

Document Type: Regulation
Number: 3.10a
Effective: 05-01-06
Revised: 08-03-10
07-25-11
12-30-15
08-08-22
Legal References: 29 C.F.R. Parts
785.18 – 785.19
Patient Protection &
Affordable Care
Act
29 C.F.R. 207, Sec. 7

HOURS OF WORK AND BREAK PERIODS

I. INTRODUCTION

Hours of work and break periods for employees shall be governed by the provisions of the Fair Labor Standards Act. Hours of work and break periods for bargaining unit employees shall be governed by the provisions of the Fair Labor Standards Act and collective labor agreements, when applicable.

II. HOURS OF WORK

The regular workweek for full-time employees typically runs Monday through Friday and consists of 40 hours, excluding meal breaks. However, some departments need to be staffed continuously or for other business reasons schedule workweeks that do not run Monday through Friday. 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.

An employee's work schedule can be modified at management's discretion to meet the varying conditions of city business. Employees are expected to observe the hours set within their departments. Any special arrangements or alterations must be discussed in advance and approved by the supervisor.

III. SUPERVISOR AND EMPLOYEE RESPONSIBILITIES

Supervisors are responsible for administering their department's break and meal periods in a fair and uniform manner and so that ongoing operational responsibilities are not compromised. When scheduling breaks and meal periods, supervisors must consider their department's operational requirements as well as the employee's needs. Non-exempt employees shall obtain prior authorization

from their supervisor to work through a meal period, since working through a meal period can create overtime liability for the city.

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

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 periods, extend breaks or meal periods beyond the authorized time periods in this regulation, or work during meal periods without authorization are subject to discipline, up to and including termination.

IV. WORK BREAKS

Non-exempt employees that work eight (8) continuous hours or longer a day 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-day or shift. Non-exempt employees working more than four (4) hours, but less than eight (8) hours are eligible to receive one 15-minute paid break during the scheduled workday. Non-exempt employees working four (4) 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 discretion.

Accumulating any unused break periods or using break periods as the basis for starting late, leaving early, or extending a meal period is prohibited.

V. BREAK TIME FOR NURSING MOTHERS

Departments are expected to provide reasonable break time for an employee to express breast milk for her 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.

Departments 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 statutory 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.

Breaks taken for the purpose of expressing milk are unpaid.

VI. MEAL PERIODS

Supervisors may require an unpaid 30 minute or longer meal period for non-exempt employees. Non-exempt employees shall be paid for any meal period during which the employee is not completely relieved from duty or that is less than 30 minutes. The time of a meal period is at the supervisor's discretion.

Employees are not permitted to use meal periods as the basis for starting late, leaving early, or extending a meal period, unless authorized by the Department Director or designee.