

Meal and Rest Breaks – Grant and IRA Programs

As a supervisor of Associated Students employees, it is your responsibility to ensure that all employees receive their rest and meal breaks as required by law. This document outlines the basic guidelines for providing meal and rest breaks. If you have a particularly complex issue, don't hesitate to contact Stacey Matthews, Payroll Technician (ext. 84413) or Lisa Sorvari, Human Resources Manager (ext. 85484).

Who must receive a rest break? Anyone who works at least 4 hours. Employees who work less than three (3) hours and thirty (30) minutes are not required to take a rest break. Current ASI policy (HR Policy Manual #200) is to allow a fifteen (15) minute break. The law mandates a ten (10) minute break. I will be working to change ASI policy to align with the law. Until that proposal is adopted by the Board of Directors, you should continue to follow ASI policy and provide a fifteen (15) minute break. A rest break must be provided for each four (4) hours worked. For example, an employee scheduled to work eight (8) hours is entitled to two (2) rest breaks, one in each four (4) hours worked. The rest break should fall as close to the middle of the four hour period as possible. Rest breaks are paid and clocking out is not required.

Who must receive a meal break? Anyone who is scheduled to work more than 5 hours. Exception – if no more than six (6) hours completes their shift, an employee may voluntarily waive their meal period by completing the Meal Break Waiver (on web). This form must be completed each semester. It is important to note that the waiver may be revoked at any time. The meal break must begin before the employee ends the fifth (5th) hour of work. Employees scheduled to work ten (10) hours are entitled to two (2) meal breaks. Meal breaks are unpaid and therefore the employee should clock out. Employees must be relieved of all duties during their meal break.

Important note – Because it is ASI's policy to round to the nearest quarter hour, supervisors should carefully monitor employees scheduled to work at least 5 hours. If they clock out at 5 minutes to the hour, that would round to the next hour and the total worked for the day would be 5 hours. If there is not a waiver on file, payroll will automatically add the one hour of pay for the missed meal break. It is recommended that you give employees who may work between 4.75 to 6 hours the opportunity to sign a waiver for the semester.

A word about rounding – ASI uses the 7/8 rounding rule. For example, if an employee clocks in within 7 minutes before or after 10 a.m., their start time rounds to 10. If they clock in 8 minutes before 10 a.m., it rounds to 9:45. If they clock in 8 minutes after 10 a.m., it rounds to 10:15. Employees should be instructed not to clock in for work until their appointed time. Continued violation, whether late or early, should be disciplined as soon as possible.

What are the consequences for not providing a meal or rest break? In accordance with the law, ASI must pay an additional one (1) hour of pay for every day a meal and/or rest break is missed. This hour of pay will not factor into overtime. Of course, this additional hour of pay will be charged to your program budget.

Documentation. On a paper time sheet, employees or their supervisor must document the missed break by noting "missed meal (or rest) break" on the same line for the hours on that day of work. If it is not reflected on the timesheet, it will be added by Payroll.

What are the implications to my program for non-compliance? Non-compliance with this policy violates your Memorandum of Understanding with Associated Students and could jeopardize future funding.

Recommendations. It is recommended that you establish a schedule for each employee with meal and rest breaks scheduled during their shift. This will help ensure that you have adequate coverage and don't have all your employees taking breaks at the same time.