



Mineral



Question of the Week

OCTOBER 19, 2022

QUESTION

We have discovered an employee has been sleeping during lunch breaks. Can we ask employees not to sleep in the office during their lunch break (or any other unpaid break)?

ANSWER

It depends. Generally, employees can use unpaid breaks as they see fit. However, if the employee sleeping is affecting their work, disrupting others, or otherwise negatively impacting the business, you could (and should) address those issues. For example, if the employee is sleeping at the front desk where customers can see them, you could tell them not to nap there. If they're routinely late returning to work, you could discipline them for their tardiness. But if the naps aren't affecting their work or disrupting the workplace, it may not be worth addressing at all. Research suggests that a "[10- to 30-minute power nap](#)" can improve a person's mood, alertness, and focus.

If you raise the issue with the employee, we recommend that your first step be to ask why they are sleeping during the day. They may have a good reason. If it's related to a disability, you are required to engage in the interactive process and will need to allow the employee to nap *somewhere* as a reasonable accommodation under the Americans with Disabilities Act, unless it creates an undue hardship or direct threat, or another effective accommodation is available.

This Q&A does not constitute legal advice and does not address state or local law.