

Truckee-Donner Recreation and Park District Policy Handbook

POLICY TITLE: Employee Meal Periods and Breaks
POLICY NUMBER: 238

238.10 Practice Note

Labor Code §512 and the applicable Wage Order require employers to provide an unpaid, 30-minute, duty-free, uninterrupted meal period when a nonexempt (hourly) employee works more than five hours in a workday, and a second 30-minute, duty-free, uninterrupted meal period when an employee works more than 10 hours in a workday.

238.20 Purpose/Objective

TDRPD provides and affords all nonexempt employees who work more than five hours in a workday with an uninterrupted, duty-free, 30-minute meal period. This meal period is to begin no later than the end of the fifth hour of work. The District also provides and affords a second uninterrupted, duty-free, 30-minute meal period when an employee works more than 10 hours in a workday. This second meal period is to begin no later than the end of the 10th hour of work.

238.30 Eligibility

Nonexempt employees who work more than five hours in a workday are provided and afforded an uninterrupted, duty-free, 30-minute meal period that is to begin no later than the end of the fifth hour of work.

Nonexempt employees who work more than 10 hours in a workday are provided and afforded a second uninterrupted, duty-free, 30-minute meal period that is to begin no later than the end of the 10th hour of work.

238.40 Procedures

Relieved of all duty

TDRPD policy is to relieve employees of all duty during their meal periods, so that employees are free to use their meal period times as they wish. The District schedules work assignments with the expectation that all employees will take their duty-free meal periods, and the District encourages employees to do so.

Employees may be asked to confirm in writing that they have been relieved of all duty and otherwise provided all their meal periods during a particular pay period, or in the alternative, to identify any meal periods that they have missed. At no time may any

employee perform off-the-clock work or otherwise alter, falsify or manipulate any aspect of their time-keeping records to inaccurately reflect or hide meal periods taken or time spent working during meal periods.

No District manager or supervisor is authorized to instruct an employee how to spend his or her personal time during a meal period. Employees should immediately report a manager's or supervisor's instruction to skip a meal period or work during a meal period to human resources.

238.50 Waiver of meal period

Employees may waive their meal periods when they will complete their workday in six hours. If employees work more than 10 hours in a day, they may waive their second meal period only if they take their first meal period and they do not work more than 12 hours that day.

238.60 On-duty meal period

In limited situations when the nature of employees' duties prevents the employees from being relieved of all duty, certain designated employees may be authorized to work an "on-duty meal period." Employees will be permitted to take an on-duty meal period only if the nature of their job duties requires an on-duty meal period, and the employees and the District have agreed in advance and in writing to an on-duty meal period. In this situation, the on-duty meal period will be paid and treated as hours worked.

238.70 10-Minute Rest Break

Obligations

Employers must authorize and permit rest periods for all nonexempt employees whose total daily work time is at least 3.5 hours. These mandatory rest breaks must be offered at the rate of 10 minutes for every four hours worked, or "major fraction" thereof. Anything over two hours is considered to be a "major fraction" of four.

As a general rule, and insofar as practicable, the rest period must be in the middle of the four-hour work period. Though this is the general rule, there is no absolute obligation to permit a rest period before a meal period. Rest periods are paid at the employee's regular rate of pay.