


RIVERSIDE UNIVERSITY HEALTH SYSTEM – MEDICAL CENTER
Housewide

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Title: <p style="text-align: center;">Meal and Rest Policy</p>	Effective Date: <p style="text-align: center;">12/28/2022</p>	<input type="checkbox"/> RUHS – Behavioral Health <input checked="" type="checkbox"/> RUHS – Community Health Centers <input checked="" type="checkbox"/> RUHS – Hospital Based Clinics <input checked="" type="checkbox"/> RUHS – Medical Center <input type="checkbox"/> RUHS – Public Health <input type="checkbox"/> Departmental	
Approved By:  <p style="text-align: right;">Jennifer Cruikshank CEO/ Hospital Director</p>		<input type="checkbox"/> Policy <input type="checkbox"/> Procedure <input type="checkbox"/> Guideline	

1. SCOPE

1.1 This policy applies to all Riverside University Health System non-exempt employees that provide direct patient care or support direct patient care in RUHS – Medical Center, Community Health Centers, and Hospital Based Clinics.

2. POLICY

2.1 RUHS recognizes the importance of rest for employees throughout the workday and provides appropriate breaks and meal periods. The policy and procedures are to provide employees and supervisors with appropriate guidelines for meal and rest periods.

2.2 It is the policy of RUHS to comply with all applicable MOU, state and federal laws pertaining to employee meal and rest periods.

2.3 Meal Periods shall be:

- a. Scheduled in accordance with California law and according to unit-specific procedures to accommodate operating requirements.
- b. Employees will be relieved of all duties during meal periods and will not be compensated during that time.
- c. Employees will also be relieved of all duties during rest periods, but that time will be compensated.
 - i. In the event that an employee cannot be relieved of all duties, the meal period shall be considered an “on duty” meal period and counted as time worked.
 - ii. The on-duty meal period is only applicable in special instances as defined. When an employee works an on-duty meal period, they will be compensated pursuant to applicable California law.

2.4 Under California law, employees are to be provided a thirty (30) minute, unpaid meal period when they work more than five (5) hours. If an employee’s shift is completed by the end of six (6) hours, the meal period may be waived by mutual consent of the facility and the employee. Employees who work shifts in excess of ten (10) hours are entitled to two (2) thirty (30) minute unpaid meal periods, unless they have signed an appropriate meal waiver form that allows for a waiver of a meal period. Employees who work shifts in excess of fifteen (15) hours are entitled to three (3) thirty (30) minute unpaid meal periods, unless they have signed an appropriate meal waiver form. Employees will be provided a reasonable opportunity to take a meal period, will be relieved of all duty during meal periods, and will not be impeded or discouraged from taking compliant meal periods.

Number of Hours Worked	No. of Meal Periods	Effect of a Signed Waiver Form
Less than 5	0	n/a
Over 5 but no more than 6	1	Waives 1 meal period
Over 6 but no more than 10	1	No effect
Exactly 10 hours	1	No effect
More than 10, but no more than 15	2	Waives 1 meal period if first meal period was not waived.
15 or more	3	Waives 1 meal period if first meal period was not waived.

First meal periods will begin by the end of the fifth hour of work and second meal periods will begin by the end of the tenth hour of work, as applicable, under California law and subject to any appropriate meal waiver the employee has signed.

Employees will be offered meal breaks at various times to accommodate all staff. If staff refuse meal break time offered, they will not be entitled to missed meal pay.

