

**KAISER MEDICAL CARE PROGRAM
ORANGE COUNTY AREA
POLICIES AND PROCEDURES**

TITLE:	CLINICAL LABORATORY P&P MANUAL	INDEX NO:	02-170-01
SECTION:	GENERAL	ORIGIN DATE:	3/82
SUBJECT:	MEAL AND REST PERIODS	REVIEW DATE	
		REVISION DATE	9/94, 5/00, 7/07, 2/17

MEAL AND REST PERIODS

POLICY

The California Labor code and Industrial Welfare Commission Wage Orders require employees to take rest and meal periods. Failure to comply with this legal requirement results in penalty payments to the employee and may result in heavy penalties to Kaiser Permanente as well.

Employees must notify management immediately if he/she will be unable to take a Meal or Rest Period because of workload or operational reasons. Failure to provide advance notice of an anticipated missed Rest or Meal Period, or failure to comply with the Meal and Rest Period policy may be subject to corrective/disciplinary actions.

MEAL PERIOD

- A meal period must be taken if the employee works more than 5 hours in a workday, e.g., lunch, of not less than 30 minutes during which you are relieved of all duties. However, if the total work period per day is no more than 6 hrs, the meal period may be waived by mutual consent (if received in writing).
- An additional meal period must be taken if the employee works more than 10 hours in a workday. However if the total work period per day is no more than 13 hours, the meal period may be waived by mutual consent (if received in writing).
- The first Meal Period must start before the completion of the fifth hour of work. For example, if an employee starts work at 8 AM she must start their lunch/meal period before 1:00 PM. The second Meal Period must start before the completion of the tenth hour of work.
- Employees relieved of all duties for their Meal Period are expected to take the entire 30-minute Meal Period. Any employee who works through a Meal Period for any reason must ensure he/she is reporting that as time worked in KP's timekeeping system.

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NOTE:

- **Employees who are not relieved of all duties and provided a Meal Period, provided a late Meal Period, or required to return early from a Meal Period, are entitled to one hour of Meal Period Pay.**
- **Employees who are relieved of all duties but voluntarily continue to work or return to work before the end of Meal Period are not entitled to Meal Period Pay.**

MEAL PERIOD PENALTY

- Kaiser Permanente is subject to a heavy penalty if a meal period is missed.
- Management will facilitate efforts to obtain a meal period. The process for this notification is:
 - a. On any given day you feel you cannot take a lunch/dinner break, you must communicate immediately to allow the supervisor/lead to arrange release for the meal and find a replacement if necessary. If neither is available, contact the supervisor on call (weekends) prior to the meal period (except for the graveyard shift).
 - b. Graveyard shift lab assistants must seek advice from the CLS for making arrangements for their meal period if they feel coverage is not available from the other staff members. All employees (CLS and lab assistant) must leave a detailed reason in writing for the supervisor explaining the reason for being unable to take a meal break including why coverage was not available from a co-worker or any other extenuating circumstances present.
- Enter the information on the missed meal period on the edit log. Refer to Timecard Edits Policy, Index No. 12-140 for policy on timecard edits.
- Failure to clock-in/out for a meal period or state “no meal taken” on the time record, without prior authorization, may lead to corrective action.

REST PERIODS

- Employees who work more than 3.5 hours of total daily work time are authorized and permitted to take an uninterrupted paid Rest Period of 15 minutes for each 4 hours worked (or major fraction thereof). The break begins when the employee leaves his or her work station and ends upon return. Meal and Rest breaks may not be combined (except for previously agreed upon situations). Ideally the first break should be 2 hours after the beginning of the shift. The second break should begin at least 45 minutes prior to the end of the shift. Breaks should be taken in such a manner as to provide maximum personnel coverage in all work areas.
- Employees are entitled to a certain number of Rest Periods depending on the length of time worked.
 - 3.5+ to 6 Hours – One Rest Period
 - 6+ to 10 Hours – Two Rest Periods
 - 10+ to 14 Hours – Three Rest Periods

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NOTE:

- **If an employee is not relieved of duties for a Rest Period, the employee will be entitled to Rest Period Pay.**
- **If an employee chooses to waive a Rest Period, the employee is not entitled to Rest Period Pay.**
- **Any and every time the employee believes that he/she cannot take a Rest Period because of work responsibilities, the employee must notify management immediately so that he/she can be released or management can make arrangements for a Rest Period later in the employee's scheduled workday.**
- **If the employee believes he/she is owed Rest Period Pay, he/she must notify a manager that same day.**

**REST PERIOD
PENALTY**

- Management will facilitate efforts to obtain a rest period. The process for this notification is:
 - a. On any given day you feel you cannot take a break, you must communicate immediately to allow the supervisor/lead to release the employee for the break and find a replacement if necessary.
 - b. Graveyard shift lab assistants must seek advice from the CLS for making arrangements for their break if they feel coverage is not available from the other staff members. All employees (CLS and lab assistant) must leave a detailed reason in writing for the supervisor explaining the reason for being unable to take a meal break including why coverage was not available from a co-worker or any other extenuating circumstances present.
- Rest period penalties are different from Meal Period penalties.
- Penalties are paid if it can be shown that an employee was ordered, encouraged or coerced to work during a rest period.
- If an employee freely makes the decision not to take a break, the employee is not eligible for penalty pay.

COMPLIANCE

Failure to provide the advance notice requirements for the rest and meal period requirements or otherwise comply with the requirements above may subject you to discipline/corrective action.

