	Human Resource Policy Benefits & Compensation	No. HR.BNC.02
	Title: MEAL AND REST PERIODS (California policy)	Page: 1 of 7
		Effective Date: 05-17-18
		Retires Policy Dated: 05-15-12
		Previous Versions Dated: 10-12-11; 03-01-08; 11-20-02; 10-01-00

I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its wholly-owned subsidiaries and affiliates (an “Affiliate”); (2) any other entity or organization in which Tenet or an Affiliate owns a direct or indirect equity interest greater than 50%; and (3) any hospital or healthcare facility in which Tenet or an Affiliate either manages or controls the day-to-day operations of the facility (a “Tenet Facility”) (collectively, “Tenet”) which are located in California.

II. PURPOSE:

Tenet recognizes the importance of rest and relaxation for employees throughout the workday and provides appropriate breaks and meal periods. The policy and procedures are to provide employees and supervisors with appropriate guidelines for meal and rest periods.


III. POLICY:

It is the policy of the facility to comply with all applicable state and federal laws pertaining to employee meal and rest periods. Meal periods will be scheduled according to facility-specific procedures to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated during that time. In the event that an employee cannot be relieved of all active responsibilities and restrictions, the employee will be compensated pursuant to the applicable California law.

A. Meal Periods

Under California wage and hour law, employees are to be provided a one half (1/2) hour unpaid meal period when they work more than five (5), but not more than ten (10) hours. If an employee’s shift is completed at the end of six (6) hours, the meal period may be waived by mutual consent of the facility and the employee. Employees who work shifts in excess of ten (10) hours are entitled to two (2) half (1/2) hour unpaid meal periods, unless they have signed an appropriate meal waiver form that allows for a waiver of a meal period. Employees who work shifts in excess of fifteen (15) hours are entitled to three (3) half (1/2) hour unpaid meal periods, unless they have signed an appropriate meal waiver form.

Unpaid meal periods will begin by the end of the fifth hour and/or by the end of the tenth hour of a shift, as applicable, under California wage and hour law and subject to any appropriate meal waiver the employee has signed.

	Human Resource Policy Benefits & Compensation	No. HR.BNC.02
	Title: MEAL AND REST PERIODS (California policy)	Page: 2 of 7
		Effective Date: 05-17-18
		Retires Policy Dated: 05-15-12
		Previous Versions Dated: 10-12-11; 03-01-08; 11-20-02; 10-01-00

B.	Number of Hours Worked	# of Meal Periods	Effect of a Signed Waiver From
	No more than 5 hours	0	N/A
	Over 5 hours but no more than 6 hours	1	Waiver eliminates the requirement for the 1 meal period.
	Over 6 hours but no more than 10 hours (includes 8-hour shifts)	1	No effect
	Exactly 10 hours	1	No effect
	More than 10 but no more than 15 hours (includes 12-hour shifts)	2	Waiver eliminates the requirement for 1 of the 2 meal periods.
	15 hours or more	3	Waiver eliminates the requirement for 1 of the 3 meal periods.

Unpaid Meal Periods

Meal periods (i.e., breakfast, lunch, dinner) are unpaid and excluded from overtime and will not be counted as hours worked if:


1. The employee is completely relieved of all duties for that period designated as a “meal period;”
2. The employee is free to leave his/her work station and the work location during the meal period; and
3. The meal period is a minimum of thirty (30) minutes in duration.

Employees should clock out and back in for meal periods. Employees should clock back in at the same location they clocked out at.

C. On-Duty Meal Periods

Employees may take paid on-duty meal periods when the nature of the work prevents them from being relieved of all duty.

The supervisor or department manager’s and Human Resources Department’s prior approval is required for on-duty meal periods, which should be documented using the

	Human Resource Policy Benefits & Compensation	No. HR.BNC.02
	Title: MEAL AND REST PERIODS (California policy)	Page: 3 of 7
		Effective Date: 05-17-18
		Retires Policy Dated: 05-15-12
		Previous Versions Dated: 10-12-11; 03-01-08; 11-20-02; 10-01-00

appropriate on-duty meal agreement, supplied by the Human Resources Department.

