

**Procedure Title:** Meals and Rest Periods  
**Procedure Number:** 03-2003-0006  
**Board Policy Reference:** IV.B. Human Resources Direction  
**NWCCU Standard:**

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**Accountable Administrator:** Chief Human Resources Officer  
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**Purpose/Principle/Definitions:**

This procedure insures that full-time classified staff and part-time staff are given the proper rest and meal periods as defined by the Oregon Bureau of Labor and Industries.

**Rest Period**

Employers must provide hourly employees with a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be given in the middle of each segment, whenever possible. The “major portion” of four hours means any segment greater than two hours. Whenever a segment exceeds two hours, the employer must provide a rest break for that segment.

Full-time classified employees must be provided a rest (break) per the Collective Bargaining Agreement between Blue Mountain Community College and OSEA Chapter 150, if said contract requires a longer rest break than state requirements. If the contract is silent on the issues, state rules apply.

This time must be taken in addition to and separately from time allowed for meals. Insofar as feasible, the break should be taken approximately midway in the segment of work. The break should also be taken away from the employee’s work station or desk to insure the employee is relieved of all duties.

**Meal Period**

Oregon employers must provide employees with at least a 30-minute unpaid meal period when the work period is six hours or greater. If the work period is at least six hours but less than seven hours, the meal must be taken between the second and fifth hour worked. If the work period is more than seven hours, the meal period must be taken between the third and sixth hour worked. The law requires an uninterrupted period in which the

employee is relieved of all duties. No meal period is required if the work period is less than six hours.

### **Work Period**

The work period is defined as the period between the time an employee begins work and time the employee ends work, including all rest breaks and any period of one hour or less during which the employee is relieved of all duties. However, effective January 2002, meal periods do not count as part of the work period unless the employee continues to perform duties during the meal period.

### **Example**

To calculate the number of rest periods that must be given to an employee in one day, one must determine the employee's total work period (start time to end time, excluding meal periods) and count the number of four-hour segments or major portions of four hours in the period.

If an employee works six hours and has one half-hour lunch, the "work period" is six and one-half (6 ½) hours. To determine the number of required rest breaks, the employer must calculate the number of 4-hour segments (or major portion thereof) included in the workday. In a six and one-half hour work period there is one, 4-hour segment and one, 2 ½ hour segment (the major portion of 4 hours), resulting in a requirement of two rest-breaks in addition to the meal period.

### **Violations**

An employee cannot combine his or her rest and meal periods to make a longer meal period. Nor can an employee legally waive his/her rights to receive the required rest breaks or meal periods. It is not the employee's choice whether or not to take the required breaks. To be in compliance, employees must take all mandated breaks, and disciplinary measures may be necessary for an employee who refuses to do so.

### **Legal References:**

OAR 839-020-0050

OAR 839-020-0050(1)(b)

OAR 839-020-0050(5)

OAR 839-020-0050(4)