

Subject: **Work Schedules – Meal and Rest Periods**

Applies to: All University Employees (Individuals represented by a collective bargaining unit should also refer to their contract agreement)

- I. **Policy:** The University establishes and maintains schedules of work which are compatible with the needs of its diverse operating units and in compliance with government laws and regulations. Employees may not waive their right to receive proper compensation for all hours worked as provided by the law. University departments are required to maintain an accurate accounting *for each hourly paid employee* (regardless of job classification) of actual hours worked per shift by date and to provide appropriate compensation for all such hours.

Please note: While compliance with laws and regulations is required for exempt staff, pay is unaffected for those paid on a salary basis.

II. **Definitions:**

A. **Work Status:** For purposes of determining work schedules

NON EXEMPT: Individuals classified in Clerical positions in pay grades 1-10, Supervisory & Support Non Exempt positions in pay grades 22-37, LPN positions in pay grade 40, RN positions in pay grade 44, Research Technician positions in pay grades 73-82, and Clinical Technologist positions in pay grades 88–97.

1. *Full-Time Regular:* Have regular weekly work schedule of at least 35 hours for a period of four (4) months or longer.
2. *Part-Time Regular:* Have a regular weekly work schedule of at least 17.5, but less than 35 hours, for a period of four (4) months or longer.
3. *Full-Time Temporary:* Have a weekly work schedule of at least 35 hours with employment expected to last for less than four (4) months.
4. *Part-Time Temporary:* Have a weekly work schedule of at least 17.5, but less than 35 hours, with employment expected to last for less than four (4) months.
5. *Time-As-Reported (T-A-R):* (1) Have no regular work schedule or (2) have a weekly work schedule of less than 17.5 hours.

EXEMPT: Individuals classified in Professional, Administrative, or Supervisory (PAS) positions in salary grades 50-59 or Professional Ungraded (PUNG) positions in salary grade 0.

1. *Full-Time Regular:* Have a regular weekly work schedule of 40 hours for a period of four (4) months or longer.
2. *Part-Time Regular:* Have a regular weekly work schedule of at least 17.5, but less than 40 hours, for a period of four (4) months or longer.
3. *Full-Time Temporary:* Have a weekly work schedule of 40 hours with employment expected to last for less than four (4) months.

4. *Part-Time Temporary*: Have a weekly work schedule of at least 17.5 hours but less than 40 hours, with employment expected to last for less than four (4) months.
5. *Time-As-Reported (T-A-R)*: (1) Have no regular work schedule or (2) have weekly work schedule of less than 17.5 hours.

B. **Workweek:**

1. The University's standard workweek is the **168 consecutive hour period (7 consecutive calendar days) beginning at 11:00 p.m. Saturday.**

PLEASE NOTE: for Nursing Practice staff who work in the Emergency Department or Psychiatric Units, the workweek begins at 12:00 midnight Saturday. Other staff in Nursing Practice may begin their workweek at 7:00 p.m. or 8:00 p.m. Saturday based upon specific criteria.

2. For the purpose of payroll calculation, all hours reported as either productive time (hours actually worked) or nonproductive time (such as University holiday, vacation, PTO, jury duty, funeral leave, and sick leave) will be calculated for each workweek.
3. Pursuant to NYS Labor Law, no RNs or LPNs will be required or mandated to work more than their regularly scheduled hours, except as permitted by law.

III. **Guidelines:**

- A. The University and management reserves the right to schedule staff based on operational needs and may limit or increase the number hours and/or days per week that an employee may be scheduled to work. Typical work hours may be 7, 7.5, or 8 hours per day, excluding an unpaid meal break. A regular schedule of 10 or 12 hours per day may also be arranged. Exceptions to the regular work hours are addressed in Policy #223 – Overtime.
- B. Meal Periods: It is the University's intent that every employee receives an "uninterrupted" meal period consistent with New York State Labor Law.

1. **Any employee** who works a shift of more than 6 hours, which extends over a normal meal period, shall be provided an **unpaid and uninterrupted** meal period of at least 30 minutes. The normal noontime meal period will be scheduled between the hours of 11:00 a.m. and 2:00 p.m. The normal evening meal period will be scheduled between the hours of 5:00 p.m. and 7:00 p.m. In addition, any employee who works a shift of more than 6 hours starting between 1:00 p.m. and 6:00 a.m. shall be allowed an **unpaid and uninterrupted** meal period of at least 30 minutes at a time midway between the beginning and end of the shift.

