



Policy	
Meal Periods/Work Breaks	
Developed By: Human Resources	Effective Date: 3/2/2022
Policy Owner: William Nickerson	Approved by: Bart Metzger, Senior Vice President Chief Human Resources Officer, UMMH
Applicability: All employees of UMass Memorial Health except that if any conflict exists between this policy and a provision of a collective bargaining agreement, the applicable provision(s) of the collective bargaining agreement will control.	Approved by: Eric Dickson MD, CEO UMass Memorial Health
Keywords: Lunch time, Meal Break, Breaks, Non-exempt, Exempt	

Policy

All employees must take meal periods as well as work breaks from work-related activities as required by law.

Meal periods and work breaks may not be used at the immediate start or immediate end of a shift.

Definitions

Meal Period – A 30-minute, consecutive, uninterrupted, meal period during which the employee is free to leave the workplace for every 6 hours worked.

Non-Exempt- A “Non-Exempt” employee is paid hourly and is subject to the overtime provisions of the Federal Fair Labor Standards Act (the “FLSA”) and Massachusetts state law.

Exempt – An “Exempt” employee is paid a salary regardless of the number of hours worked and is not subject to the overtime provisions of the FLSA and state law.

Employee: Any individual who is party to a full-time, part-time, temporary or *per diem* employment arrangement with a UMass Memorial entity, whether on a contractual or at-will basis, in which the person performs services under UMass Memorial’s direct supervision and control in exchange for compensation.

Work Break - 15 minutes or less of paid time during which non-exempt employees may take time away from work-related activities, which are given at the discretion of UMass Memorial, and during which employees may be required to remain at the workplace.

Required Criteria for Procedure

Department managers or designee will schedule meal periods and work breaks. An employee may request a change in the break schedule by speaking directly with their supervisor. Such requests will be considered subject to workload and/or coverage requirements.

Meal Periods

UMass Memorial Health ("UMass Memorial") provides all employees with a 30-minute, consecutive, uninterrupted, meal period for each work day that an employee works more than 6 consecutive hours. Meal periods are unpaid for non-exempt employees. During their meal period, employees are free to leave the workplace but must return by the end of the period.

Interrupted or Missed Meal Period

On some occasions an employee may be required to work through their meal period because they are interrupted or called back to work. For a non-exempt employee, the entire meal period is considered working time regardless of how long or short the interruption is -- for which the non-exempt employee will be compensated.

If a non-exempt employee's meal period is interrupted or missed for any reason such that the employee does not receive a 30-minute, consecutive, uninterrupted, meal period on each day that the employee works more than six consecutive hours, and the employee has not previously waived their meal period as described below, the employee should report the missed or interrupted meal period to their manager as soon as practicable, preferably that day but not longer than in the same work week.

Additionally, regardless of whether the employee has waived their meal periods or not, a non-exempt employee who did not take a full 30-minute, uninterrupted meal period should answer "no" when prompted "I took a 30-minute uninterrupted meal break" when swiping out at the Kronos time clock.

Any manager who routinely fails to ensure those employees who have not waived their right to a meal period get to take a 30 minute, uninterrupted and consecutive meal period, or who interfere with a non-exempt employee's right to full compensation for an interrupted or shortened meal period may be subject to discipline, up to and including termination.

Voluntarily Waiving Right for Meal Period

A non-exempt employee also may voluntarily request to waive their right to a 30-minute meal period, either singularly or on a going-forward basis. If approved by their manager, the non-exempt employee shall sign a [Meal Break Waiver Form](#). A waived meal period is considered working time for which a non-exempt employee will be compensated. An employee may rescind his or her waiver of the meal period at any time by notifying his or her manager.

When an employee takes a meal period during their shift is exclusively up to UMass Memorial. Under no circumstances may an employee be coerced into entirely waiving a meal period or routinely prevented from taking their entire meal period without interruption.

Pager/Two-way Radio/Dept Cell Phone

If a non-exempt employee carries a pager, two-way radio and/or department cell phone, it is the employee's responsibility to turn off the pager, two-way radio and/or department cell phone during the meal period. If a non-exempt employee is required by their manager and/or supervisor to keep their pager, two-way radio and/or department cell phone turned on during their scheduled meal period because of operational needs, **and** the employee is paged or called and required to work during their meal period, the non-exempt employee will be compensated for the entire meal period.

Required to Remain on the Premises

On each workday that a non-exempt employee works more than 6 consecutive hours, if they are required by their manager and/or supervisor to remain in the facility during their scheduled meal period, the employee will be compensated for the entire meal period.

Work Break

Subject to workload and/or coverage requirements of individual units or departments, a work break of fifteen minutes or shorter may be allowed for non-exempt employees for each half day worked. Work breaks are considered to be time worked and are paid. This work break is not guaranteed, and employees will not be paid or otherwise offered additional compensation for missed and/or interrupted work breaks.

No changes to this policy may be made in isolation or independently.

Entity/Department Specific Procedures

N/A

Supplemental Materials

[Meal Break Waiver Form](#)

Rescission

Supersedes policies:

- Harrington Hospital policy HR.03.17: Meal and Rest Breaks, dated 1/28/19
- Health Alliance/Clinton policy HA-60-57: Meal Periods/Work Breaks, dated 12/5/2018
- Marlborough Hospital policy HR-06: Hour Worked, Meal Periods, Work Breaks dated 3/1/21
- Medical Center policy 4072: Meal Periods/Work Breaks, dated 11/1/18

References

N/A