
[princi_elem] [principals] [admin_super] FW: Reminder-Breaks and Meal Periods

From : hr@4j.lane.edu Thu, Oct 18, 2018 05:42 PM
Sender : princi_elem <princi_elem-bounces@4j.lane.edu> 1 attachment
Subject : [princi_elem] [principals] [admin_super] FW: Reminder-Breaks and Meal Periods
To : admin super <admin_super@4j.lane.edu>

Hi everyone,

HR received great questions regarding meal and rest periods for classified employees. Please see questions and answer below.

Q. An employee arrived 15 minutes late for work and said she would work through her first break to make up the time. Is this acceptable?

A. **No.** Your employee must actually take all required breaks. The rest break may not be deducted from the beginning or end of the work period.

Q. My employee says he prefers to skip his afternoon rest break and leave 15 minutes early. Is that OK?

A. **No.** The law requires employees to take all required breaks. The rest period may not be deducted from the end of the work period to reduce the overall length of the total work period.

Q. Sometimes my staff would like to skip their breaks and add the time on to their meal period so they can have an extended lunch. As long as they receive the total time required, is this allowed?

A. **No.** To be in compliance with the law, you must require employees to take all breaks separately and approximately in the middle of each segment of four hours or major part thereof worked as the nature of the work allows.

Q. No matter how often I remind my employee, he refuses to take his meal and rest breaks. Since I have given him every opportunity to take the breaks but he chooses not to, am I in compliance?

A. No. Your employee may not legally waive his rights to receive required rest and meal periods.

Please let us know if you have questions or concerns.

Bernadette Adeniran
 Human Resource Administrator
 Eugene School District 4J
adeniran_b@4j.lane.edu 541-790-7672

From: hr@4j.lane.edu [<mailto:hr@4j.lane.edu>]
Sent: Monday, September 24, 2018 6:00 AM
To: admin super
Cc: human_staf
Subject: Reminder-Breaks and Meal Periods

Greetings,

Please review the attached 2018/19 rest period memo. Below is a quick reference chart and a summary of CBA language changes regarding breaks and meal periods for classified employees.

Click [here](#) to review full CBA language on page 26.

- 30-minute meal periods are *no longer required* for classified employees working more than 5 hours but less than 6 hours. Employees working more than 5 hours but less than 6 hours *may request or may be scheduled for a meal period of not less than 30 minutes.*
- In the extremely rare, exceptional and unanticipated circumstances that require a classified employee to work during their 30-minute duty-free meal period, the employee must be compensated for the entire 30-minutes.
- Employees who do not receive their breaks and meal periods and are unable to resolve this concern with their supervisor are encouraged to notify HR.

Length of the work period	Number of 15-minute rest breaks required	Number of 30-minute (unpaid) meal periods required
2 hours or less	0	0
2 hours, 1 min to 4 hours, 59 min	1	0
5 hours to 6 hours*	1	1
6 hours, 1 min to 10 hours	2	1
* Employees working more than five (5) hours but less than six (6) hours or more hours may request or may be scheduled to receive a duty-free meal period of not less than thirty (30) minutes.		

Please be mindful of 6-hour assignments. Rest period requirements change at 6 hours and 1 minute.

Let us know if you have questions.

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Updated_RestBreak.Meal 09.2018 Final.pdf
124 KB



September 24, 2018

To: Principals and Supervisors
From: Cydney Vandercar, Assistant Superintendent of Administrative Services
Re: Reminders on rest breaks and meal periods

Below is a summary of the contractual and legal guidelines District supervisors and principals need to follow to ensure employees receive breaks and meal periods as required. If you have any questions or concerns, please let me know.

Requirements for classified staff

Article 21.2 of the District/ OSEA collective bargaining agreement provides for a thirty (30) minute (unpaid), duty-free meal period for any classified staff member who works six (6) hours or more, and requires that the meal period be scheduled at the midpoint in the shift as nearly as possible. Employees working five (5) or more but less than six (6) hours may request or may be scheduled to receive a duty-free meal period of not less than thirty (30) minutes.

Article 21.2.1 Stipulates if an employee works during the scheduled thirty (30)-minute meal period due to exceptional and unanticipated circumstances, the meal period worked shall be paid in its entirety. In the rare instance, an employee is required to work during their thirty (30)-minute meal period a plan should be put in place to ensure the employee is able to take their duty-free meal periods in the future.

Article 21.3 requires the District to provide 15 minute paid rest breaks for every four hours worked or major fraction thereof. The following chart is provided as a quick reference to help you determine how many rest breaks to provide and whether a meal period is required.

Length of work period	Number of 15 minute rest breaks required	Number of 30 minute (unpaid) meal periods required
2 hours or less	0	0
2 hours, 1 min to 4 hours, 59 min	1	0
5 hours to 6 hours*	1	1
6 hours, 1 min to 10 hours	2	1
* Employees working five (5) or more hours but less than six (6) may request or may be scheduled to receive a duty-free meal period of not less than thirty (30) minutes.		

Supervisors and Administrators will work ensure classified employees' unpaid lunch break, and their paid morning and afternoon breaks, are respected as duty-free time.

Employees must communicate promptly with their supervisor if they are not receiving their breaks. If an employee is unable to resolve concerns about break periods with the supervisor, the employee may promptly submit his/her concern to HR.

Oregon law requires that non-exempt employees be provided with rest breaks and meal periods. By following the parameters in the District/OSEA contract, you will also meet legal requirements and stay out of hot water! Licensed staff and MAPS covered employees are exempt from overtime and the above requirements do not apply to them.

Classified employees may not volunteer at the school or department in which they work without advanced written approval from an HR Administrator. Classified employees may only volunteer if all four of the following criteria are met:

- The activity must be at the employee's initiative.
- The activity must be outside regular work hours.
- The employee must be performing a charitable or other community service without contemplation of payment.
- The employee must be performing a task outside of the regular job duties performed for the District.

If all four of the above criteria are not met, then a classified employee is not considered to be "volunteering" and must be compensated for their time.

Requirements for Licensed Staff

ORS 342.608 provides that full-time licensed staff be provided a time for a thirty (30)-minute continuous duty-free lunch period during the regularly scheduled lunch hours. Further, a school principal who fails to so schedule "shall be guilty of neglect of duty." The District's practice is to pro-rate paid lunch time for part-time licensed members working 0.5 FTE or more.

Article 10.1.6 of the District/ EEA contract provides that the District will "make every effort to schedule a fifteen (15) minute break for every unit member every morning. In no case will the ... member be required to supervise students during the break."