



SoHum Health

Southern Humboldt Community Healthcare District

CRITICAL ACCESS HOSPITAL

Human Resources and Quality POLICY PACKET "A"

March 30, 2023

HUMAN RESOURCES



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| DEPARTMENT: <i>All</i> | Page 1 of 3 |
| SUBJECT: <i>Meal and Break Periods</i> | |

POLICY:

It is the policy of Southern Humboldt Community Health District to comply with applicable laws on meal periods and rest breaks for all employees. Meal periods and rest breaks will be scheduled according to department-specific procedures to accommodate operational and patient care requirements.

- **Rest periods**

All employees are authorized and permitted a 10-minute paid rest break for each four-hour work period (or major fraction thereof). Breaks should be taken as close to the middle of the four-hour work period as possible. Employees are relieved of all duty during rest breaks and are free to leave the work location, provided they return within the allotted 10 minutes. Breaks are not permitted at either the beginning or end of the workday to offset arrival and departure times, nor can they be combined with meal periods or other breaks. Rest breaks are paid as time worked. Employees who voluntarily work through their rest breaks will not be paid additional compensation.

- **Meal periods**

Under California law, employees are to be provided a one-half (1/2) hour unpaid meal period when they work more than five (5), but not more than ten (10) hours. If an employee's shift is completed at the end of no more than six (6) hours, the meal period may be waived by mutual consent of the District and the employee.

Employees who work shifts in excess of ten (10) hours are entitled to two (2) half (1/2) hour unpaid meal periods, unless they have signed an appropriate meal waiver form that allows for a waiver of a meal period. The chart below summarizes the meal period requirements, the impact of a waiver, and the timing.

| Number of Hours Worked | Number of Meal Periods | Effect of a Signed Waiver Form | Timing of Meal Period(s) |
|---|-------------------------------|---|--|
| No more than 5 hours | 0 | Not applicable | Not applicable |
| Over 5 hours but no more than 6 hours | 1 | Waiver eliminates the requirement for the 1 meal period | If not waived, must start meal period by the end of the fifth hour of work |
| Over 6 hours but no more than 10 hours (includes 8-hour shifts) | 1 | No waiver available | Must start meal period by the end of the fifth hour of work |

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|--|---|---|---|
| Exactly 10 hours | 1 | No waiver available | Must start meal period by the end of the fifth hour of work |
| More than 10 but no more than 12 hours | 2 | Waiver eliminates the requirement for the second meal period | Must start meal period by the end of the fifth hour of work |
| 12-hour shifts (for health care employees) | 2 | Waiver eliminates the requirement for 1 of the 2 meal periods | Must start meal period by the end of the tenth hour of work |

- **Employees Expected to Take Meal Periods and Rest Breaks**

Non-exempt employees are entitled, encouraged, and expected to take all meal periods and rest breaks provided under this policy. Employees are completely relieved from duty during their meal break and may use the time as they wish. The District schedules work shifts with the expectation that all employees will take their duty-free meal periods and rest breaks. During meal periods and rest breaks, the District relieves employees of all duty and will not exercise control over employees' activities. Employees are free to spend their meal period and rest break time as they choose and are not required to remain on-premises or "on-call." No District managers or supervisors may impede or discourage employees from taking meal periods provided under this policy. Meal breaks are not counted toward hours worked, and the employee is required to clock out for meal periods. Meal periods are not permitted at either the beginning or end of the workday to offset arrival and departure times.

- **Missed, Short, or Late Meal Periods and Missed Rest Breaks**

If an employee for whatever reason is unable to take available meal periods during their work shift, the employee should immediately inform their supervisor or manager, note the missed meal period on their timecard, and explain the reason for the missed, late, or short (i.e., less than 30 minutes) meal period. A missed, late, or short meal period is "required" if the employee has been instructed or expected by a supervisor or manager to work through, shorten, or delay a meal period. While the District wants employees to take meals and breaks and schedules shifts accordingly, there may be times when this may not be possible due to patient care or other critical department needs. A missed, late, or short meal period is "voluntary" if an employee, for the employee's own reasons, chooses to work through, shorten, or delay a meal period. Employees must provide this information when recording hours worked on their time card. If a nonexempt employee is required to perform any work duties while on his or her meal break period, the employee will be compensated for the time spent performing work duties. The time spent working during the meal break must be noted on the employee's timecard and will be counted toward the total hours worked.

- **Penalty Pay**

Meal Periods: Based on information the employee provides as the reason for the missed, late, or short meal period, the District will ensure correct payment of any meal period premium that may be owed. If an employee fails to receive a meal period or rest break due to manager or District interference, they will receive one hour of additional pay at their regular rate of pay. This additional hour is not counted as “hours worked” for purposes of overtime calculations. Only one premium payment per shift will be paid for missing one or more meal periods during the same shift.

Rest Breaks: If an employee is discouraged or impeded from taking a rest period (such as if an employee is instructed to skip or work during a rest break), the employee will be entitled to one hour of pay at their regular rate of pay. Only one premium payment per shift will be paid for missing one or more rest breaks during that shift.

- **Enforcement**

Managers are responsible for the scheduling of meal and rest periods. Employees who fail to return on time from breaks or lunch will be subject to disciplinary action and docking of pay for time missed.

- **Meal Waiver**

All employees who wish to voluntarily waive one of their meal periods must fill out a Meal Waiver Form and return it to HR.

REFERENCES:

Example:

REVIEWED BY:

Legal Team

MEAL PERIOD WAIVER AGREEMENT

Employee Name (Please print) _____

Department: _____

You have the choice whether to waive certain meal periods that will otherwise be provided to you in accordance with Labor Code section 512.1. You are not required to waive any meal periods. If you choose to waive any meal periods, please complete this form, selecting the meal period(s) you choose to waive.