This policy is not intended to supersede any Memorandum of Understanding with the various unions. Meal periods may vary in accordance with the applicable MOU.

a. Unpaid Meal Periods. Meal periods (i.e., breakfast, lunch, dinner) are unpaid and excluded from overtime and will not be counted as hours worked if:

1. The employee is relieved of all duties for that period designated as a “meal period;”

2. The employee is free to leave his/her workstation during the meal period; and
3. The meal period is a minimum of thirty (30) minutes in duration. Employees will complete one of the following based on departmental operations:
 - i. Attest at the end of their shift that they were provided their meal period per the meal and rest period policy; or
 - ii. Clock in and out for meal periods, employees should clock in and out at the same location.

b. Meal Waiver

1. Under certain circumstances, the employee may waive one meal period per shift. A meal period waiver form must be completed and acknowledged by the employee and supervisor evidencing the meal period was waived voluntarily and by mutual consent.
2. The employee may revoke the waiver in writing at any time by providing at least one day's advanced notice to the payroll department.

c. On-Duty Meal Periods

1. Employees may take paid on-duty meal periods when the nature of the work prevents them from being relieved of all duty and when there is a written agreement between the employee and employer.
2. The supervisor or department manager's prior approval is required for on-duty meal periods, which should be documented using the appropriate written on-duty meal agreement.
3. The employee may revoke the on-duty meal agreement at any time in writing.

d. Working Meal Periods

1. In some departments, occasionally it may be necessary for employees who have not signed on-duty meal agreements to work during meal periods. In these instances, an employee will be paid for this time as "time worked" and will be paid one (1) hour of pay at the employee's regular rate of compensation for each workday that the meal period is not provided.
2. The employee may earn an additional hour of wages for working through a meal period under applicable California wage and hour law. Employees should obtain prior approval from their department manager or designee prior to working during their meal periods and the reason shall be documented.
3. The department director or designee should review and approve all time records by employees who have worked through their meal periods. The employee and department director or designee's signature should be included and submitted to the Payroll Department.

e. Rest Periods (Breaks).

1. Under California law, employers should make available one (1) ten (10) minute break for every four (4) hours worked or major fraction thereof. A break or rest period is defined as a ten (10) minute net rest period that should be taken as close to the middle of a four (4) hour period as possible. The timeline below provides for the number of breaks to be authorized and permitted based on hours worked. Employees should not be required to carry a telephone, pager, or other communications device during their rest breaks unless the practice has been approved in advance by Human Resources. The employee is free to leave his/her workstation during the rest period and shall be relieved of all duty, provided they return to their workstation within the allotted 10 minutes.

Number of Hours Worked	No. of 10 Minute Rest Breaks	Comments
Less than 3.5	0	A non-exempt employee who works less than 3.5 hours is not authorized and permitted to take a rest break.
3.5 to 6	1	A non-exempt employee who works more than 3.5 hours in a shift but who does not work more than 6 hours in a shift is authorized and permitted to take one 10-minute rest break
6 to 10	2	A non-exempt employee who works more than 6 hours in a shift but who does not work more than 10 hours in a shift is authorized and permitted to take two 10-minute rest breaks.
10 to 14	3	A non-exempt employee who works more than 10 hours in a shift but who does not work more than 14 hours in a shift is authorized and permitted to take three 10-minute rest breaks.

2. Rest periods are paid as time worked. Rest periods may not be saved and taken as time off immediately prior to the beginning or at the end of the shift, nor combined with a meal period or other breaks.
3. Employees must not be absent from their assigned area beyond the time needed to take a compliant meal or rest period.

4. Employees will be offered breaks at various times to accommodate all staff. If staff refuse break time offered, they will not be entitled to missed break pay.
5. This policy is not intended to supersede any Memorandum of Understanding with the various unions. Rest Periods may vary in accordance with the applicable MOU.

f. Missed, Short, Late, or Interrupted Meal Periods and Missed, Short, or Interrupted Rest Periods

1. Any missed, short, late, or interrupted meal periods or missed, short, or interrupted rest periods should be noted on the appropriate Missed Meal Period or Rest Break Log each day that it occurs. It is the responsibility of each employee to adhere to this procedure. While the facility wants employees to take meals and rest periods, we recognize there may be times when this may not be possible due to patient care or other critical department needs. If an employee consistently misses meals or rest periods without authorization and for reasons that are within the employee's control, disciplinary measures will be taken up to and including termination.
2. Managers are responsible for ensuring appropriate documentation is provided to employees, documenting and acknowledging any non-compliant meal or rest period of employees by approving the Missed Meal Period Wage and Rest Break Log.
3. The Payroll Department will pay one (1) hour of pay at the employee's regular rate of compensation for non-compliant meal or rest periods pursuant to the applicable wage and hour laws. If the employee receives a non-compliant meal and rest period in a single workday, they shall be entitled to two (2) hours of pay at the employee's regular rate of compensation. Any trends noted by the Payroll Department should be reported to Department Management.