The employee may revoke the on-duty meal agreement at any time in writing.

D. Working Meal Periods

In some departments, occasionally it may be necessary for employees who have not signed on-duty meal agreements to work during meal periods. In these instances, an employee will be paid for this time as “time worked” and may incur overtime and penalty pay liability and be entitled to additional amounts under applicable California wage and hour law. Employees should obtain prior approval from their department manager or designee prior to working during their meal periods and the reason shall be documented.


The department director or designee should review and approve all time records by employees who have worked through their meal periods. The employee and department director or designee’s signature should be included and submitted to the facility Payroll Department.

E. Rest Periods (Breaks)

Under California wage and hour law, employers should make available one (1) ten (10) minute break for every four (4) hours worked or major fraction thereof. A break or rest period is defined as a ten (10) minute period that should be taken as close to the middle of a four (4) hour period as possible. The timeline below provides for the number of breaks to be authorized and permitted based on hours worked. Employees should not be required to carry a telephone, pager, or other communications device during their rest breaks unless the practice has been approved in advance by Human Resources. The employee is free to leave his/her work station and the work location during the rest period, provided they return to their work stated within the allotted 10 minutes.

Break periods are paid as time worked. No additional wages will be paid for break periods not taken. Break periods may not be saved and taken as time off immediately prior to the beginning or at the end of the shift, nor combined with a meal period or other breaks.

Employees must not be absent from their assigned area beyond allotted meal or rest

	Human Resource Policy Benefits & Compensation	No. HR.BNC.02
	Title: MEAL AND REST PERIODS (California policy)	Page: 4 of 7
		Effective Date: 05-17-18
		Retires Policy Dated: 05-15-12
		Previous Versions Dated: 10-12-11; 03-01-08; 11-20-02; 10-01-00

Number of Hours Worked	# of 10 Minute Rest Breaks	Comments
0 to < 3.5	0	A non-exempt employee who works less than 3.5 hours in a shift is not authorized and permitted to take a rest break.
> 3.5 to ≤ 6	1	A non-exempt employee who works more than 3.5 hours in a shift but who does not work more than 6 hours in a shift is authorized and permitted to take one 10-minute rest break.
> 6.0 to ≤ 10.0	2	A non-exempt employee who works more than 6 hours in a shift but who does not work more than 10 hours in a shift is authorized and permitted to take two 10-minute rest breaks.
> 10.0 to ≤ 14.0	3	A non-exempt employee who works more than 10 hours in a shift but who does not work more than 14 hours in a shift is authorized and permitted to take three 10-minute rest breaks.

period time.

F. Missed, Short, or Late Meal Periods and Missed Rest Periods


Any missed, short, or late meal periods or missed rest period should be noted on the appropriate Missed Meal Period or Rest Break Log each day that it occurs. It is the responsibility of each employee to adhere to this procedure. While the facility wants employees to take meals and breaks, we recognize there may be times when this may not be possible due to patient care or other critical department needs. If an employee consistently misses meals or breaks without authorization and for reasons that are within the employee's control, disciplinary measures will be taken up to and including termination.

Managers are responsible for ensuring appropriate documentation is provided to employees, documenting and acknowledging any missed, short or late meal period or missed rest period of employees by approving the Missed Meal Period or Rest Break Log and submitting the document with time records to Payroll at the end of each pay period.

The Payroll Department will pay applicable penalties for missed, short or late meal periods or missed rest periods pursuant to the applicable wage and hour laws. Any trends noted by the Payroll Department should be reported to the appropriate Administrative Team member and/or Human Resources.

G. Correcting Timekeeping Errors

Timekeeping errors in the form of missed swipes or erroneous swipes on the time clock should be corrected and appropriately documented on the Kronos Error/Correction Log each occasion such an error occurs. It is the responsibility of

	Human Resource Policy Benefits & Compensation	No. HR.BNC.02
	Title: MEAL AND REST PERIODS (California policy)	Page: 5 of 7
		Effective Date: 05-17-18
		Retires Policy Dated: 05-15-12
		Previous Versions Dated: 10-12-11; 03-01-08; 11-20-02; 10-01-00

each employee to adhere to this procedure.

