

## **“Undue Hardship” Notice to Employees Regarding Meal and Rest Periods**

Pursuant to OAR 839-020-0050

([http://www.oregon.gov/BOLI/LEGAL/docs/Meal and Rest Periods Final Rule January2009.pdf](http://www.oregon.gov/BOLI/LEGAL/docs/Meal_and_Rest_Periods_Final_Rule_January2009.pdf)), employers are required to provide their employees with meal periods of at least 30 minutes of uninterrupted time in which the employee is relieved of all duties for work periods of at least six hours.

There are some exceptions to this requirement. One exception provides that employers that can show that providing a meal period would impose an “undue hardship” on the operation of the employer’s business are not required to provide 30-minute uninterrupted meal periods.

Employers claiming an undue hardship exception must still provide employees with adequate time to consume a meal, rest, and use the restroom, and employees must be paid for this time. In addition, **effective March 16, 2009**, employers must provide a copy of a notice to each employee affected by the undue hardship provision in the language used by the employer to communicate with the employee on a form prescribed by BOLI. Employers are required to retain and keep available to the commissioner a copy of the notice for the duration of the employee's employment and for no less than six months after the termination date of the employee.

The required notices are available at <http://www.oregon.gov/BOLI/WHD/docs/WH-161.pdf> (English) and <http://www.oregon.gov/BOLI/WHD/docs/WH-161S.pdf> (Spanish) or upon request from any BOLI office.