

Tender Care Medical Services, Inc.

POLICY & PROCEDURES

Title: Breaks/ Meal Periods

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Page: 1 of 3

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Revision Date:

Originating Department: Human Resources

Approved By:



PURPOSE:

To establish a policy relating to breaks and meal periods in accordance with federal, state, and local laws:

Definition

Workday: The normal workday for most employees will be eight/ twelve hours, excluding an unpaid meal period. For some employee classifications, the workday may vary (i.e. 10 hours) depending on the work assignment.

POLICY:

All breaks and meal periods must be in strict compliance with applicable laws.

Federal law does not mandate break or meal periods. However, for a break or meal period to be unpaid, it must be at least 30 minutes in duration and uninterrupted. This applies to all sites in all states.

Some states mandate break or meal periods. A break or meal period of less than 30 uninterrupted minutes must be paid under federal law even if the state provides it is unpaid. State and local requirements will be included in state labor posters which must be displayed at each Site.

MEAL PERIODS:

Employees who work five (5) hours are eligible for an unpaid meal period of 30 minutes or a 45-minute meal break for any shift that exceeds five (5) hours. The meal period will be unpaid only when the employee is completely off duty and is uninterrupted. Employees who remain on duty at their workstations during their 30-minute or 45-minute meal period will be paid for the time worked. **Employees are required to clock out and clock back in for their meal period.**

Tender Care Medical Services, Inc.

If an employee foresees there may be an issue with the nurse and the assistant taking their meal period, immediately bring to the attention of the Director of Nursing or Assistant Director of Nursing so arrangements can be made for coverage for employees to take a meal period. Missed meal periods must be authorized in advance by management and notification to Corporate Human Resources department.

Meal periods should not be scheduled at the start or end of the shift. Time worked in lieu of meal periods will be considered for overtime purposes.

BREAKS/REST PERIODS:

Non-exempt employees may arrange with their supervisor for a break(s) or rest period(s) during the workday, generally in fifteen (15) increments. Such breaks count as work time, shall be approved in advance by the supervisor, and must not result in an interruption of necessary services. Breaks may not be accumulated or taken at the beginning or end of a shift.

EMPLOYEE'S RESPONSIBILITIES:

- Employees should complete a Timecard Exception form when they miss or encounter a shortened meal period (less than 30/45 minutes) due to work issues.
- Employees shall review and accept all time and/or payroll details from which they are paid.
- Employees must read, understand, and acknowledge by signature, the Missed Meal Acknowledgment Form upon hire and annually.

ADMINISTRATOR/MANAGERS RESPONSIBILITIES:

- Leadership must adjust the timekeeping system accordingly for any missed meal period so that the affected employee is properly compensated.
- The Manager will ensure that each employee reviews and accepts UKG/Kronos for accuracy.
- During orientation at the Site, the supervisor will provide the employee with the location and department specific process, if any, related to the meal period.
- Site leadership who does not follow state or local mandated requirements for break and meal requirements will be subject to disciplinary action.
- Site leadership who alters an employee's valid time record may be subject to disciplinary action up to and including termination.

HUMAN RESOURCES RESPONSIBILITIES:

- During the on-boarding of a new hire, Corporate Human Resources or designee will review the procedure for missed or shortened meal periods and provide a Timecard Exception form to all new non-exempt employees.

Tender Care Medical Services, Inc.

- Employees will be required to sign the Acknowledgement for Missed/Shortened Meal Period reporting form, which verifies their training and understanding of the process.
- The form should be presented to all employees annually for signature.
- The Payroll Manager will perform periodic payroll audits to ensure that the policy is followed and deductions for missed/shortened meal periods are cancelled, i.e. the employee must be paid.

STATE MEAL AND BREAK PERIOD RESOURCES:

See the United States Department of Labor's Wage and Hour Division web page on state meal periods at <http://www.dol.gov/whd/state/meal.htm>.

TIME CLOCK EXCEPTIONS FOR MISSED AND/OR SHORTENED MEAL PERIODS

I understand that I am entitled to a 30 minute unpaid Meal Period whenever I work more than six consecutive hours in a workday. I certify that on the date(s) below that I missed a Meal Period and/or My Meal Period was shortened to less than 30 minutes due to work-related issues.

Employee Last Name (Print) _____ First Name _____

Supervisor's Name (Print) _____

Date of Missed and/or Shortened Meal Period	Date Reported	Missed or Shortened (choose one)	Reason

Employee Signature

Date

Supervisor's Signature

Date

For Administrative Purposes Only:
Date Forwarded to Payroll: _____ Supervisor's Initials _____

**ACKNOWLEDGMENT FOR MISSED AND/OR SHORTENED
MEAL PERIOD REPORTING**

Signing this Acknowledgement, I certify that I received training during my Site orientation and fully understand the reporting process associated with missed and/or shortened meal periods. I agree to ask my supervisor or the Corporate Human Resources department for any further questions I may have.

I further understand that it is my continuing responsibility to report any missed or shortened (to less than 30 minutes) meal periods to my supervisor/manager using the form entitled Timecard Exceptions for Missed and/or Shortened Meal Periods.

I also understand that I have the right to ask for, and/or that I will be given the opportunity to review and approve payroll detail reports, including any missed and/or shortened meal period exceptions, which will be illustrated as time worked and considered for overtime purposes.

Employee Signature

Date

Human Resources

Date

OR

Supervisor

Date