



**Human Resources**  
2500 South State Street  
Salt Lake City, Utah 84115-4615

OFFICE 801 646-4511  
FAX 801 646-4204

[www.graniteschools.org](http://www.graniteschools.org)

## MEMO

TO: All Principals and Supervisors

FROM: Mike Fraser, Director Human Resources  
Lloyd Bybee, Associate Director Human Resources  
Donnette Waters, Associate Director Human Resources

DATE: October 28, 2008

SUBJECT: Breaks and Work Schedules for Classified and Secretarial Employees.

The purpose of this memo is to clarify Granite School District policy as it applies to rest breaks, lunch breaks, and work schedules for hourly and contract classified and secretarial employees.

### **Rest Breaks**

Rest breaks are provided to classified and secretarial employees as a benefit by the Board of Education. These breaks are not required by law. The benefit permits a break of “at least 10 minutes” after any two and one-half (2 1/2) hours of continuous work. These breaks are part of the employee’s paid work time. The supervisor may direct the employee as to the time to take these breaks to ensure a continuation of work at the work site so that all employees are not on break at the same time. The supervisor cannot, however, deny the employee the right to take an earned rest break.

The break is intended to occur during the work period to allow the employee to “recharge” and should not normally be used to extend lunch or shorten the work day (should not be taken at the end of a work period). If a lunch break is scheduled such that the employee takes a lunch break before they exceed the required 2 ½ hour of continuous work, then the lunch break suffices for the break for that period of time. If the employee chooses not to take a break, or for other just reasons does not take a break, nothing additional is owed to the employee.

### **Lunch Breaks**

Lunch or meal breaks are not a requirement in federal or state labor laws. However, the laws do regulate how long and under what conditions a break must be before the employer is not obligated to compensate them as part of the regular work day. Generally speaking any break of less than thirty (30) minutes must be considered compensable time (paid time). The Board of

Education has also agreed that classified and secretarial employees will be scheduled for a minimum of a 30 minute lunch break. Lunch breaks start as soon as the employee is released from their work assignment and end at the time they report back to work. Supervisors must ensure that a) a full 30 minute lunch break is scheduled for their classified and secretarial employees b) that the employee does, in fact, take the break c) that the lunch break does not get interrupted, and d) that the employee takes the break away from their work station. If the employee is called back to work before the 30 minutes are up or the employee's lunch is interrupted by even a short work assignment, then the full time is compensable and must be considered part of the work day. Lunch breaks of greater than 30 minutes should not be interrupted as this could result in part or the entire break becoming compensable time.

### **Work Schedules**

Full time contract classified and secretarial employees are required to work an eight (8) hour work day. They must also be scheduled for eight hours of work plus the length of their lunch break. This means that their work schedule each day should be eight and one-half (8 ½) hours from the time they are required to report to work and when they are released from work at the end of the day if they get the minimum 30 minute lunch break. If they have a longer lunch break the day should be extended by the amount of time that corresponds to 8 hours plus the length of their lunch break.

### **Overtime Rules**

Classified and secretarial employees are nonexempt employees under federal law. This means that any work performed over forty (40) hours in any work week is subject to overtime pay at one and one-half their hourly rate of pay (or compensatory time at one and one-half hours for each hour worked beyond 40 hours in the work week). This is based on each individual work week and not averaged over two weeks or any other period of time.

It is the responsibility of the supervisor to ensure that the classified and secretarial employees do not work more than their scheduled work shift or that they are properly compensated should that happen. Should a nonexempt employee take it upon themselves to work beyond their scheduled work time without first obtaining permission, the supervisor is required to initiate disciplinary action to stop this from happening. The supervisor is also responsible to make sure that these employees are, in fact, working their full 8 hour work schedule. While allowing nonexempt employees to leave work early for special occasions may be acceptable, a reduced work schedule for periods of time such as SNAD and summer breaks is not an acceptable practice. Nonexempt employees are paid by the hour not by a predetermined salary as with teachers and administrators. If they do not work the hours they have not earned the pay.

### **Reduced Contract and Hourly Employees**

Classified and secretarial employees on a reduced contract or working hourly are subject to the above with the exception that a 30 minute lunch break is not required. However, if a lunch break is provided it still must be at least 30 minutes of uninterrupted time or be considered part of their compensable time.