

## **Number 11.1 - LUNCH AND BREAK PERIODS**

**Effective Date:** March 1, 1996

**Applicable To:** All classified employees, as well as exempt, appointed, and temporary, with the Executive Branch of the State of Vermont.

**Issued By:** Department of Personnel

**Approved By:** William H. Sorrell, Secretary of Administration

### **POLICY STATEMENT**

The purpose of this policy is to define and provide guidelines regarding lunch periods and rest breaks. It is not good practice for supervisors to permit employees to work through their lunch period.

### **GENERAL GUIDELINES**

#### **Lunch Periods**

Each full-time State employee ***must take*** a minimum thirty (30) minute unpaid lunch break daily, with the exception of some employees of the Departments of Corrections, Public Safety, and Military. Employees are not paid for a bona fide lunch period when the employee is completely relieved from duty, is not working, and is free to leave his or her duty post.

The length of an employee's lunch break will be determined by the schedule that is worked, with approval of the supervisor. The maximum time allowed for a lunch break is ninety (90) minutes.

For employees eligible to earn overtime, if an employee is permitted or required to work during his or her lunch period, it must be counted as compensable working time. Employees cannot work through their lunch period unless they are authorized to do so by their supervisor. Unless they are willing to pay overtime, supervisors should not allow employees to work through their lunch periods and should so notify their employees.

#### **Breaks**

Breaks are a privilege that management extends to employees, and not a right that they have to take them. The State of Vermont has no formal policy regarding rest breaks. However, individual agencies and departments are encouraged to set their own policy regarding work breaks for their employees. Break policies should address: the amount of time allowed for the break; the number of breaks allowed in a work day; and the times of day that breaks should be taken. Smoking breaks should be included in this time

(See Number 17.4, Smoking). All break policies must be approved by the Employee Relations Division of the Department of Personnel prior to implementation.

A break is defined as a short period of less than twenty (20) minutes. The break is not considered meal time and, therefore, is considered to be compensable work time under the Fair Labor Standards Act.

Unused breaks cannot be accrued to be used at a later time.