chain and dragged on for a decade, eventually reaching the California Supreme Court.

Workers claimed the restaurant regularly told its employees to take early lunches, often right after starting work, and the employees would keep working for up to 10 hours without receiving another meal break. Employees also worked while supposedly on their lunch break. Chili's, which is owned by the Brinker Restaurant Corp., argued it had written policies authorizing meal and rest periods for employees. However, employees chose not to take breaks.

In 2012, the high court ruled that employers must provide a 30-minute uninterrupted meal period. But the meaning of "provide" was a central issue. Does it mean employers tell workers they can have a 30-minute break, or should they "police" the workplace to ensure employees take the break?

The Supreme Court concluded telling workers they can have a meal break is not sufficient. Employers must set aside an uninterrupted 30-minute period; give workers the freedom to come and go as they please during their break; and should not impede or discourage taking breaks. But the court did not require employers "police" their work places.

The high court's ruling allowed employees to pursue their claims in a class action lawsuit, returning the case to the trial court level. Two years after the Supreme Court decision, Brinker settled, rather than proceed to trial. It agreed to pay $56.5 million.

The bottom line: Employers must do more than give "lip service" to a labor law that can have costly consequences. Pay close attention….and implement properly.

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