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Owner:	<i>Milan Jovanovic: Dir, Compensation</i>
Policy Area:	<i>Human Resources</i>
References:	
Applicability:	<i>Palo Alto Medical Foundation</i>

Meal and Rest Period Policy

PURPOSE

The purpose of this policy is to outline the process Legal Entity and its employees shall follow to provide all Legal Entity employees with timely, Duty-Free, uninterrupted Meal Periods and Rest Periods. All non-exempt employees are responsible for taking appropriate Meal Periods and Rest Periods in a timely manner, and for accurately documenting the "out" and "in" times of their Meal Periods.

POLICY

It is the policy of Legal Entity to provide Meal Periods and Rest Periods to its employees.

SCOPE

This policy applies to all California-based Palo Alto Medical Foundation (herein referred to as "Legal Entity") employees.

DEFINITIONS

Duty-Free means that employees will be relieved of all duties and free to use the time for their own purposes. Employees are not expected or required to carry pagers, Voceras, cell phones or other devices, or otherwise be reachable. Employees are free to leave the Legal Entity premises.

Meal Period is a Duty-Free unpaid period of no less than 30 minutes. An employee may be eligible for one or more Meal Periods depending on the number of hours worked in a day.

Patient Care Staff is an employee who satisfies both of the following criteria:

- A. Works in a facility that is a hospital, skilled nursing facility, intermediate care or residential care facility, convalescent care institution, home health agency, a clinic operating 24 hours per day, or a clinic performing surgery, urgent care, radiology, anesthesiology, pathology, neurology or dialysis; and
- B. Provides patient care, works in a clinical or medical department (including pharmacists dispensing prescriptions in any practice setting); or works primarily or regularly as a member of a patient care delivery team.

Rest Period is any paid 15 minutes of Duty-Free time for every 4 hours of work, or major fraction thereof. "Major fraction" means more than 2 hours.

PROCEDURE

A. Eligibility

Legal Entity provides Meal and Rest Periods to both non-exempt and exempt employees. Exempt employees need not record in-and-out times for Meal Periods, but they are entitled to take Duty-Free Meal Periods and Rest Periods within the time parameters set forth in this policy.

B. Entitlement

Subject to any applicable Meal Period waivers (as discussed below), Meal Period and Rest Period entitlement depends on actual hours worked, as follows:

Hours Worked	Rest Periods	Meal Periods Entitlement and Timing
3.5 to 5 hours	One 15-minute Rest Period	None.
More than 5 hours to 6 hours	One 15-minute Rest Period	One unpaid Meal Period of no less than 30 minutes to begin by the end of the fifth hour of work. (For example, an employee who starts work at 7AM must be provided an unpaid Meal Period to begin no later than 12PM.)
More than 6 hours to 10 hours	Two 15-minute Rest Periods	One unpaid Meal Period of no less than 30 minutes to begin by the end of the fifth hour of work. (For example, an employee who starts work at 7AM must be provided an unpaid Meal Period to begin no later than 12PM.)
More than 10 hours to 14 hours	Three 15-minute Rest Periods	Two unpaid Meal Periods of no less than 30 minutes each: (i) the first to begin by the end of the fifth hour and (ii) the second to begin by the end of the tenth hour of work.
More than 14 hours to 15 hours	Four 15-minute Rest Periods	Two unpaid Meal Periods of no less than 30 minutes each: (i) the first to begin by the end of the fifth hour and (ii) the second to begin by the end of the tenth hour of work.

C. Meal Periods

1. Meal Period timekeeping requirements

- a. Non-exempt employees must record actual Meal Period start and end times.
- b. Employees using an electronic timekeeping system must punch out and in using their home time clock (i.e., the device primarily designated for the employee to use for all time entries).

2. Missed Meal Periods

Advance notice to a supervisor (or other designee) is required to avoid missed or late Meal Periods. If, for any reason, an employee believes they will be unable to take a timely Meal Period in accordance with this policy, the employee must notify their supervisor/ designee as soon as possible so that they can arrange for the employee to take the Meal Period within the timeframe identified in this policy.

3. Premium pay for non-exempt employees

If, after notifying the employee's supervisor/ designee, the employee is unable to take a timely Duty-Free Meal Period in accordance with this policy, the employee must record a "missed Meal Period" on their timecard (or automated system). The employee will then receive one hour of premium pay for that day at the employee's regular hourly rate of pay. A missed Meal Period for this purpose

includes situations when an employee is not provided a Meal Period at all, as well as Meal Periods that are not provided timely (e.g., employee is unable to start their first Meal Period until they have worked greater than five hours), are short (i.e., the employee is interrupted by work demands before 30 minutes have elapsed without the opportunity to retake a timely 30-minute uninterrupted Meal break), or are not Duty-Free. An employee may not claim premium pay for more than one missed Meal Period in a single workday.

4. Voluntarily Declining to Take a Provided Meal Period

Legal Entity provides timely Meal Periods as described above. On rare occasions, with supervisor/ designee approval, an employee who is given the opportunity for a timely Meal Period may choose to take their Meal Period outside the timing provided by this policy. Thus, an employee who has the opportunity to take their first Meal Period before working more than five hours and second Meal Period before working more than 10 hours may, with supervisor/ designee approval, choose to:

- a. Start their first Meal Period later than the end of the fifth hour of work;
- b. Start their second Meal Period later than the end of the tenth hour of work;
- c. Take a Meal Period that lasts less than thirty minutes; or
- d. Skip their Meal Period altogether.

An employee's choice to alter the timing of Meal Periods is always subject to supervisor/ designee approval and departmental needs. Employees who are provided a timely Meal Period and voluntarily choose to skip, delay or shorten their Meal Period are not eligible for a premium payment.

