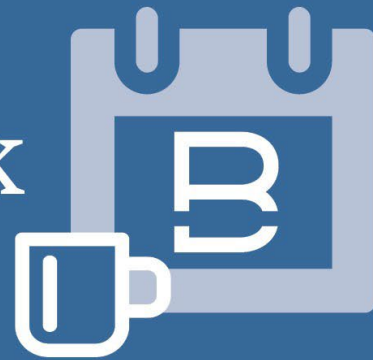


# The Work Week

Bassford Remele Employment Practice Group



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Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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## The Final Word: DOLI's December 2025 Guidance on Timing, Transit, and Penalties for Rest and Meal Breaks

[Andrew T. James](#)

As many Minnesota employers are aware, on January 1, 2026, the state's overhauled rest- and meal-break requirements officially took effect. In final guidance released earlier this month, the Minnesota Department of Labor and Industry ("DOLI") clarified requirements that transform this new benefit into a high-stakes compliance minefield.

On December 17, 2025, DOLI [issued new FAQs](#) intended to help employers and workers understand the updated requirements. Companies must navigate four vital clarifications following the January 1, 2026 effective date.

### 1. The "Within" Requirement: A Scheduling Trap

A significant clarification by DOLI concerns the timing of rest breaks. The statute requires a 15-minute break "within" each four-consecutive-hour block of work. DOLI has confirmed that a rest break provided at the end of a four-hour working period—for example, allowing an employee to leave 15 minutes early or tacking the rest break onto a lunch hour at the four-hour mark—does not satisfy the law.

If an employee works from 8:00 a.m. to 12:00 p.m., the 15-minute break must be completed before 12:00 p.m. If the break starts at 12:01 p.m., the employer has technically failed to provide a break for that first four-hour block. This "within the window" rule removes the flexibility many managers previously used to balance staffing needs, effectively requiring a rigid, mid-shift pause that must be reflected in your official scheduling protocols.

## **2. Restroom Transit and the 15-Minute Rule**

The updated guidance also addresses the physical reality of the workplace, particularly for large-scale facilities. The law requires a 15-minute rest break or enough time to use the nearest convenient restroom, whichever is longer. DOLI clarified that if it takes an employee five minutes to walk to the restroom and five minutes to return, the 15-minute “clock” for the break effectively expands.

In this scenario, a 15-minute break that includes travel time would result in only five minutes of actual rest, which would be a violation. Employers with expansive campuses or security clearance areas must now account for transit time in their break policies. If your handbook simply allows a 15-minute rest break, but the physical environment makes a 15-minute total break insufficient for restroom use, your break policy may not be compliant.

## **3. Addressing Implicit or Silent Waivers**

DOLI also acknowledged that employees may voluntarily waive a break, but it has paired this with a strong recommendation: Employers should obtain written confirmation of waiver.

In a high-turnover or high-volume environment, the lack of a paper trail is a significant vulnerability. Without a signed waiver or a robust time-tracking system that requires an employee to attest that they were offered a break and chose to decline it, DOLI’s default position in an audit could be that the break was withheld by the employer. Likewise, in a lawsuit, an employer will want to have documentation to rebut allegations by employees that the break was withheld. If an employer does not require written confirmation of waiver of a break, even if the employer or manager believes the waiver is silent (i.e., an employee just keeps working), that decision could carry a risk of potential liability.

## **4. The Stakes: Liquidated Damages (Double Pay)**

DOLI’s guidance takes on increased significance because of the newly clarified penalty structure. DOLI has confirmed that the remedy for a missed break is not merely a warning or a minor fine. Instead, an employer who fails to allow a required break is liable for the wages the employee would have earned during that break plus an equal amount in liquidated damages. Notably, these remedies can be pursued by DOLI or through a private claim brought by an employee.

This “double-pay” penalty turns a minor scheduling error into a significant financial matter. For a single 15-minute rest break, the employer effectively owes 30 minutes of pay at the employee’s regular rate. When multiplied across a workforce or aggregated over months of “end-of-shift” rest breaks that technically fell outside the four-hour window, the exposure for liquidated damages can quickly escalate into a class-action-style liability by disgruntled current or former employees.

To ensure your scheduling, handbooks, and waiver forms are robust enough to withstand this new enforcement environment, it is critical to review your protocols with experienced

employment counsel as soon as possible. Bassford Remele's award-winning [Employment Practice Group](#) is here to help with these issues and more. Please reach out to discuss ways that we can help you protect your business or protect your rights.

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