



RUTGERS POLICY

Section: 60.9.9

Section Title: Legacy UMDNJ policies associated with Human Resources

Policy Name: Meal Periods and Breaks

Formerly Book: 30-01-50-35:00

Approval Authority: Senior Vice President for Administration

Responsible Executive: Senior Vice President for Administration

Responsible Office: University Human Resources

Originally Issued: 7/1/1990

Revisions: 6/7/2010; 7/1/2013; 10/10/2013 (Updated title)

Errors or changes? Contact: policies@hr.rutgers.edu

1. **Policy Statement**
The policy covers Rutgers University employees who are employed within legacy UMDNJ positions.
2. **Reason for the Policy**
To set policy determining the definition and granting of meal periods and breaks for non-exempt and exempt staff members (non-faculty and housestaff) in legacy UMDNJ positions.
3. **Who Should Read This Policy**
All Rutgers employees who are employed in legacy UMDNJ positions.
4. **Related Documents**
N/A
5. **Contacts**
University Human Resources: 848-932-3020
6. **Policy**

60.9.9 MEAL PERIODS AND BREAKS

APPLICABILITY: This policy applies to University staff employees only (non-faculty and housestaff).

DEFINITIONS:

- A. **Meal Period:** An undisturbed period of time that is thirty (30) minutes or longer in duration where staff are relieved of all duties and are free to use the time for a meal.

- B. Break: A designated period of time (usually required pursuant to union contract) where staff are allowed a rest break. Such time shall be counted as hours worked and shall be compensated.

Also, pursuant to the Fair Labor Standards Act, a reasonable break time must be allowed for an employee to express breast milk for her nursing child. Such breaks are not governed by union contract.

POLICY:

- A. All University managers/supervisors shall schedule work hours appropriately so that full-time staff have time allotted for a meal period. It is expected that management and staff shall be flexible in such scheduling.
- B. Under New Jersey law, employees under the age of eighteen (18) years shall be entitled to an unpaid thirty (30) minute meal period every five (5) consecutive hours of work. Durations of less than thirty (30) minutes must be counted as paid work time.
- C. Staff shall not have the option of foregoing a meal period and altering their scheduled work hours. Changes in work hours require management approval.
- D. Managers/supervisors shall not prohibit or prevent a staff member from leaving the University premises during a meal period unless there is an emergency. However, staff may be required to either sign out or punch a time card.
- E. For non-exempt staff who are denied their meal period for an emergency or who are not provided an uninterrupted meal period of at least 30 minutes, such time must be counted as hours worked and staff shall be paid for such time. If the hours worked are greater than 40 hours for the week, pursuant to the Fair Labor Standards Act (F.L.S.A.), the staff member must be compensated at time and one-half in cash or compensatory time for all time in excess of the 40 hours.
- F. Exempt employees are not paid on an hour for hour basis and are expected to work a minimum of 37.50 hours per week by nature of their positions.
- G. Breaks:
1. The duration and scheduling of regular breaks are subject to language in University bargaining agreements, (unless for a nursing mother expressing milk).
 2. All University schools and units shall allow nursing mothers to take breaks to express milk. Such breaks shall be allowed for a period of up to one (1) year after a child's birth.
 - Breaks shall be of a reasonable period, allowed on a flexible schedule and if necessary, more than one time a day.
 - An accessible, sanitary location allowing privacy (protected from view and free from intrusion from coworkers and the public) shall be provided. The location shall not be a bathroom.
 - Non-exempt employees shall not be paid for such break time.

The exceptions to this policy are non-exempt staff who work for Public Safety, Emergency Medical Services and the Power Plant who do not have a "duty free" meal period and are therefore paid accordingly.