

# Association of Salem Keizer Education Support Professionals Collective Bargaining Agreement

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## ARTICLE 7 Work Week, Hours of Work

### C. Lunch Periods

Each employee working six (6) or more consecutive hours shall receive a duty free lunch period of at least one-half (1/2) hour. Such time as scheduled by the employee's supervisor, as nearly as practical to mid shift, shall be their lunch period. Lunch period shall not be credited as time worked.

### D. Rest Periods

Each employee shall receive a ten (10) minute break for every segment of four (4) hours or major portion thereof worked in one (1) work period of consecutive service, with the break coming as close as practical to the middle of the work segment. Such break shall be designated by the supervisor. It is prohibited for an employer to allow employees to add the rest period to a meal period or to deduct rest periods from the beginning or end of the employee's work shift. (See the following chart for break and meal period information.)

<b>Length of Work Period</b>	<b>Number of Rest Breaks Required</b>	<b>Number of Meal Periods Required</b>
2 hours or less	0	0
2 hours 1 minute – 5 hours/59 minutes	1	0
6 hours	1	1
6 hours 1 minute – 10 hours	2	1
10 hours 1 minute-13 hours/59 minutes	3	1
14 hours	3	2

# Bureau of Labor & Industries: BOLI/Oregon

[https://www.oregon.gov/boli/TA/pages/t\\_faq\\_meal\\_and\\_rest\\_period\\_rules.aspx](https://www.oregon.gov/boli/TA/pages/t_faq_meal_and_rest_period_rules.aspx)

## Meal and Rest Period Rules

### REST AND MEAL PERIODS FOR ADULT EMPLOYEES

Unless exempt, Oregon law requires employers to provide meal and rest periods to employees. Although the federal Fair Labor Standards Act (FLSA) also covers most Oregon employees and does not require meal or rest periods, employers must comply with the law that is most beneficial to the employee—in this case, the Oregon law.

Certain government employees and employees who are exempt from minimum wage and overtime are also exempt from the rest and meal period requirements of the law; for example, exempt executive, administrative and professional employees. (See **ORS 653.020** or contact BOLI for more information regarding exempt employees.)

The typical adult employee whose work period is eight hours long is entitled to receive at least a 30-minute unpaid meal period and two paid ten-minute rest breaks. Different provisions apply to minor employees under the age of 18. (Contact BOLI for more information.)

Additional rest breaks are required to be provided by employers of 25 or more to employees to express milk for a child 18 months of age or younger, unless the rest periods cause an undue hardship to the employer. Employers are also required to make a reasonable effort to provide a private location where the employee can express milk. (See the FAQ/Fact Sheet under [Breaks: Expression of Breast Milk](#).)

The provisions of the rest and meal period rules may be modified by the terms of a collective bargaining agreement if the terms of the agreement specifically prescribe rules concerning rest and meal periods.

Oregon law provides BOLI with the authority to assess civil penalties against employers of up to \$1,000 for each violation of the meal and rest period provisions of the law.

The following are answers to some of the most commonly asked questions regarding meal and rest periods.

### MEAL PERIODS Q & A

#### Q. What are the basic requirements for meal periods under Oregon law?

A. Meal periods of not less than 30 minutes must be provided to non-exempt employees who work 6 or more hours in one work period. No meal period is required if the work period is less than 6 hours. Additional meal periods are required to be provided to employees who work 14 hours or more. (See chart at the end of this fact sheet.)

Ordinarily, employees are required to be relieved of all duties during the meal period. Under exceptional circumstances, however, the law allows an employee to perform duties during a meal period. When that happens, the employer must pay the employee for the whole meal period.

**Q. How is the “work period” determined?**

A. Work period is defined as the period between the time an employee begins work and the time the employee ends work, including all rest breaks and any period of one hour or less *not designated as a meal period* during which the employee is relieved of all duties. Meal periods do not count as part of the work period unless the employee continues to perform duties during the meal period.

**Q. Is the meal period required to be taken during a particular time during the worker’s shift?**

A. Yes; if the work period is at least six hours but less than seven hours, the meal period is to be taken after the second hour worked and prior to the commencement of the fifth hour worked. If the work period is more than seven hours, the meal period is to be taken after the third hour worked and prior to the commencement sixth hour worked.

**Q. Are there exceptions to the requirement to provide meal periods?**

A. Yes; there are four exceptions to the requirement that an employee be provided with a 30-minute meal period in which the employee is relieved of all duties. They are as follows:

- 1) The failure to provide a meal period was caused by unforeseeable equipment failures, acts of nature or other exceptional and unanticipated circumstances that only rarely and temporarily preclude the provision of a meal period.
- 2) Industry practice or custom has established a paid meal period of less than 30 minutes (but no less than 20 minutes) during which the employee is relieved of all duties.
- 3) Providing a 30-minute, unpaid meal period where the employee is relieved of all duties would impose an undue hardship on the operation of the employer’s business. When an employer can demonstrate that providing an employee a meal period would impose an undue hardship on the operation of the business and does not provide the full 30-minute meal period, employees must still be provided with adequate time to consume a meal, rest and use the restroom, and must be paid for this time, in addition to being provided all rest periods required by law for the number of hours worked in any given shift. In addition, the employer must give notice to each employee affected by the undue hardship provision on a form prescribed by BOLI and maintain a copy of the notice for the duration of the employee’s employment and for at least six months after the termination date of the employee. The form is available at [www.oregon.gov/BOLI//docs/WH-161.pdf](http://www.oregon.gov/BOLI//docs/WH-161.pdf)
- 4) The employee is a tipped food and beverage server who has *voluntarily* waived their meal period under the following conditions:
  - The employee is employed to serve food or beverages, and receives and reports tips to the employer. The employee is at least 18 years of age.