



City of Riverside, California  
Human Resources Policy and Procedure Manual

Approved:

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
City Manager

*Number: II-5 Effective Date: TBD*

**SUBJECT:** REST AND MEAL BREAKS

**PURPOSE:**

To ~~provide uniform~~ ensure compliance with California Labor Code Section 512 and establish guidelines for ~~the application of~~ employee rest and meal breaks.

**POLICY:**

The City shall provide for regular and appropriate rest and meal breaks for all City employees. Department Heads and their managers shall assign and schedule rest and meal breaks to meet the operational needs of work crews or work units. City employees shall be expected to use good judgment during rest and meal breaks while serving as representatives of the City of Riverside based on the guidelines and intent of this policy, and in all cases presenting a favorable image to the public.

1. Meal Break - ~~Generally, A~~ non-compensable meal break of ~~from at least~~ one-half hour to one hour ~~should~~ shall be provided to employees who work more than five consecutive hours, near the middle of a work shift unless otherwise specified in a collective bargaining agreement. During the meal break, Employees will be relieved of all duty. Employees who work no more than six hours may elect in writing and with mutual consent of both the employer and employee to waive the meal period. Meal breaks shall normally be provided for shifts of at least six consecutive hours near the middle of a work shift, except where departmental scheduling requires modification in order to maintain services.

An employer shall not employ an employee for a work period of more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes, except that if the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent of the employer and the employee only if the first meal period was not waived.

If an employee is not relieved of all duty, (an example of this is an employee working in Fire Operations/Suppression), the meal period shall be considered an "on duty" meal period. An "on duty" meal period counted as hours worked shall be permitted only when the nature of work prevents relief from all duties and there is

mutual written agreement between the employer and employee. The employee must agree to an on-the-job paid meal period and may revoke the agreement in writing at any time.

If an employer fails to provide an employee a meal or rest or recovery period in accordance with state law, including, but not limited to, an applicable statute or applicable regulation, standard, or order of the Industrial Welfare Commission, the Occupational Safety and Health Standards Board, or the Division of Occupational Safety and Health, the employer shall pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest or recovery period is not provided.

The Department Head's are authorized to approve less than a one-hour meal break. A longer meal break may be approved by the Department Head where it is in the City's best interest for such an employee to may authorize and/or require a meal break in excess of one-half hour and up to one hour when it is deemed in the City's best interest to do so. -This may include but is not limited to effective operation of City business; attendance at a conference with another governmental agency, service club, luncheon meeting of a professional organization; or other meetings involving City business. -Meal breaks shall not be combined with rest breaks to provide an extended break.

In order for a meal break to be added to the regular work schedule and not be counted as hours worked, an employee must be allowed a minimum one-half hour uninterrupted meal break. If the meal break is allowed and not paid as part of the employee's regularly scheduled shift, the meal break shall be added to the normal work schedule.

The time allowed for meal breaks includes any travel time to and from the place where the meal break is taken. For field employees, meal breaks may be taken at restaurants and food establishments in close proximity to the work site only if they can return to the job site within the designated time limit. Supervisors should discourage employees who are eligible for overtime from eating lunch at their desks to ensure that the employee has a bona fide, uninterrupted meal break that shall not be counted as hours worked.

2. Rest Breaks - All City employees shall be provided with a compensable fifteen-minute rest break once during each consecutive four-consecutive hour work period. The fifteen minute Rest breaks are not cumulative and may be taken only when prescribed. Compensatory time shall not be used to extend shall not be combined with other rest or meal breaks. No break shall occur within one (1) hour of starting time, meal break, or quitting time unless otherwise specified in a collective bargaining agreement or special circumstances make this desirable, and in which case prior approval shall be obtained from the employee's immediate supervisor. Rest breaks shall not be combined with meal breaks to provide an extended break.

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Where adequate on-site facilities exist, employees are ~~required~~encouraged to use the areas and facilities provided. In the case of field employees, rest breaks are to be taken at the job site or may be taken at restaurants and food establishments in close proximity to the work site only if they can return to the job site within the designated time limit. If in transit between jobs, the break may be taken at a nearby City park or at the next job site.

3. Use of City Vehicles for Rest or Meal Breaks – The use of City vehicles shall be limited to official City business and employees are prohibited from using a City vehicle to travel to business establishments to conduct personal business (e.g. bank, post office, etc.), activities (e.g. use of a private gym, etc.) or errands (e.g. shopping, dry cleaner, etc.) or to travel to a private residence during rest or meal breaks. -

Employees may utilize a City vehicle to patronize restaurants and food establishments while in transit or in close proximity to the work site for the purpose of purchasing food and beverages and for restroom facility use. Such use of a City vehicle shall constitute an official rest and/or meal break with travel time included.

The only exceptions are for:

- a. Public safety personnel in the Police and Fire Departments who are required to respond to emergency situations and where the public presence of these personnel is desirable as a deterrent; ~~and~~
- b. Employees on official City business with the ~~D~~epartment ~~H~~ead's approval.
- c. Employees requesting an exception through their immediate supervisor with approval through the department chain of command.

No other exceptions to this policy shall be allowed unless special circumstances exist in which case the ~~D~~epartment ~~H~~ead shall submit a recommended change or exception to the City Manager for approval; or where otherwise provided for in a collective bargaining agreement.-