

Missed/Interrupted Meal Period and Non-Work Time Reporting Procedures

ISSUED ON SEPTEMBER 2009

It is the University's intent that ALL employees receive an uninterrupted meal period when they work a shift of more than 6 hours; consistent with New York State Labor Law.

The Human Resource Management System (HRMS) is programmed to "auto deduct" the "default" meal period (30, 45, or 60 minutes) after 6 consecutive hours has been worked. **In the rare instance that an hourly-paid employee has missed his or her meal period OR the meal period has been interrupted for work purposes and is unable to be provided another uninterrupted 30 minute meal period later in the same shift** please follow the procedures outlined below to ensure that the employee is paid appropriately. If you have additional questions please contact ASK-UR HR at [\(585\) 275-8747 \(tel:5852758747\)](tel:5852758747).

Employee's Responsibility

1. Employees are required to submit accurate time records. Accurate time record should include all time worked, including overtime. Time worked includes any time spent working on behalf of, or for the benefit of, the University. Employees CANNOT waive their rights to receive compensation for time worked under the law.
2. Employees must record their time on a daily basis by the method of time capture as determined by their supervisor (i.e. badge reader, web clock, time entry, etc.)
3. Employees need not badge or clock out or in for approved rest periods and meal breaks during the day, unless; (a) the meal period will exceed 30 minutes or the time normally allotted for the meal period in your work area; (b) the break is not an approved rest period; or (c) the employee is leaving the work premises for an extended period of time for personal purposes that is not otherwise approved leave time (ex. A doctor's appointment, unless it is covered under Family Medical Leave).

- **PLEASE NOTE: All employees whose primary appointment is in Division 50 (Hospital) are required to swipe in and out at a badge reader at the BEGINNING and END of their shift ONLY. Any and all non-work time such as noted in (#3) above should be logged on the [University Exception Log \(https://www.rochester.edu/human-resources/wp-content/uploads/2020/02/172_exception_log.pdf\)](https://www.rochester.edu/human-resources/wp-content/uploads/2020/02/172_exception_log.pdf), along with the reason for the exception.** Other University employees may also be directed by their supervisor to swipe out at a badge reader **only** at the beginning and end of their shift. If this is the case any and all nonwork time must be reported either on the University Exception Log or to their supervisor or designated timekeeper, however directed, to ensure accurate time reporting.
4. Employees are entitled to receive an uninterrupted 30 minute meal period when they work a shift of more than 6 hours. During this meal period, employees shall be completely relieved of all job duties and shall perform no work whatsoever. Even minor work-related interruptions are not permitted during this period. Employees must have permission from their supervisor to work during their meal period, unless it is impossible to obtain such permission due to unavoidable circumstances (i.e. urgent patient care needs or critically time sensitive matters). If employees do not obtain permission from their supervisors beforehand, they must report it to their supervisor as soon as possible. For missed or interrupted meal periods, the employee is **also** required to log it on the University Exception Log, along with the reason the meal period was missed or interrupted, as soon as possible after the missed or interrupted meal period. In addition, if the employee's original meal period is missed or interrupted, 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.
 5. If employees have worked any amount of time, or been interrupted, during their meal period, and their supervisor instructs them not to record it on the Exception Log or employees have not received proper compensation for any time worked, employees are required to report such activity to Human Resources immediately.

Supervisor/Timekeeper/Approver Responsibility

1. Supervisors are required to determine and communicate the method of time capture (i.e. badge reader and location, web clock, time entry, etc.). If badge reader is the method of

capture, the supervisor must communicate if it is their intent to utilize the badge reader at the beginning and end of their shift only and report any non-work time to designated timekeeper.

2. Supervisors and/or Time Approvers are responsible for timely approval of time records.
3. Supervisors and/or Time Approvers are required to make appropriate edits to time records based on documentation to ensure records accurately reflect hours worked. Dialogue with the employee should occur in these situations. Exception Logs should be retained for six years.
4. Supervisors must ensure that employees receive an uninterrupted 30 minute meal period when they work a shift of more than 6 hours. During this meal period, employees shall be completely relieved of all job duties and shall perform no work whatsoever. Even minor work-related interruptions are not permitted during this period unless required by urgent patient care needs or critically time sensitive matters.
5. Supervisors or designated timekeepers should review the Exception Log daily and in the event the employee did NOT receive an uninterrupted 30 minute meal period (this should be a rare occurrence) make an edit to the time record in HRMS to override the meal period to 0 to ensure employees are paid appropriately.
6. Supervisors will closely monitor their staff's adherence to their scheduled shift, use of the specified badge reader, utilization of the exception log, documentation, and frequency of missed/interrupted meal periods.
7. Supervisors will communicate to their staff when there are instances of inappropriate swiping, such as swiping in early or late when employees are not engaged in working time, not using a designated badge reader, or continually missing their meal period.
8. In situations of continued abuse, supervisors shall administer corrective disciplinary actions in consultation with Human Resources and consistent with established policies, practices, and procedures.
9. Failure of supervisors to comply with these principles may result in corrective disciplinary action on the part of the supervisor.

FALSIFICATION OF A TIME RECORD IS A VIOLATION OF UNIVERSITY POLICY AND IS GROUNDS FOR DISCIPLINARY ACTION, INCLUDING TERMINATION.

The University of Rochester supports the confidential reporting of improper, unethical, or noncompliant behavior through the *Integrity Hotline* at [\(585\) 756-8888 \(tel:5857568888\)](tel:5857568888).

ABOUT THIS POLICY

Policy Applies To

Hourly Staff

Policy Number

172_misp

Policy Group

Human Resources

Issuing Authority

Human Resources

Responsible Officer

Sonya Garlington

Contact Information

sonya.garlington@rochester.edu (mailto: sonya.garlington@rochester.edu)

RELATED POLICIES

[Work Schedules: Meal and Rest Periods \(https://www.rochester.edu/policies/policy/meals-rest/\)](https://www.rochester.edu/policies/policy/meals-rest/)

POLICY KEYWORDS

[Compensation \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=326\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=326)

[Compliance \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=336\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=336)

[Payroll \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=506\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=506)