

**Idaho Department of
Juvenile Corrections
Administrative
Policy/Procedure**

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349	07/27/20	07/27/20
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SUBJECT: HOURS OF WORK AND REST BREAKS

CATEGORY: HUMAN RESOURCES

Policy

The purpose of this policy is to establish guidelines, procedures, and expectations to consistently manage employees' hours of work and rest breaks in accordance with applicable federal and state laws, regulations, and the rules of the Idaho Division of Human Resources (DHR).

It is therefore the policy of the Idaho Department of Juvenile Corrections (IDJC) that all eligible employees receive compensation for working overtime and are provided with meal periods and rest breaks in accordance with the federal Fair Labor Standards Act (FLSA) and Idaho Code.

Operating Procedures

- I. Hours of work and overtime
 - A. IDJC full time employees work a 40-hour week. Employee's hours of work and work schedules are determined and approved in accordance with Work Schedules (348) policy and procedure. Overtime is compensated in accordance with the federal FLSA.
 - B. All overtime must be approved by the employee's immediate supervisor prior to overtime being worked (Note: Exceptions can be made to this requirement of advance approval in circumstances where emergencies involving juvenile health and/or safety are concerned. In this instance, the employee is to document the emergency under the "Comments" section of their electronic timesheet).
 - C. An employee may be required to work overtime, as deemed necessary by the supervisor. Supervisors are required to evaluate the need for overtime, as well as assignments, to limit the impact of overtime on employees.
 - D. Employees are expected to finish their work in a timely manner in order to limit the use of overtime. Supervisors are responsible for monitoring the use of overtime on an ongoing basis. Employee counseling may be necessary when employees abuse the use of overtime, particularly with respect to beginning work prior to the scheduled time and continuing work beyond the scheduled time when not necessary or approved by the supervisor.

II. Accrued compensatory time

A. Limitation of maximum accrued hours

1. FLSA-covered employee may not accrue more than 80 hours of compensatory time without the prior written approval of the Division Administrator.
2. FLSA non-covered employees, except those classified as Executive, accrue compensatory hours at a rate of one hour for one hour and may not accrue hours in excess of 240 hours.
3. FLSA non-covered employees who are classified as Executive are ineligible for compensatory time.

B. Use of accrued compensatory time for FLSA-covered employees

1. Accrued compensatory time must be used before vacation leave provided that this does not cause the employee to lose vacation due to the maximum accrual provision of section 67-5334, Idaho Code.
2. Compensatory time must be used before leave without pay (LWO) commences.
3. For covered employees, every effort should be made to deplete prior six month compensatory time balance. Compensatory time accrued between January 1st and June 30th should be used by December 31st of that same year. Compensatory time accrued between July 1st and December 31st should be used by June 30th of the following year. In circumstances where the employee is unable to deplete their prior six month compensatory time balance, hours not used must be paid out, per section 67-5328, Idaho Code.
4. When a covered employee is promoted or reclassified to a grade which changes the employee to administrative, computer worker, or professional, all accrued but unused compensatory time will be paid out at the time of the action.
5. Accrued but unused compensatory time must be paid out at the employee's final regular hourly rate or the average regular hourly rate received during the last three years of employment, whichever is greater, at the time of the transfer to another state agency or upon separation from state service.

C. Use of accrued compensatory time for FLSA non-covered (Administrative, Computer Worker and Professional) employees

1. With prior approval of their supervisor, an employee may take compensatory time off to the extent such time has been accrued.
2. Accumulated compensatory time cannot be transferred to another state agency. All accrued time will be forfeited when an employee transfers to another state agency or upon separation from state employment.
3. Compensatory time forfeited at the time of the transfer or separation cannot be reinstated at a later date.

III. Meal periods

- A. Neither Federal nor Idaho law requires employers to provide employees with a meal period. However, supervisors are encouraged to set employee schedules to allow for a minimum 30-minute meal period. Supervisors do have the authority to require that employees take an unpaid meal period.
- B. Uninterrupted meal periods of at least 30 minutes will not be considered time worked in calculating compensation for FLSA-covered employees.
- C. Employees who are granted meal periods are not to interfere in any manner with the work of other employees who are not on a meal period or with the normal operation or efficiency of IDJC.
- D. If an employee is required to return to work prior to completion of 20 minutes of meal period, the employee shall be compensated for all time, as if it had been a rest break. Following a required return to work, the supervisor shall, if possible, provide opportunity for the employee to have a non-compensated meal period of 30 minutes.

IV. Rest breaks

- A. Neither Federal nor Idaho law requires employers to provide employees with rest breaks. However, supervisors are encouraged to set employee schedules to allow for rest breaks as appropriate. Breaks are considered a privilege and not a right.
- B. Rest breaks, as distinct from uninterrupted meal periods, will be counted as time worked for pay purposes.
- C. As work permits, and with supervisory approval, employees are allowed up to one 15-minute break within each full four hours of their shift; breaks should be taken as close to the middle of the four hours as possible. There is no guarantee that any employee will be provided regular breaks.
- D. When requested and circumstances permit, supervisors have the discretion of allowing employees to split their total 15 minutes into two mini-breaks.
- E. Breaks may not be accumulated, for example, combining breaks during a shift to allow for 30 minutes of break time at one time, or saving breaks over a period of days.
- F. Breaks are not to be attached to a meal period to extend the meal period or to the end of a shift to allow the individual to leave prior to the end of the scheduled shift.

V. Nursing mothers breaks

- A. The Patient Protection and Affordable Care Act of 2010 amended Section 7 of the FLSA to provide breaks for nursing mothers and a place for nursing mothers to express milk.
- B. The nursing mother will be provided with a reasonable amount of break time to express milk, as frequently as needed, for up to one year after the child's birth.

- C. IDJC will designate areas, other than a bathroom, that are shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

Reference: *Glossary of Terms and Acronyms*
Sections 59-1607, 67-5302, 67-5328, and 67-5334, Idaho Code
Division of Human Resources Rule 260-262
Fair Labor Standards Act
Patient Protection and Affordable Care Act of 2010

Desk Manual(s): *N/A*

Related Policies: *Compensation* (346)
Family and Medical Leave Act (FMLA) Leave (352)
Flextime and Telecommuting (351)
Special Leave Policy (334)
Time Records and Reporting (350)
Work Schedules (348)
Fair Labor Standards Act (321)

Related Forms: *Compensatory Time Notice* (DJC-078)