

Rest and Meal Breaks

Section 5.1

PURPOSE

To provide uniform guidelines for non-safety employee's rest and meal breaks. In the event of a conflict between this policy and the memorandum of understanding ("MOU") between an employee's union and the City, the terms of the MOU will control.

POLICY

Meal Break – Departments should provide employees a meal break of no less than thirty (30) minutes, or up to one (1) hour, for employees with shifts of at least six (6) consecutive hours. Meal breaks shall generally be provided near the middle of a work shift, except where departmental scheduling requires modification in order to maintain services. Department heads are authorized to approve less than a one (1) hour meal break, as dictated by operational needs and as permitted by applicable MOUs.

The time allowed for meal breaks includes any travel time to and from the place where the meal break is taken. For field employees, meal breaks may be taken at off-site locations only if they can return to the designated job site within the allocated meal break time. A longer meal break may be approved by a department head where it is in the City's best interest for an employee to attend a conference with another governmental agency, service club, luncheon meeting of a professional organization, or other meetings involving City business.

In order for a meal break to be considered part of an employee's regular work schedule and not counted as hours worked for FLSA non-exempt employees, an employee must be allowed a minimum thirty (30) minutes of uninterrupted meal break during which the employee is relieved of all duties. If an uninterrupted meal break is allowed and not paid as part of the employee's regularly scheduled shift, the meal break shall be added to the normal work schedule. In accordance with *California Labor Code* §226.7, an employee is not considered relieved of all duties if during a meal period, the employee is subject to recall, which includes but is not limited to answering the phone or responding to emails for work related issues. An employee that is not fully relieved shall be entitled to a paid meal break period.

Rest Breaks - Employees shall be provided with no less than a fifteen (15) minute rest break once during each four (4) consecutive hour work period. Rest breaks shall be scheduled by an employee's supervisor. Rest breaks may be taken in conjunction with a meal break only if authorized by the employee's department head or designee. Rest breaks should not occur within one (1) hour of an employee's scheduled start or end time, without prior approval from the employee's immediate supervisor or in the case of an emergency.

Where adequate on-site facilities exist, employees are encouraged to use the areas and facilities provided for their rest breaks. In the case of field employees, rest breaks should be taken at the current job site. If in transit between jobs, the break may be taken at the next job site.

Bus Operators: - In accordance with the *Industrial Welfare Commission Wage Order No. 9-2001* regulating wages, hours and working conditions in the transportation industry, for all public transit runs, split shifts, tripper combinations and extra board assignments, the scheduled recovery time in the run and/or assignment shall be considered cumulatively as being the bus operator's meal and rest break periods.

Use of City Vehicles for Rest or Meal Breaks - City vehicles should not be used to travel to business establishments or to a private residence during either rest or meal breaks, except in the case of a

emergency or with the prior approval of an employee's supervisor. The restriction on the use of City vehicles for rest and meal breaks shall not apply to:

Public safety personnel in the Police Department who are required to respond to emergency situations and where the public presence of these personnel is desirable as a deterrent;

Public Works employees working in the field or in transit while on official City business; and

Other employees working in the field or in transit while on official City business.

No other exceptions to this policy shall be allowed unless special circumstances exist in which case the department head shall submit a recommended change or exception to the City Manager for approval.

OPERATIONAL PROCEDURE

Department Head

Provides rest and meal break schedules to employees.

Encourages the proper use of rest and meal breaks.

Supervisor

Schedules rest and meal breaks to meet the needs of work crews or units.

Ensures that employees use discretion while taking breaks, trying to present as favorable an image as possible to the public.

Reviews periodically the break practices of employees to ensure compliance and to determine if changes in policy are needed to reflect new circumstances or needs.

Recommends needed changes to the department head.

Encourages employees to take their rest breaks on or near the premises, provided that: (a) This practice does not detract from the appearance of the office to the public; (b) This practice does not distract fellow employees who are working; and (c) Exceptions to this practice are in accordance with Department policy.

Field Supervisor

Encourages employees to take rest breaks at or near the job site or, if employees are in transit between job sites, at one of the job sites.

Ensures City vehicles are properly used during rest or meal breaks.