

 <input checked="" type="checkbox"/> <b>POLICY</b> <input type="checkbox"/> <b>PROCEDURE</b> <input type="checkbox"/> <b>STANDARD OF CARE</b> <input type="checkbox"/> <b>STANDARDIZED PROCEDURE</b> <input type="checkbox"/> <b>GUIDELINE</b> <input type="checkbox"/> <b>OTHER</b>	<b>APPROVAL DATE</b> <b>November 2018</b>	<b>MANUAL:</b> <b>Personnel Policy</b>
	<b>TRACKING #</b> <b>PPM 408</b>	
	<b>TITLE:</b> <b>MEAL PERIODS</b>	
<b>PERFORMED BY:</b> <b>All Employees</b>		

**1.0 PURPOSE:**

To provide consistent guidelines governing meal periods for non-exempt employees

**2.0 POLICY:**

2.1 Employees are entitled to take an uninterrupted thirty (30) minute unpaid meal period for each period of work in excess of five (5) hours, during which time the employee will be relieved of all work duties. A meal period is considered any time that an employee is relieved of work duties for a consecutive 30 minute period. For example, a meal period may include time taken by an employee who remains in their immediate work area, but spends time socializing with other employees, reading a book, or engaging in other non-work-related activities. RCHSD will provide meal periods according to the following schedule:

<b>Duration of Shift In Hours</b>	<b># Meal Periods</b>	<b>Comments</b>
0 to ≤ 5.0	0	An employee who does not work more than five hours in a workday is not required to be provided with a meal period.
> 5.0 to ≤ 10.0	1	An employee who works more than five hours in a workday, but who does not work more than ten hours in a workday, is provided with a 30-minute meal period available before the end of the 5th hour of work, unless the employee is working six or fewer hours and elects in writing to waive the first meal period.*

> 10.0 to ≤ 15.0	2	An employee who works more than ten hours in a workday is provided with a second 30-minute meal period available before the end of the 10th hour of work, unless the employee is: working twelve or fewer hours, did not waive the first meal period, and elects in writing to waive the second meal period.
> 15.0 to ≤ 20.0	3	An employee who works more than fifteen hours in a workday is provided with a third 30-minute meal period available before the end of the 15th hour of work.
> 20 to ≤ 24.0	4	An employee who works more than twenty hours in a workday is provided with a fourth 30-minute meal period available before the end of the 20th hour of work.

*\* If the employee works more than 5 hours, but less than 6 hours, the employee may waive a meal period in writing by using the applicable form available in Human Resources or from their department leadership.*

Meal periods will be made available as outlined above, subject to any written meal period waiver. Non-exempt employees are not paid for meal periods, and consequently, must record the start and stop times of their meal periods.

During a meal period, employees are relieved of all duties. When taking a meal period, employees will cease all work for at least thirty (30) minutes. Because the meal periods are unpaid, employees are neither required nor expected to respond to any work related telephone calls or pages or other requests while on their meal break. Employees should hand-off their pagers and/or work issued telephones while taking their meal period and should leave the unit or department to take the meal period in the areas provided for meal periods. If an employee's meal period is interrupted by responding to a page or call or other form of request, the employee should report the interrupted meal period immediately to their supervisor. Employees are prohibited from working "off the clock" during their meal period.

### SCHEDULING

The first meal period must be permitted to commence no later than after 5 hours or prior to the start of the 6<sup>th</sup> hour of work, which is 5 hours on the clock.

The 2<sup>nd</sup> meal period must be permitted to commence no later than after 10 hours of work or prior to the start of the 11<sup>th</sup> hour of work, which is 10 hours on the clock.

### 2.2 Meal Period Waiver

Employees who work shifts in excess of five (5) but not greater than six (6) hours may voluntarily waive their right to a meal period. In addition, employees who work shifts in excess of ten (10) but not greater than twelve (12) hours in a workday, and are entitled to more than one meal period, may voluntarily waive their right to their **second** meal period.

Employees who wish to waive this meal period must sign a written agreement of such waiver and obtain leadership approval. Employees may revoke this agreement at any time by providing department leadership with at least one day's written notice. An employee will be fully compensated for all working time while such waiver is in effect.

Once signed, any meal waiver acts as an on-going agreement to waive a meal period until revoked upon one day's written notice by either the employee or management.

Employees who work in excess of twelve (12) hours in a workday **may not waive their right to their second meal period.**

During the pre-employment process, Recruitment will offer new employees who regularly work in excess of five (5) hour shifts (but not greater than six (6) hours shifts), or in excess of ten (10) hour shifts (but not greater than twelve (12) hours shifts), the opportunity to elect to waive the applicable meal period. Department leadership will be provided with documentation of an employee's election. If new employees are not scheduled to work shifts either in excess of five (5) hours (and no greater than six (6) hours), or in excess of ten (10) hours (and no greater than twelve (12) hours) but, after their initial hire, become eligible to do so, it is the responsibility of department leadership to ensure that they are offered the option of waiving one of their meal periods. Forms are available in Human Resources.

### 2.3 On-Duty Meal Period

If the nature of the employee's work prevents the employee from being relieved of all job duties, the employee and RCHSD may agree to establish an on-going agreement in writing that the employee will work an "on-duty" meal period. Employees who agree to work an "on-duty" meal period will be compensated for this time as hours worked. The establishment of an "on-duty" meal period agreement requires the written approval of the Vice President of the area and of Human Resources **before** implementation.

## **3.0 PROCEDURE:**

- 3.1 Department leadership is responsible for ensuring that non-exempt employees are provided with the opportunity to take their meal period(s) in accordance with this policy. Department leadership will assign meal periods according to staffing needs and the schedule contained in the table under § 2.1 above.
- 3.2 Department leadership must arrange appropriate coverage so that meal periods can be taken.
- 3.3 Employees will record all time taken for a meal period(s) in the automated time and attendance system.
- 3.4 Employees must clock in and out for each meal period and immediately inform department leadership if their meal period is interrupted, is taken late because of business reasons, or if they are unable to take a full 30 minute meal period during a work shift.

Employees may not skip any meal period in order to shorten their work day. If department leadership cannot arrange coverage to permit the employee to take his or her meal, the employee shall be responsible for adding a meal penalty to their timecard. Employees will be paid an additional hour of pay if a meal period is interrupted, late, shortened or missed during a work shift. The maximum daily employer penalty for missed meals is one hour. Any penalty payment is not considered hours worked and therefore is not considered when determining an employee's eligibility for overtime compensation.

When department leadership arranges coverage to permit the employee to take his or her meal, and assuming the employee is not eligible to waive the meal, the employee is required to take the meal period.

- 3.5 Eligible employees wishing to waive a meal period or work an on-duty meal period must complete the meal waiver form or on-duty meal period form. These forms may be obtained from department leadership or the Human Resources department. Any on-duty meal period agreement must be approved by the Vice President of the area and of Human Resources before it can become effective.
- 3.6 At the end of each pay period, non-exempt employees will approve their payroll records. This record will reflect any short, late, or missed meal period and any premium hours received.
- 3.7 Employees are required to notify Human Resources immediately if they believe they are being pressured or coerced by any manager, supervisor, or other employee to forego any portion of a provided rest break or meal period.
- 3.8 See PPM 401 – Timekeeping.

*Supersedes Policy Dated October 2017  
Reviewed November 2018*