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DOL Opinion Letter: Meal Periods Remain Unpaid under Federal Law

On May 28, 2026, the U.S. Department of Labor’s (“DOL”) Wage and Hour Division issued Opinion Letter [FLSA2026-7](#), providing federal guidance on whether the time that employees spend voluntarily leaving an employer’s premises during an unpaid meal period constitutes compensable work time under the Fair Labor Standards Act (“FLSA”). The DOL concluded that such time is generally not compensable work time under the FLSA.

DOL’s Analysis:

The Opinion Letter addressed an employee with a workplace located within a large, secure, facility where employees received a 30-minute unpaid meal period and were free to either remain on-site or leave the premises. Employees who chose to leave the facility for a meal had to walk to parking areas and pass through security checkpoints, reducing the amount of time available for an off-site meal.

The DOL reiterated its longstanding position that a meal period qualifies as a “bona fide, non-compensable” meal period, under the FLSA, when an employee is completely relieved from duty for the purpose of eating a regular meal.

Accordingly, the DOL explained that an employee’s voluntary decision to leave the premises during a meal period does not convert the otherwise unpaid meal time into compensable work time, nor does the employer have to extend the meal period to account for travel time associated with an off-site meal.

Federal Guidance for Employers:

Hotel and resort employers frequently operate large properties where employees may need to walk considerable distances between work areas, employee cafeterias, parking lots, or property exits. The Opinion Letter reinforces that, under the FLSA, an uninterrupted 30-minute meal period will generally remain unpaid so long as employees are completely relieved of all duties.

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The Opinion Letter also confirms that employers are not required to permit employees to leave the premises for a meal period to be non-compensable. Further, time employees spend voluntarily leaving the premises during an unpaid meal period generally does not constitute hours worked. Employers should nevertheless ensure that employees are fully relieved of work responsibilities during unpaid meal periods and are not required to perform work duties.

State and Local Law Considerations:

While the Opinion Letter provides useful guidance regarding **federal** law, employers should proceed carefully. State and local wage and hour laws may impose meal-period requirements that are more generous to employees' rights than the FLSA, including requirements regarding meal-period timing, duration, premium pay and on-duty meal periods.

This is particularly true in California. California law generally requires employers to provide non-exempt employees who work more than five (5) hours with an uninterrupted, duty-free 30-minute meal period no later than the end of the fifth (5th) hour, and employees must be free to use meal period time for their own purposes. Therefore, employers should review their meal-period practices under all applicable federal, state, and local laws before relying on the DOL's guidance.

Stokes Wagner will continue to monitor updates and will provide additional updates as they become available. If you have any questions, do not hesitate to contact a Stokes Wagner attorney.

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