



DOL Addresses Compensability of Meal Periods When Employees Voluntarily Leave Worksite

On May 28, 2026, the U.S. Department of Labor (DOL) issued Opinion Letter [FLSA2026-7](#), addressing whether an employer must consider time an employee voluntarily spends traveling off-site during a 30-minute meal period as compensable under the Fair Labor Standards Act (FLSA).

HIGHLIGHTS

- On May 28, 2026, the DOL issued Opinion Letter FLSA2026-7, addressing whether an employer must consider time an employee voluntarily spends traveling off-site for a meal period as compensable under the FLSA.
- The DOL confirmed that a 30-minute unpaid meal period during which employees are relieved from duty qualifies as a bona fide meal period under the FLSA, even if employees who voluntarily choose to leave the premises have less time to eat as a result of the facility's layout.

Background

The FLSA does not require employers to provide meal periods. However, if an employer chooses to provide meal breaks, the employer must comply with the FLSA's meal period requirements. In general, bona fide meal periods are not compensable if they are 30 minutes or longer and the employee is completely relieved from duty and not interrupted by work, even for a short time. Permission to leave the employer's premises during the meal break is not required for an employee to be relieved of all duties.

Under the FLSA, employees are not completely relieved of all duty during meal periods if they are required to perform any duties, whether active or inactive, while eating. For example, an office employee who remains at their desk while eating lunch and regularly answers the telephone and responds to customers is working. This time is compensable hours worked and must be paid because the employee has not been completely relieved from duty.

Key Highlights

Under the facts presented, the employer provided employees with an unpaid 30-minute meal break, during which they could leave the premises or remain at the worksite. The worksite was a large, secure facility with controlled access points and parking located at a significant distance from work areas. It took employees five to 10 minutes to walk from the work area to the parking lot, with additional time spent passing through the facility's security gates. The same time was required upon return. As a result, employees who voluntarily left the premises during meal periods had only 10 to 15 minutes left in their break to eat. The DOL confirmed that the employer provided a bona fide meal period in accordance with the FLSA because employees were relieved from work duties during the 30-minute period. As a result, the employer was not required to exclude (and consider compensable) time spent traveling off-site to acquire or eat a meal from a bona fide meal period or extend the 30-minute period to accommodate employees leaving and returning to their work area.

The DOL noted that the FLSA does not require absolute freedom for a meal break to be noncompensable. The FLSA permits employers to impose certain limitations or conditions on bona fide meal periods without compensating employees for that time.

Employer Takeaway

Opinion letters provide the DOL's official position on how labor and employment standards apply in specific situations. Employers that rely on opinion letters may be able to establish a "good-faith defense" under the law. This opinion letter confirms that a 30-minute unpaid meal period during which employees are relieved from duty qualifies as

a bona fide meal period under the FLSA, even if employees who voluntarily choose to leave the premises have less time to eat as a result of the facility's layout.