Managers are responsible for acknowledging any timekeeping errors requiring correction by approving the Kronos Error/Correction Log and following facility direction to correct the employees' time record as appropriate or submitting the document to Payroll at the end of each pay period. Excessive timekeeping errors or missed punches may be addressed through disciplinary measures.

H. Records Retention


Missed Meal Period or Rest Break Logs Missed, short or late meal period or missed rest break documentation and timekeeping error and correction documentation should be retained according to Administrative Policy AD 1.11 Records Management (minimum of four years) unless otherwise noted by the Tenet Human Resources Department.

IV. PROCEDURE:

A. Employee

1. It is the responsibility of the employee to make the effort to take all meals and breaks in accordance with the law.
2. Employees should inform their supervisor when meals or breaks are missed, when their meal period is less than 30 minutes or is started late, if they are not relieved of all duties during their meal period or if they are not able to take a full 10 minute rest period.
3. Employees should fill out the Missed Meal Period or Rest Break Log as appropriate.
4. Employees should fill out the Kronos Error/Correction Log to correct timekeeping errors in the form of missed swipes or erroneous swipes.
5. Employees should review timesheets for any missed penalties or other errors and to report to Payroll when their paycheck is missing penalties or is incorrect in any way.
6. Employees should sign the appropriate agreements when they waive meal periods or accept on-duty meal periods.

B. Supervisor

	Human Resource Policy Benefits & Compensation	No. HR.BNC.02
	Title: MEAL AND REST PERIODS (California policy)	Page: 6 of 7
		Effective Date: 05-17-18
		Retires Policy Dated: 05-15-12
		Previous Versions Dated: 10-12-11; 03-01-08; 11-20-02; 10-01-00

1. Provide scheduling that allows for employees to take their meal and breaks, and ensure that employees are provided meals and permitted to take breaks.
2. Provide the Missed Meal Period or Rest Break Logs for employees to report missed meals and breaks. Provide logs for employees to record timekeeping errors and corrections. Provide the Daily Meal and Break Sheet offering meals and rest periods daily, and assure that employees sign as acknowledgment.
3. Review all time records reflecting missed meal periods or breaks to ensure accuracy.
4. Counsel and advise employees on the proper use of timesheets and timekeeping.
5. Obtain/approve meal period waivers and on-duty meal agreements where appropriate. Also obtain Human Resources' approval for on-duty meal agreements.

C. Human Resources


1. Ensure that all managers have the appropriate training and documentation for meal and break management.
2. Orient all employees and managers to their rights and responsibilities under state and federal law and collective bargaining agreement, if applicable.
3. Ensure all employees have signed the relevant forms.

D. Payroll

1. Audit all time records, including Missed Meal Period or Rest Break Logs or reports, for accurate measurement of additional compensation (including penalties and overtime liability) and appropriately pay all such compensation.
2. Identify and report to Human Resources, Finance, and A-Team penalties distributed per pay period.

E. Enforcement

All employees are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies

	Human Resource Policy Benefits & Compensation	No. HR.BNC.02
	Title: MEAL AND REST PERIODS (California policy)	Page: 7 of 7
		Effective Date: 05-17-18
		Retires Policy Dated: 05-15-12
		Previous Versions Dated: 10-12-11; 03-01-08; 11-20-02; 10-01-00

and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable law. Refer to collective bargaining agreements, if applicable.

V. ATTACHMENTS:

Waivers and Agreements

- A. Meal Period Waivers
- B. On-Duty Meal Agreement

Sample Logs

- C. Missed/Short/Late Meal Period & Missed Rest Period Log
- D. Kronos Error/Correction Log
- E. Meeting Sign-in Sheet
- F. Waiver Replacement Tracking Form
- Best Practices
- G. HR Best Practices
- H. Payroll Best Practices
- I. Unit Best Practices