D. Rest Periods

1. Scheduling of Rest Periods

- a. Rest Periods should be taken as close to the middle of each 4-hour work period as practicable. For example, an 8-hour shift employee should take the first Rest Period roughly midway between the start of the work period and the Meal Period, and take the second Rest Period midway between the end of the Meal Period and the end of the second 4-hour work period.
- b. Rest Periods cannot be combined together or combined with the Meal Period. Further, they cannot be used at the start of the shift to arrive late or used at the end of the shift to leave early.

2. Timekeeping of Rest Periods

Employees need not record out or in times associated with Rest Periods.

3. Missed Rest Period

- a. Advance notice to a supervisor/ designee is required to avoid missed Rest Periods. If, for any reason, an employee believes they will be unable to take a timely Duty-Free Rest Period in accordance with this policy, the employee must notify their supervisor/ designee as soon as possible so that they can arrange for the employee to take the Rest Period within the timeframe identified in this policy.
- b. Premium Pay for non-exempt employees: If, after speaking with the employee's supervisor/ designee, the employee is unable to take a Duty-Free Rest Period, the employee must record "missed Rest Period" on their timecard (or automated system). The employee will then receive one hour of premium pay for that day at the employee's regular hourly rate of pay. A missed Rest Period for this purpose includes situations where the employee is not provided with their Rest Period(s), as well as interrupted Rest Periods (that cannot be retaken) and Rest Periods that are not Duty-Free. An employee may not claim premium pay for more than one missed

Rest Period in a single workday.

- c. If an employee is provided the opportunity to take a Rest Period and voluntarily elects not to take it, no premium payment applies.

E. Voluntary Meal Period Waivers

1. Subject to operational needs and the eligibility criteria set forth below, Legal Entity may offer employees the Meal Period waivers listed below. In the event that an eligible employee voluntarily chooses to sign a waiver, the waiver excuses Legal Entity's obligation to provide the employee with the waived Meal Period.
 - a. All Staff:
 - i. First Meal Period Waiver – All staff working more than 5 hours, but not more than 6 hours, are eligible to waive their one unpaid Meal Period by signing the First Meal Period Waiver contained in Attachment A.
 - ii. Second Meal Period Waiver – All staff working more than 10 hours, but not more than 12 hours, are eligible to waive their second unpaid Meal Period, so long as they took the first Meal Period, by signing the Second Meal Period Waiver contained in Attachment A.
 - b. Patient Care Staff First Or Second Meal Period Waiver:
Patient Care Staff who work over 8 hours in a workday are eligible to waive one of their two Meal Periods by signing the Patient Care Staff First Or Second Meal Period Waiver contained in Attachment A. To be valid, the waiver must be signed by both the employee and a representative of Legal Entity. Consult Human Resources if you have any questions regarding staff eligibility for this waiver.
2. The decision to agree to a Meal Period Waiver is voluntary on the part of an eligible employee. An employee may revoke a Meal Period waiver at any time by providing written notice to Legal Entity.
3. In the event an employee revokes a waiver, the written revocation must be forwarded to Human Resources for processing and recordkeeping.

F. On-Duty Meal Period Agreements

1. With advanced approval from Human Resources, eligible employees may have the opportunity to voluntarily enter into an On-Duty Meal Period Agreement (Attachment B) with Legal Entity. An On-Duty Meal Period Agreement permits an eligible employee to take their Meal Period while on duty (i.e., while on the clock). An employee is only eligible for an On-Duty Meal Period Agreement when the nature of their job prevents the employee from being relieved of all duties to take a Duty-Free Meal Period.
2. The decision to agree to an On-Duty Meal Period Agreement is voluntary on the part of an eligible employee. An employee may revoke an On-Duty Meal Period Agreement at any time by providing notice to Legal Entity.
3. On-Duty Meal Period Agreements must be forwarded to Human Resources for processing and recordkeeping. In the event that an employee revokes an agreement, the written revocation must be forwarded to Human Resources for processing and recordkeeping.

G. Review for Timecard Accuracy

1. Employee Obligations
 - a. Employees must attest to the accuracy of their recorded time entries at the end of each pay

period, including:

- i. The start and end times of each Meal Period taken in the pay period;
 - ii. Premium pay for any missed Meal Period in the pay period; and
 - iii. Premium pay for any missed Rest Period in the pay period.
- b. In the event that an employee has concerns regarding the accuracy of their recorded time entries (including recording applicable premium pay), the employee should contact their supervisor or Human Resources.

2. Supervisor Obligations

- a. Supervisors shall review employee timekeeping records to ensure accuracy of recorded time entries, including:
 - i. The start and end times of each Meal Period taken in the pay period;
 - ii. Premium pay for any missed Meal Period in the pay period; and
 - iii. Premium pay for any missed Rest Period in the pay period.
- b. Supervisors shall not dissuade or discourage employees from seeking a missed Meal Period premium or missed Rest Period premium when an employee was not provided a timely Duty-Free Meal Period/ Rest Period.

REFERENCE

Timekeeping Policy

ATTACHMENTS

Attachment A - Legal Entity Meal Period Waiver

Attachment B - Legal Entity On-Duty Meal Period Agreement

All revision dates:

12/30/2019, 5/14/2019, 1/1/2014

Attachments

[Attachment B: On-Duty Meal Period Agreement](#)

[Attachment A: Meal Period Waiver](#)

Approval Signatures

Step Description	Approver	Date
S3 HR	Nicole Beauchamp: Team Member, Wrkforce Relatns	12/30/2019
Bay Foundation HR Leader	Harly PHD Neumann: VP, HR, SBMF & South Bay	12/19/2019