g. Correcting Timekeeping Errors

1. Timekeeping errors in the form of missed swipes or erroneous swipes on the time clock should be corrected and appropriately documented on the Kronos Error/Correction Log each occasion such an error occurs. It is the responsibility of each employee to adhere to this procedure. Managers are responsible for acknowledging any timekeeping errors requiring correction by approving the Kronos Error/Correction Log and following facility direction to correct the employees' time record as appropriate or submitting the document to Payroll at the end of each pay period. Excessive timekeeping errors or missed punches may be addressed through disciplinary measures.

h. Records Retention

1. Missed Meal Period or Rest Break Logs, any non-compliant meal and rest break documentation, and timekeeping error and correction documentation should be retained a minimum of three years unless otherwise noted by Human Resources.

3. PROCEDURES

3.1 Employee

- a. It is the responsibility of the employee to make the effort to take all meals and breaks in accordance with this policy.
- b. Employees should inform their supervisor when meals or breaks are missed, when their meal period is less than 30 minutes or is started late, if they are not relieved of all duties during their meal period or if they are not able to take a full, uninterrupted 10-minute net rest period.
- c. Employees should fill out the Missed Meal Period or Rest Break Log as appropriate.
- d. Employees should fill out the Kronos Error/Correction Log to correct timekeeping errors in the form of missed swipes or erroneous swipes.
- e. Employees should review timesheets daily for any missed meal or rest payments or other errors and to report to Supervisor when their paycheck is missing payments or is incorrect in any way.
- f. Employees should sign the appropriate agreements when they waive meal periods or accept on-duty meal periods as authorized by their supervisor.

3.2 Supervisor

- a. Provide scheduling that allows for employees to take their meal and rest breaks and ensure that employees are provided meals and permitted to take rest breaks.
- b. Provide the Missed Meal Period or Rest Break Logs for employees to report missed meals and breaks. Provide logs for employees to record timekeeping errors and corrections. Provide the Daily Meal and Break Sheet offering meals and rest periods daily, and assure that employees sign as acknowledgment.
- c. Review all time records reflecting missed, short, or late meal periods or breaks to ensure accuracy.
- d. Ensure all employees have signed the relevant forms.
- e. Counsel and advise employees on the proper use of timesheets and timekeeping.
- f. Obtain/approve meal period waivers and on-duty meal agreements only where appropriate.

3.3 Human Resources

- a. Ensure that all managers have the appropriate training and documentation for meal and rest break management.
- b. Orient all employees and managers to their rights and responsibilities under the applicable memorandum of understanding and this policy.

3.4 Payroll

- a. Audit all-time records, including Missed Meal Period Wage reports, for accurate measurement of additional compensation (including penalties and overtime liability) and appropriately pay all such compensation.
- b. Identify and report to Human Resources and administration penalties distributed per pay period.

3.5 Enforcement

- a. All employees are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination.

4. REFERENCE

- 4.5 SB 1334, – Senate Bill 1334, Bradford. Meal and rest periods

Document History:

Prior Release Dates: None (New)		Retire Date: N/A	
Document Owner: Human Resources		Replaces Policy: None (New)	
Date Reviewed	Reviewed By:	Revisions Made Y/N	Revision Description
12/22/2022	RUHS Human Resources		
12/28/2022	Chief Executive Committee		
12/28/2022	Chair, Nursing P&P	Y	Add references. Add policy history.
12/28/2022	Chair, Policy Approval Committee	Y	Formatting. Add definitions.