

MEAL BREAK WORK REQUEST



Supervisor: _____
Employee: _____

Department: _____
Date for work authorization: _____

There are TWO types of meal break requests:

- 1) **Supervisor-requested** (requesting the employee to give up/postpone a meal break for a work-related task)
- 2) **Employee-requested** (requesting to work through the normal lunch period for their own schedule accommodation)

LABOR CODE:

The California Division of Labor Standards Enforcement requires that a meal break be provided if an employee works six hours or more. A 30-minute meal break should begin before the fifth hour of work and be completed before the sixth hour after you begin work. SCC policy allows for a 60-minute meal break. At the request of the employee, the employee may choose to work through lunch, under the following SCC policy:

Working during the lunch break at the employee's request:

If an employee chooses, without encouragement or request of a supervisor, to delay or even work through the lunch break, the time worked shall be considered work time and will be paid at the regular work rate. The lunch penalty will not apply. However, the time worked during the lunch break will be included in work time for calculating overtime. The delayed or missed lunch break must satisfy the following requirements:

- The delay or skipping of the lunch break must be at the request of the employee but with the prior consent of the supervisor;
- Neither SCC nor any of its supervisors shall encourage or request that the employee delay or skip the lunch break;
- No work duties may be assigned or requested during the lunch break;
- Neither SCC nor any of its supervisors shall control the activities of the employee during the lunch break;
- Employee shall be allowed to take an uninterrupted 30-60 minute lunch break;
- The lunch break must be away from the employee's office, or while the employee's office door is closed;
- The employee will clock out and clock in at the beginning and end of the lunch break;

If the employee is requested or required to delay the required lunch period or to work during lunch by the employee's supervisor, or work circumstances prevent the employee from taking the required lunch, the employee shall be granted the lunch penalty.

The employee and supervisor acknowledge the above statement when signing the appropriate box below.

Select one box below to indicate who is requesting this accommodation:

Supervisor-Requested

The supervisor is requesting the employee to work through their normal meal break to attend to a time-sensitive task, to attend a meeting/event, or other **work-related** project. The employer will be charged the "lunch penalty rate" of 1 hour plus the regular pay rate for missing the mandated meal break.

Requestor (Supervisor) Signature Date

Employee response:

- I will work through my lunch as requested.
- I will NOT accommodate this request.

Approver (Employee) Signature Date

Employee-Requested

The employee is requesting to stay at work instead of taking a meal break for their own convenience or schedule accommodation (such as taking their break at a later time in the day to go to a personal appointment). The employee will NOT be paid at the "lunch penalty rate" during the meal period worked.

Requestor (Employee) Signature Date

Supervisor response:

- This request is APPROVED.
- This request is DENIED.

Approver (Supervisor) Signature Date

For official use only:

Date received by HR: _____ Initials: _____

HR will deliver to Payroll