

## Meal Periods and Breaks

### 816.1 VERSION

Review Date	Effective Date	Approving Authority
01/16/2020	07/09/18	Eric D. English, Chief of Police

### 816.2 POLICY AND PURPOSE

This policy provides general guidance regarding hours of work for employees as well as guidelines for breaks and meal periods. The department will ensure that the scheduling of work hours complies with all applicable laws and regulations, including the Fair Labor Standards Act (FLSA). For more information regarding employment and compensation practices, refer to the City of Harrisonburg Policy Manual (Section II Employment, Section III Compensation/Pay Practices ).

### 816.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

### 816.4 DEFINITIONS

**Federal Labor Standards Act** - or FLSA, is the federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The FLSA also specifies at which times workers are "on the clock" and which times are not paid hours.

**Work-time** - Any time an employee performs work activity, regardless of location. This may include travel in accordance with city policy. Work time excludes commuting time except on call-backs and unpaid meal breaks.

### 816.5 HOURS OF WORK

The department establishes the time and duration of working hours as required by workload, service needs, and the efficient management of personnel resources. The division or office to which the employee is assigned shall determine the schedule of hours for their employees.

Unless an employee is approved to work an alternative work schedule, work shifts will be eight, ten, or twelve hours in duration. Emergencies may create a need for increased manpower and

# Harrisonburg Police Department

## Policy Manual

### *Meal Periods and Breaks*

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longer work shifts; normal operations will resume as soon as the emergency condition no longer exists.

Employee attendance at lectures, meetings, and training programs shall be considered hours of work, and therefore shall be compensated time, if attendance is requested by management.

Commanders will be accountable for the management of their personnel and may structure work hours to achieve the mission of HPD.

#### **816.6 TRAVEL TIME**

Whether travel time is counted as hours worked depends on the kind of travel involved. Different rules apply to travel from home to work, travel during the course of the workday, out-of-town travel, and call-back or emergency response travel. Refer to City of Harrisonburg Policy Manual Section 3.16.

#### **816.7 BREAKS**

Aside from approved meal breaks, an employee's workday may include a short break period within the first and second halves of the workday or within any uninterrupted four-hour work period. Employees normally assigned to the police facility can remain at the police facility for their breaks. This does not prohibit them from taking a break away from the facility.

Officers assigned to field duties who take a break shall monitor the police radio, and be subject to re-call to service.

Breaks shall not be taken during the first or last hour of a member's shift unless approved by a supervisor.

#### **816.8 MEAL PERIODS**

Because of job description and requirements, the following rules apply to sworn officers and civilian employees:

(a) Sworn Officers

1. Are assigned 1-hour of paid meal break. When actually assigned to duties in the field (patrol, Traffic, etc.), officers shall request clearance from the Emergency Communications Center (ECC) prior to taking a meal period, shall monitor the police radio, and if required (ie., emergency calls) be able to respond in a timely manner.

(b) Civilian Employees

1. Civilian personnel working 12-hour shifts (Records, etc.) are assigned 1-hour of paid meal break
2. Civilian personnel working an 8-hour shift have the option of a 30-minute or 1-hour uncompensated meal break, and therefore their work day will consist of 8

# Harrisonburg Police Department

## Policy Manual

### *Meal Periods and Breaks*

---

1/2 hours, of which 1/2 hour shall be an uncompensated meal break, or 9 hours, of which one hour shall be an uncompensated meal break.

3. The workday for civilian personnel who participate in the department's wellness program will consist of 8 1/2 hours, of which 1/2 hour shall be an uncompensated meal break.

Employees receiving uncompensated meals are not available for work-related tasks during the meal break.

#### **816.9 WELLNESS PROGRAM BREAK**

The department provides for any employee who wishes to combine their meal break time with their Wellness Program fitness routine. Wellness time should be limited to one-hour of wellness while using a combination of a 1/2 hour of lunch/dinner break time for an accumulated 1.5 hours of wellness/lunch time. The 1.5 hours of wellness should encompass the uniform change, exercise, meal break and return to duty without overages of time. Furthermore, if a wellness break is NOT feasible due to the work shift's assignments or staffing, that break CANNOT be carried over to another day.

The wellness/lunch break shall not exceed 1.5 hours and employees shall be available by radio or cellphone contact. If summoned for duty, the employee shall respond within a reasonable amount of time.

Employees not taking a wellness/meal combination on a particular day will default to their normally assigned meal break for that shift.

Employees not scheduled for a full duty day (working a half-day, etc.) are not eligible for the combination wellness/break time that day.

For more information see Wellness Program policy.