

Personnel Rule 9.3 – Meal and Rest Breaks

9.3.0 Authority

SMC 3.102.010 and subsequent revisions thereto, Office Hours

SMC 4.04.030 and subsequent revisions thereto, Definitions

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.34.055 and subsequent revisions thereto, Lactation Breaks

RCW 43.10.005, Workplace pregnancy accommodation – Unfair practices - Definitions

WAC 296.126.092, Meal Periods—Rest Periods

Fair Labor Standards Act of 1938 as amended. 29 U.S.C. 207, Lactation Breaks

9.3.1 Definitions

- A. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent, or chief.
- B. "Employing unit" shall mean any department of the City and, within the Executive and Legislative Departments, any office created by ordinance.
- C. "Hourly employee" shall mean an employee who is compensated on an hourly basis for each hour of work performed, including time worked beyond 40 hours in a workweek.
- D. "Regularly appointed employee" shall mean an individual with a probationary, regular or exempt appointment to a position of City employment.

9.3.2 Application of this Rule

- A. The provisions of this Rule apply to regularly appointed hourly employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes employment provisions that conflict with this Rule.

- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

9.3.3 Lunch break

- A. All hourly employees who work more than 5 consecutive hours shall take an unpaid lunch break of at least 30 minutes. The appointing authority may place a limit as to the maximum length of unpaid time off that the hourly employee is authorized to utilize for his or her lunch break.
- B. Lunch breaks shall begin no more than 5 and no less than 2 hours after the employee begins work for the day.
- C. Scheduling of lunch breaks requires supervisory approval.

9.3.4 Rest breaks

- A. Hourly employees shall be allowed a paid 15-minute rest break for each 4 consecutive hours of work time.
- B. Rest breaks shall be scheduled as near as possible to the midpoint of each 4-hour work period, subject to supervisory approval.
- C. Where the nature of the work allows employees to take intermittent rest periods equivalent to 15 minutes for each 4 hours worked, scheduled rest periods shall not be required.

9.3.5 Lactation breaks

Any employee who is breastfeeding their child shall be provided:

- A. Paid breaks to express breast milk for their nursing child each time the employee has such a need, for up to one year after the child's birth. Such lactation breaks must be of reasonable length and frequency.
- B. After the first year of the employee's child's life, the employee shall be afforded unpaid lactation breaks for up to two years after the child's birth. Such lactation breaks must be of reasonable length and frequency. The employee shall not be required to provide written certification from their treating health care provider regarding the need for this accommodation.
- C. A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.