

## UMass Memorial Medical Center Policy

<b>4072 Meal Periods / Work Breaks</b>	
<b>Developed By:</b> Human Resources Department	<b>Effective Date:</b> 11/1/2018
<b>Policy Owner:</b> William Nickerson	<b>Approved by:</b> Michael L. Gustafson, MD, MBA President, UMass Memorial Medical Center
<b>Applicability</b> All employees of UMass Memorial Medical Center except that if any conflict exists between this policy and a provision of a collective bargaining agreement, the applicable provision(s) of the collective bargaining agreement will control.	<b>Rescission: Supersedes policy dated:</b> 7/24/14
<b>Keywords:</b> Lunch time, Meal Break, Breaks, Non-exempt, Exempt	

### **I. Policy:**

All employees must take meal periods as well as work breaks from work-related activities as required by law.

Meal periods and work breaks may not be used at the immediate start or immediate end of a shift.

#### **Meal Periods**

UMass Memorial provides all employees with a 30-minute, consecutive, uninterrupted, meal period for each work day that an employee works more than 6 consecutive hours. Meal periods are unpaid for non-exempt employees. During their meal period, employees are free to leave the workplace but must return by the end of the period.

#### **Interrupted or Missed Meal Period**

On some occasions an employee may work through his/her meal period because he/she is interrupted or called back to work. For a non-exempt employee, the entire meal period is considered working time for which the non-exempt employee will be compensated.

If a non-exempt employee's meal period is interrupted or missed for any reason such that the employee does not receive a 30-minute, consecutive, uninterrupted, meal period on each day that the employee works more than six consecutive hours, it is the employee's responsibility to report the missed or interrupted meal period to their manager as soon as practicable, preferably that day but not longer than in the same work week.

**A non-exempt employee who is unable to take a full 30-minute, uninterrupted meal period should answer “no” when prompted “I took a 30-minute uninterrupted meal break” when swiping out at the Kronos time clock.**

**Voluntarily Waiving Right for Meal Period**

A non-exempt employee also may voluntarily request to waive his/her right to a 30-minute meal period, either singularly or on a going-forward basis. If approved by his or her manager, the non-exempt employee shall sign a Meal Break Waiver Form available from Human Resources. A waived meal period is considered working time for which a non-exempt employee will be compensated. An employee may rescind his or her waiver of the meal period at any time by notifying his or her manager.

When an employee takes a meal period during his or her shift is exclusively up to UMass Memorial. Under no circumstances may an employee be coerced into entirely waiving a meal period or routinely prevented from taking his or her entire meal period without interruption.

**Pager/Two-way Radio/Dept Cell Phone**

If a non-exempt employee carries a pager, two-way radio and/or department cell phone, it is the employee’s responsibility to turn off the pager, two-way radio and/or department cell phone during the meal period. If a non-exempt employee is required by his or her manager and/or supervisor to keep his/her pager, two-way radio and/or department cell phone turned on during his/her scheduled meal period because of operational needs, **and** the employee is paged or called and required to work during his/her meal period, the non-exempt employee will be compensated for the entire meal period.

**Required to Remain on the Premises**

On each work day that a non-exempt employee works more than 6 consecutive hours, if he or she is required by his or her manager and/or supervisor to remain in the facility during his/her scheduled meal period, the employee will be compensated for the entire meal period.

**Work Break**

Subject to workload and/or coverage requirements of individual units or departments, a work break of fifteen minutes or shorter may be allowed for non-exempt employees for each half day worked. Work breaks are considered to be time worked and are paid. This work break is not guaranteed, and employees will not be paid or otherwise offered additional compensation for missed and/or interrupted work breaks.

**II. Definitions:**

**Meal Period** - 30-minute, consecutive, uninterrupted, meal period each work day that an employee works more than 6 consecutive hours during which the employee is free to leave the workplace.

**Non-Exempt-** A “Non-Exempt” employee is paid hourly and is subject to the overtime provisions of the Federal Fair Labor Standards Act (the “FLSA”) and Massachusetts state law.

**Exempt** – An “Exempt” employee is paid a salary regardless of the number of hours worked and is not subject to the overtime provisions of the FLSA and state law.

**Work Break** - 15 minutes or less of paid time during which non-exempt employees may take time away from work-related activities, which are given at the discretion of UMass Memorial, and during which employees may be required to remain at the workplace.

### **III. General Procedure:**

Department managers or designee will schedule meal periods and work breaks. An employee may request a change in the break schedule by speaking directly with his/her supervisor. Such requests will be considered subject to workload and/or coverage requirements.

### **IV. Clinical/Departmental Procedure: N/A**

### **V. Supplemental Materials:**

[Meal Break Waiver Form](#)

### **VI. References: N/A**