[Reviewed – No changes: February 1, 2013]

Angelo State University
Operating Policy and Procedure

OP 52.24: **Lunch and Break Periods**

DATE: February 1, 2013

PURPOSE: The purpose of this OP is to establish a policy for lunch and break periods.

REVIEW: This OP will be reviewed in January of odd-numbered years by the director of human resources with recommended revisions forwarded through the vice president for finance and administration to the president by February 15th of the same year.

1. Lunch Periods

Lunch periods are allowed for a period of one hour for full-time employees. Typically, lunch time may be taken between 11:00 AM and 1:00 PM but departments have discretion in setting their employees' lunch periods. In order to qualify as a bona fide lunch period, hourly employees (those covered by the Fair Labor Standards Act (FLSA)) must be completely relieved from work duty for the purpose of eating regular meals or conducting personal business and must be at least 30 minutes. A lunch period of less than 30 minutes is considered work time and therefore is on university time and must be paid. These limits do not apply to salaried employees who are exempt from FLSA's regulations.

For clarification of employee types and FLSA classifications please refer to OP 52.09 Definitions of Employee Categories**.**

Because of recordkeeping requirements under FLSA, and potential unequal treatment of employees, departments are discouraged from allowing their employees to work through their lunch periods in order to make up time off or in anticipation of time off. Lunch periods cannot be banked for taking time off at a future time.

2. Break Periods

Break periods of short duration are not required by the FLSA, nor are they an entitlement under state regulations. However, break periods may be allowed by departments. Common practice has been to allow a 15 minute rest break in the morning and in the afternoon. Departments have discretion on whether to allow rest breaks or not. Break periods count as time worked for FLSA purposes.