

## Policy Manual

### Rest Break & Meal Time Policy

#### City of Weiser, Idaho



#### Rest Break & Meal Time Policy

The City of Weiser establishes time schedules for all employees. Hours of work and break periods for employees shall be governed by the provisions of the Fair Labor Standards Act. Employees are entitled to rest periods and unpaid meal times based on their scheduled shift.

The use of “employee” in this policy and the procedures refers to all individuals who are governed, affected, and utilize the material as a part of their employment with the City of Weiser.

If there is an issue it should be reported to the Supervisor, Human Resources Representative/City Clerk or the Mayor.

#### Guidelines & Procedures

#### I. Purpose

A typical work schedule with the City is Monday through Friday, 8:00 AM to 5:00 PM for full-time employees. Employees are entitled to rest breaks and meal times during their shifts.

Note: Because the nature of the work varies across the City, starting, quitting, meal, and break times vary according to the needs of a particular department.

#### II. Paid Break Times & Unpaid Meal Times

Employees that work eight continuous hours or longer per shift are eligible to receive two 15-minute paid breaks during their scheduled workday. Unless the Supervisor schedules otherwise, one break is to be taken during each half of the day/shift. Employees working four continuous hours a day or less, may receive one paid 15-minute break at the Supervisor’s discretion. The time of a break is at the Supervisor’s preference.

#### A. **Matrix of Breaks:** The following is the matrix of the hours worked and allowed rest break and meal times.

3-5 Hours Worked	= One 15-minute break
6 Hours Worked	= One 15 minute break or a 30 minute unpaid Meal Time
7-10 Hours Worked	= Two 15 minute breaks & 1 hour (or 30 minute) unpaid Meal Time
11-12+ Hours Worked	= Three 15 minute breaks & 1 hour (or 30 minute) unpaid Meal Time

#### B. **Breaks & Meal Times Cannot be Accumulated:** Accumulating any unused break periods or using break periods as the basis for starting late, leaving early, or extending a Meal Time is prohibited. Breaks and meal times shall not be cumulative nor available for late arrival at work, or used in connection with meal times, nor used for early dismissal at the end of the scheduled workday. Neither overtime or comp time will be allowed to accumulate for rest periods missed. Employees on rest breaks shall be considered On Duty and available for work at the discretion of the Supervisor. The Supervisor may also designate the location of breaks and limit the activities of the employees while on break.

- C. Supervisor & Employee Responsibilities:** Supervisors are responsible for administering their department's break and meal times in a fair and uniform manner and so that ongoing operational responsibilities are not compromised. When scheduling breaks and meal times, Supervisors must consider their department's operational requirements as well as the employee's needs.

Supervisors may track, inspect and/or monitor an employee's hours of work. This may occur in response to a particular problem, randomly, or, in some cases, continuously. Employees who take unauthorized breaks or meal times, or take extended time beyond the authorized time periods or work during meal times without authorization are subject to corrective action procedures.

Based on business necessity, a Supervisor may require an employee to remain on-site during a break or meal time. This requirement does not entitle the employee to receive pay for the meal time as long as the employee does not perform work-related duties.

Note: Employees shall obtain prior authorization from their Supervisor to work through a meal time, since working through a meal time can create overtime liability for the City.

### **III. Break Time for Nursing Mothers and/or Employees Expressing Milk**

Supervisors are expected to provide reasonable break time for an employee to express breast milk for a nursing child for one year after the child's birth each time such employee has need to express the milk. The frequency of breaks needed to express milk as well as the duration of each break will likely vary.

The City shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. A bathroom, even if private, is not a permissible location under the Patient Protection and Affordable Care Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it must be available when needed to meet the requirement. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

The employee can utilize break times, meal times or additional break times for the purpose of expressing milk. If time is needed outside of the allotted break times or meal times, the time is unpaid.

### **IV. Recordkeeping**

Employees are required to accurately record their meal times using the designated timekeeping system. Supervisors should regularly review and approve time records to ensure compliance with break and meal time policies.

### **V. Conclusion**

Supervisors are expected to ensure that employees are provided with time for breaks and meal times. If there is a violation of this policy, the employee and/or Supervisor should consult with the Human Resources Representative/City Clerk.