First Meal Period

- I understand that I am entitled to an unpaid meal break of not less than 30 minutes for every five (5) hour period of time worked. However, I understand that I can waive the meal period when my total day's work will be completed within a work period of not more than six (6) hours.
- Accordingly, I agree to waive the meal period whenever my total day's work will be completed within a work period of not more than six (6) hours.

Initial here if choosing to waive: _____

Second Meal Period

- I understand that I am entitled to a second unpaid meal break of not less than 30 minutes if I work more than ten (10) hours during a workday.
- Accordingly, I agree to waive the second meal period whenever my total day's work will be completed within a work period of not more than twelve (12) hours, as long as I did not waive the first meal period.

Initial here if choosing to waive: _____

I enter into this waiver agreement freely and voluntarily. I understand that this agreement can be revoked in writing by either me or the District at any time. This waiver will remain in effect until I (or the District) exercises the option to revoke it.

Employee's Signature: _____ Date: _____

Supervisor Name (please print): _____

Supervisor's Signature: _____ Date: _____

Please forward form to the Human Resources Department at hr@shchd.org.

MEAL PERIOD WAIVER AGREEMENT

12-HOUR SHIFT HEALTHCARE EMPLOYEES

Employee Name (Please print) _____

Department: _____

You have the choice whether to waive certain meal periods that will otherwise be provided to you in accordance with Labor Code section 512.1. You are not required to waive any meal periods. If you choose to waive any meal periods, please complete this form.

EMPLOYEE SCHEDULED FOR A SHIFT OF TWELVE (12) HOURS

- ☐ When I work a 12-hour shift, I, as an employee in the healthcare industry, voluntarily waive one of the two meal periods I would otherwise be entitled to receive under California law. I understand that as a result of this waiver, I will receive only one meal period during each day of work and will be paid for all working time. I also understand that I, or the District, may revoke this “Meal Period Waiver Agreement” at any time. This waiver will remain in effect until I exercise, or the District exercises, the option to revoke it.

I enter into this waiver agreement freely and voluntarily. I understand that this agreement can be revoked in writing by either me or the District at any time. This waiver will remain in effect until I (or the District) exercises the option to revoke it.

Employee’s Signature: _____ Date: _____

Supervisor Name (please print): _____

Supervisor’s Signature: _____ Date: _____

Please forward form to the Human Resources Department at hr@shchd.org.

QUALITY

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| DEPARTMENT: Quality | NO: | Page 1 of 1 |
| SUBJECT: Process for Writing and Approval of Policies and Procedures and Manuals | EFFECTIVE DATE: 09/28/2018 03/30/2023 | SUPERCEDES: 24/18 |

POLICY:

It is the policy of the Southern Humboldt Community Healthcare District ("SHCHD" or "District") to have policies and procedures as appropriate to assist employees, practitioners, and volunteers in providing optimal patient care, operational efficiency, and financial stability.

PURPOSE:

The purpose of this policy is to outline a standardized process for writing and approval of policies and procedures and manuals.

PROCEDURE:

A. Policies and Procedures

1. Department managers and/or directors are responsible for creating, revising, and editing all the policies and procedures of their department. ~~The administrative assistant may be available to assist the managers if needed. The Board Clerk is responsible for presenting the Governing Board policies to the Governing Body for review.~~
2. All policies and procedures will be formatted using the District's approved master template.
3. ~~The "Effective Date" of the policy is the date the policy is approved by the Governing Board at their regularly scheduled monthly meeting.~~
- 4.3. Policies related to medical staff are to be submitted to the Critical Access Hospital (CAH) Policy Development Committee (PDC) and Medical Staff Committee for recommendation for approval by the Governing Board. Policies and procedures not related to medical staff can be submitted directly to the Board Clerk for the Governing Board's consideration for approval. If it is not clear whether a policy or procedure is "medical staff related" it is the Chief of Staff who will decide. approval prior to going to the Governing Board for final approval. The PDC, Medical Staff, and Governing Board meetings are held monthly (see SHCHD Calendar of Events for specific dates).
- 5.4. Managers are responsible for reviewing each medical staff-related policy and procedure annually and making revisions as appropriate. Policies not medical staff-related are reviewed every two (2) years. The new effective date will be the date a policy is approved by the Governing Board or other date specifically stated. The new effective date is to be entered in the appropriate box at the top of the policy along with the previous effective date in the box titled "SUPERCEDES".
6. ~~All revised and new policies and procedures are to be sent to the administrative assistant for processing. They will then be presented at the PDC/Medical Staff meeting and then to the Governing Board. Once approved, they will be scanned into the system and returned to the managers to put in the appropriate binders.~~

B. Policy & Procedure Manuals

1. Department managers are responsible for reviewing their policy and procedure manuals and submitting them for approval each year.
2. Manuals will be submitted with a Table of Contents, Face Sheet signed and dated by the manager, and a memo listing any new, revised, and/or deleted policies.

REFERENCES:

California Code of Regulations, Title 22, Div. 5, Ch. 1, Art. 3, § 70213

Commented [KJ1]: The Governing Board's Bylaws give the responsibility for medical staff policies and procedures to the Medical Staff Committee. The Med Staff bylaws state they will review all medical staff policies and before they recommend they be approved by the Board, and all medical staff procedures must be approved by Med Staff before implementation.

REVIEWED BY:

Quality Data Coordinator

Administrative Assistant/Medical Staff Coordinator/Governing Board Clerk

Administrator