For employees who begin work **before** 11:00 a.m. and continue working **past** 7:00 p.m., a second meal period of at least 20 minutes must be provided between 5:00 p.m. and 7:00 p.m. This second meal period of 20 minutes must be paid time, consistent with New York State and federal law. As an alternative, a second, 30 minute unpaid and uninterrupted meal period may be provided to satisfy the 20-minute meal period requirement.

2. During meal periods, the employee must be relieved of all duties, perform no work whatsoever, and must be given an "uninterrupted" meal period. "Uninterrupted" means the employee is not to have his/her meal period interrupted for any work-related reason or purpose.

3. In the event that an emergency situation arises (i.e. urgent patient care needs) in which an hourly-paid employee does not get an “uninterrupted” meal period of at least 30 minutes because the meal period is interrupted for a work-related reason or purpose, then the entire 30 minutes must be paid and the employee must be provided a full 30 minute unpaid and uninterrupted meal period before the end of that shift.
4. Missed or Interrupted Meal Periods, Recording/Reporting:
 - a. The employee must record any missed or interrupted meal period (for a work related reason) on the University Exception Log [University Exception Log](#), along with the reason for the exception, as soon as possible after the missed or interrupted meal period.
 - b. For instances where the meal is missed or interrupted and another meal is provided, the employee must record on the Exception Log the time in which he or she took a full 30 minute uninterrupted meal period before the end of the scheduled shift as soon as possible after the meal period is completed.
 - c. Supervisors or designated timekeepers should review the Exception Log daily and edit the timekeeping system accordingly to ensure *hourly-paid* employees are paid appropriately.
5. If an employee refuses to take his/her meal break or fails to properly account for time worked, breaks taken, and for meal periods which were interrupted, supervisors should take progressive disciplinary action with the employee, up to and including termination.
6. Unpaid Meal Periods:
 - a. Are scheduled by the supervisor.
 - b. May vary in length from 30 minutes to one hour dependent upon the work schedule and operational needs of the specific area.
 - c. Are periods of relaxation, where presence at the workstation is not required. However, a supervisor may require employee to remain on work premises.
7. Paid Meal Periods:
 - a. Should be utilized only if demanded by operational needs or as defined above.
 - b. Are not more than 30 minutes in length.
 - c. Are considered as time worked whenever employees are required and scheduled by the supervisor to remain at the workstation.
 - d. Are considered time worked for purposes of overtime calculations if appropriate.
- C. Paid Rest Periods: Paid rest periods of no more than 15 minutes during continuous 3.5 to 4-hour work periods are provided for non exempt (hourly paid) staff members. Such rest periods are intended primarily for those employees who are confined to a work area, requiring relief coverage in order to leave, or whose daily work schedule is such that only a scheduled rest period would provide the opportunity for a break. Scheduled rest periods are not considered

necessary for employees who are free to move about, obtain refreshments or attend to comfort needs at will.

If applicable, rest periods:

- Are scheduled by the supervisor.
 - Are taken at a time, place, and in a manner which does not interfere with the operation of the department.
 - Must be preceded and followed by work; that is, rest periods may not be taken at the beginning or end of a work schedule.
 - One 15-minute rest period may be used to extend a meal period, at the discretion of the supervisor.
 - May not be accumulated.
 - May be disallowed when work situations arise requiring available staff to remain at their posts.
- D. Breaks for Nursing Mothers: A reasonable break time each day shall be provided to allow employees to express breast milk for nursing children; these break times may be provided for up to three years following childbirth. The break time may be a separate unpaid break, or the use of a paid meal or rest period may be utilized.
- E. Blood Donation Leave: Employees shall be granted at least one leave of absence of up to three (3) hours in any calendar year to donate blood; or, as an alternative, the employee shall be allowed to donate blood during work hours at least two (2) times per year at a convenient time and place, determined by the University, including allowing an employee to participate in a blood drive at the University without the use of accumulated leave time. Any off premises blood donation leave need not be paid, but leave taken for a University-designated blood donation alternative must be paid time (i.e., meaning that the employee cannot be required to use vacation, PTO, sick, or other leave time).

Note: Employees may be required to give “reasonable notice” of their intent to take leave to give blood (for off-premises blood donation - at least three (3) working days) and show proof of their donation activity in the form of a notice of blood donation or comparable proof.

The University of Rochester supports the confidential reporting of improper, unethical, or noncompliant behavior through the *Integrity Hotline* at 756-8888.

See also:

#195 Compensation Administration Policy

#223 Overtime Pay Policy

#413 Time Management and Attendance Records Policy

University of Rochester Missed/Interrupted Meal Period & Non-Work Procedures for Hourly

Employees http://www.rochester.edu/working/hr/policies/pdfpolicies/172_misp.pdf