

**[Rosemary Enright]:** Hello, everyone. Mike and I are back at it. We are welcoming everyone, got lots to talk about, but I’m Rosemary Enright, labor and employment attorney with Barclay Damon. I’m joined by my colleague, Mike Sciotti. Mike.

**[Mike Sciotti]:** Hello, Rosemary. How are you today?

**[Rosemary]:** I’m great. Thanks. And, today, in response to, one of our client’s requests, we’re going to be discussing breaks and meal periods in New York State. So that’ll be the topic today. So get it teed up in your mind there, Mike. But beforehand, before we start, we’ve got to go with our question. So today’s question, Mike, is if you were forced or required, basically you got to leave the United States and live somewhere else. Anywhere. Where would it be?

**[Mike]:** Italy.

**[Rosemary]:** I love how fast you are with these answers, Mike. I mean, no pause. Tell us quickly: why Italy?

**[Mike]:** Food.

**[Rosemary]:** I knew you were going to say food. Oh, that’s awesome, that’s awesome. So I was you know, initially I was thinking Ireland because I’m Irish, of Irish descent and, and I love Ireland, and I thought it would be a lot of fun. And to my Irish, you know, ancestors, I’m sorry. I think I’m going to have to go with Spain. And, I love the food and their paella and all. It’s great. And I also just like the pace of the life cause it’s similar, Mike, to Italy. Right? Yeah. No. So, so you’ll be in Italy? I’ll be in Spain. We can hop on the train and visit each other. Right.

**[Mike]:** Only if I win Powerball tonight.

**[Rosemary]:** All right, gang, let’s jump right in here. Okay. So, New York State, my New York State, labor law section 162, sets forth all the requirements around meal periods. All right. And, you know, I think the reason our client asked for this is because it can get confusing. There’s a lot to it. So, Mike, I’m going to put the onus on you here. Break it down. All right. How should they be thinking about this?

**[Mike]:** And let’s keep it big picture because there’s a lot of details you need to get into. Question one, there are two different rules. There’s a rule for factory workers and non-factory workers. Factory workers get a 60-minute meal period. Non-factory gets a 30-minute meal period. There’s also one other classification that the 30-minute people can try to get it down to 20 minutes. They have to file a petition with the Department of Labor. And the Department of Labor will come in and investigate. But first question simply is which one are you: factory or non-factory? Then I think the next question is how long does your shift last. Because the rules get tied into a shift of six hours or more. Next question is: what are the hours, start and end time of the shift. Because that will also determine the timing of it. And in some cases whether you get a second meal period. So in the big picture sense, that’s it. But if, you know, I think that’s the nice, simple explanation, at the 50,000-foot level. But generally speaking, it’s either going to be 60 or 30 minutes. I’ve seen very few 20s. To be, to be honest with you, I think most employers fall into the 30-minute meal period. And that’s what we’re dealing with. And, you know, a lot of what we have to deal