

WAGE AND HOUR COMPLIANCE CHECKLIST

WAGE AND HOUR RISK AREAS (GENERAL)

- Identify and review time clock rounding practices for compliance and neutrality.
- Ensure systems capture all hours worked, including pre- and post-shift work.
- Verify compliance with meal and rest break requirements under applicable state law.
- Eliminate practices that result in unpaid time, even if unintentional.
- Evaluate exposure from small, recurring time discrepancies across the workforce.



WRITTEN BY:
Amy Robinson
Ally McLain

OREGON MEAL AND REST BREAK COMPLIANCE

- Provide a 30-minute meal period for shifts over 6 hours. If the work period is at least six hours but less than seven hours, the meal period should be taken after the second hour worked and prior to the commencement of the fifth hour worked. If the work period is more than seven hours, the meal period should be taken after the third hour worked and prior to the commencement of the sixth hour worked.
- Provide a paid 10-minute rest period for every 4 hours or major portion thereof.
- Treat any meal period under 30 minutes as compensable time and review for correction.
- Ensure employees receive uninterrupted, duty-free meal periods or are paid for the entire meal period.
- Avoid automatic meal deductions, or strictly ensure no work is performed during deducted periods.
- Implement timekeeping attestations for meal and rest breaks.
- Train supervisors not to interrupt breaks and ensure adequate staffing coverage.
- Document meal period waivers individually and in writing, consistent with Oregon's narrow waiver rules.
- Audit time records against schedules and operational data to identify off-the-clock work.
- Ensure employees acknowledge meal and rest break policies.

- Apply consistent discipline for violations, including supervisor enforcement failures.
- Account for potential overtime implications from unpaid meal-period work.
- Recognize that shortened meal period claims may constitute recoverable wages with potential penalties.

WASHINGTON MEAL AND REST BREAK COMPLIANCE

- Provide a 30-minute meal period for shifts over 5 hours. The meal period must start between the second and fifth hours of the shift.
- Provide a paid 10-minute rest period for every 4 hours worked.
- Ensure second meal periods are provided for qualifying longer shifts.
- Avoid automatic meal deductions unless paired with real-time employee attestation and supervisory review.
- Maintain systems that prompt required second meal periods.
- Implement voluntary, knowing, and revocable meal period waivers with signed documentation.
- Retain waiver records sufficient to meet evidentiary burdens in litigation.
- Ensure workplace practices do not discourage employees from taking breaks.
- Address risks tied to missed breaks, rounding, and unpaid wages, including overtime and statutory penalties.
- Confirm compliance with Washington Paid Sick Leave implications tied to wage violations.

ROUNDING AND TIMEKEEPING PRACTICES

- Conduct neutrality audits of rounding practices using actual punch data.
- Discontinue rounding if it trends in the employer's favor, even slightly.
- Consider transitioning to exact time capture, particularly in Oregon.
- Establish a neutral, documented process for correcting missed punches.
- Avoid combining rounding with other high-risk practices (e.g., auto-deductions).
- Maintain complete and accurate timekeeping records for required statutory periods.

TIMEKEEPING SYSTEM CONTROLS

- Require employee attestations for accuracy of time entries and break compliance.
- Ensure supervisors regularly review and approve time records.
- Implement safeguards preventing off-the-clock work.
- Align system design with state-specific legal requirements, not just federal standards.

POLICY AND PRACTICE ALIGNMENT

- Compare written wage and hour policies with actual workplace practices.
- Update policies to address rounding, automatic deductions, and break procedures explicitly.
- Ensure policies are specific enough to guide real-world application.
- Require employee acknowledgment of all wage and hour policies.

TRAINING AND SUPERVISION

- Provide regular training to supervisors on:
 - Meal and rest break requirements
 - Prohibition on interrupting breaks
 - Prevention of off-the-clock work
- Conduct periodic refresher trainings, not just onboarding.
- Hold supervisors accountable for enforcement failures.

WAIVERS AND DOCUMENTATION

- Use individualized, written, and revocable meal period waivers.
- Eliminate blanket or system-default waivers.
- Maintain documentation in a format defensible in litigation.
- Ensure all timekeeping corrections are documented and traceable.

AUDIT AND MONITORING

- Conduct regular internal audits of timekeeping and payroll practices.
- Require daily or weekly supervisor review of timecards.
- Perform periodic (at least annual) audits of meal/rest compliance.
- Re-audit after any system, staffing, or scheduling changes.
- Cross-check time data with operational records to detect discrepancies.

REMEDIATION AND RISK MITIGATION

- Establish a protocol for identifying and correcting systemic issues.
- Provide back pay promptly where violations are identified.
- Address root causes (systems, staffing, supervision), not just symptoms.
- Document all corrective actions taken.
- Treat proactive remediation as a risk-reduction strategy against class claims.

Disclaimer: This summary is not legal advice and is based upon current statutes, regulations, and related guidance that is subject to change, with or without notice. It is provided solely for informational and educational purposes and does not fully address the complexity of the issues or steps employers must take under applicable laws. For legal advice on these or related issues, please consult qualified legal counsel directly.