

Wage & Hour Defense Blog

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Waiver of California's Day of Rest

By: [Marisa Ratinoff](#)

A federal judge takes on California's day of rest statutes and finds Nordstrom did not violate the California Labor Code where the plaintiffs voluntarily worked more than six days in a row. In [Mendoza v. Nordstrom](#), the Central District Court played it as expected by denying the claims of two former Nordstrom employees holding that while an employer may not force an employee to work more than six consecutive days pursuant to Labor Code Sections 551 and 552, the employer will not be found liable where the employee chooses to waive his or her day of rest. Continuing the Brinker trend of allowing employees to waive breaks without holding the employer liable, the Court recognized that while an employer must make a day of rest available, it need not ensure the employee actually takes it.

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