
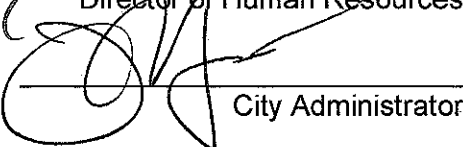




Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**


Director of Human Resources

City Administrator

Number: II-5 Effective Date: 10/6/09

SUBJECT: REST AND MEAL BREAKS

PURPOSE:

To provide uniform guidelines for employee rest and meal breaks.

POLICY:

1. Meal Break – In accordance with Labor Code 512(a), the City may not employ an employee for a work period of more than five (5) hours per day without providing the employee with a meal period of not less than 30 minutes. If the total work period per day of the employee is no more than six (6) hours, the meal period may be waived by mutual consent of both the employee and employer.

The City shall provide a meal break of one-half hour to one hour within the first five (5) hours from the time the employee starts work. Employees may not defer their rest or meal periods until the end of their work shift. Meal breaks shall normally be provided for shifts of at least six consecutive hours 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-hour meal break.

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 restaurants only if they can return to the job site within the designated time limit. A longer meal break may be approved by the department head where it is in the City's best interest for such 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 added to the regular work schedule and not be counted as hours worked, an employee must be allowed a minimum one-half hour uninterrupted meal break. Where the meal break is included as hours worked and the employee is paid during the period the employee is having a meal break, the department is not required to allow for a meal break. If the 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. Supervisors should discourage

employees who are eligible for overtime from eating lunch at their desks to ensure that the employee has a bona fide, uninterrupted meal break that shall not be counted as hours worked.

In accordance with Labor Code Section 512.(a) the City of Commerce may not employ an employee for a work period of more than ten (10) hours per day without providing the employee with a second meal period of not less than thirty (30) minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee only if the first meal period was not waived.

2. Rest Breaks - All City employees shall be provided with a fifteen-minute rest break once during each four (4) consecutive hour work period. The fifteen-minute breaks are not cumulative and may be taken only when prescribed. Compensatory time shall not be used to extend rest breaks. No break shall occur within one (1) hour of starting time, meal break, or quitting time unless special circumstances make this desirable, in which case prior approval shall be obtained from the employee's immediate supervisor.

Where adequate on-site facilities exist, employees are required to use the areas and facilities provided. In the case of field employees, rest breaks are to be taken at the job site. If in transit between jobs, the break may be taken at a nearby City park or at the next job site.

3. 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 parties agree that 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.
3. Use of City Vehicles for Rest or Meal Breaks - City vehicles shall not be used to travel to business establishments or to a private residence for either rest or meal breaks, or to pick up food or beverages except under emergency or pre-approved conditions. The only exceptions are for:
 - a. Community safety personnel in the Community Services Department who are required to respond to emergency situations and where the public presence of these personnel is desirable as a deterrent; and
 - b. Employees on official City business with the department head's approval.

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 Administrator for approval.

PROCEDURE:

Responsibility

Action

Department Head

1. Provides rest and meal break schedules.
2. Encourages the proper use of breaks.

Supervisor

3. Schedules rest and meal breaks to meet the needs of particular work crews or units.
4. Ensures that City employees use discretion while taking breaks, trying to present as favorable an image as possible to the public.
5. 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.
6. Recommends needed changes to the department head.
7. Encourages employees to take their rest breaks on the premises, providing that:
 - a. This practice does not detract from the appearance of the office to the public.
 - b. This practice does not distract fellow emp-

employees who are working.

c. Exceptions to this practice are in accordance with Department policy.

Field Supervisor

8. Ensures that rest breaks are taken at the job site or, if employees are in transit between jobs, at one of the job sites or at a nearby City park.

9. Ensures that City vehicles are not used to travel to eating establishments to take a rest or meal break or to pick up food or beverages, except for emergency situations or pre-approved conditions.