

**SAN DIEGO CITY SCHOOLS**

**Date:** August 26, 2005

**To:** Site Administrators, Managers and Office-Technical Business Services Unit Members

**Subject:** REST & LUNCH BREAKS

**Department and/or Persons Concerned:** Managers, Supervisors, OTBS Unit Members

**Due Date:** Upon receipt.

**Reference:** Grievance Resolution reached with OTBS Unit.

**Action Requested:** Distribute to all Site Administrators, Managers and OTBS Unit Members

**Brief Explanation:**

On April 25, 2005, the district and the Office-Technical Business Support Services Bargaining Unit resolved a grievance regarding rest and lunch breaks. A copy of the resolution and a Question and Answer flyer are attached for distribution and use at your site.

Managers and supervisors as well as OTBS unit members are encouraged to read through the Question & Answer flyer to ensure compliance.

Questions concerning the attached flyer should be directed to the Labor Relations Office at 619-725-8174 or by email to Vira Villarreal at [yvillarreal@sandi.net](mailto:yvillarreal@sandi.net).

Vira Villarreal  
Legal Specialist  
Labor Relations

APPROVED:



Kerry B. Flanagan  
Chief of Staff

KF:VV:mj

Attachments

Distribution Lists: M and L



# SAN DIEGO CITY SCHOOLS

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OFFICE OF THE SUPERINTENDENT  
Labor Relations

TO: Frances Fierro, President, CSEA/OTBS Chapter 788  
FROM: William Surbrook, Director Labor Relations  
DATE: April 26, 2005  
SUBJECT: RESOLUTION OF GRIEVANCE G-04-059 OTBS/REST-BREAKS

The parties met on April 22, 2005, and reached a mutual agreement. CSEA agrees to withdraw grievance number G-04-059 and the District agrees to circulate the attached signed joint memorandum and accompanying Q&A to all site administrators, managers and OTBS unit members related to the above-captioned grievance within thirty (30) days of the date of this agreement.

  
\_\_\_\_\_  
On Behalf of CSEA

  
\_\_\_\_\_  
On Behalf of the District

Attachments (2)

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# CSEA/OTBS Chapter 788

## Rest and Lunch Break Q&A

**Q: Who is responsible for establishing an employee's work schedule?**

**A:** Each supervisor shall be responsible for establishing a work schedule for each classified employee and for notifying the employee of the established schedule.

The starting and/or ending time of a workday shall not vary from day to day within a week as pre-established at the time of employment, as mutually agreed upon by the employee and the employee's supervisor, or without a minimum of thirty (30) calendar days written notice prior to the effective date of a permanent change in work schedule or five (5) workdays written notice for a temporary change in work schedule (except in an emergency as defined in the contract.)

**Q: What is the length of a workday for classified employees?**

**A:** A normal workday for a *full-time* classified employee shall be eight consecutive hours exclusive of the lunch period. *Part-time* employees may be assigned for less than eight hours per day.

**Q: What is the length of a workweek for classified employees?**

**A:** Traditional workweeks begin at 12:00 a.m. on Monday and end at 11:59 p.m. the following Sunday. A non-traditional workweek normally is five consecutive days starting any day other than Monday. Normally, the workweek shall consist of five (5) consecutive workdays and two (2) consecutive days off. The non-traditional workweek shall not exceed five (5) consecutive workdays starting any day other than a Monday.

**Q: Who is responsible for ensuring that employees take their rest and lunch breaks?**

**A:** Employees are responsible for following the work schedule established by their supervisors and taking their breaks and lunch as established. Employees must secure permission from their supervisor prior to altering the established schedule for their rest and lunch breaks. Supervisors who become aware of employees not taking their scheduled rest and lunch breaks shall advise them to do so.

**Q: How long is an employee's lunch break?**

**A:** Each classified employee assigned for more than five hours a day shall be entitled to an unpaid duty-free lunch period of not less than thirty minutes. Employees shall not be assigned standby or other duty during a lunch period and are free to leave their work location during this time.

**Q: How long is an employee's rest break?**

**A:** Employees assigned for more than three and one-half (3 ½) hours per day shall be entitled to one (1) fifteen minute duty-free break midway through the work period. Employees assigned for six (6) hours or more shall be entitled to two

fifteen (15) minute duty-free break, one before the lunch period and one after the lunch period. Employees may not leave the work site during rest breaks.

**Q: Can I change an employee's lunch break from day to day?**

**A:** The time of day and length of an employee's lunch period shall not vary from day to day within a workweek except when pre-established at the time of employment or mutually agreed upon by the employee and the employee's supervisor.

**Q: What if an employee asks to work through their lunch break or scheduled rest breaks?**

**A:** In no event may a full-time employee forgo their unpaid, duty-free lunch period, arrive early/leave late, take work home, or work on any weekend or holiday. An employee, who works more than five (5) hours, but less than six (6) hours per day, may waive their lunch period upon mutual agreement of the supervisor and the employee.

**Q: Can an employee take their rest break and lunch break together or shorten their workday?**

**A:** Not unless the supervisor and the employee have mutually agreed to the change.

**Q: Am I supposed to pay an employee if I become aware that he/she worked through their lunch break?**

**A:** Yes. If an employee under your supervision works overtime without your knowledge and/or permission, the employee is specifically required to be paid under federal law. Overtime timecards must be processed and paid once you have determined when the employee(s) worked and what work was performed. Classified employees working overtime without permission should be informed that all overtime must be approved in advance; should they fail to do so you may wish to take administrative action to prevent future occurrences of this nature.

**Q: Who is responsible to tracking overtime?**

**A:** Each site/department head must establish internal procedures to ensure that all overtime is approved in advance by the principal/department head. It is the responsibility of every site and department to maintain accurate documentation of all overtime worked and all accrued compensatory time off as employees have the right under federal law to file a claim for overtime worked within the past three years.

An employee may agree to earn compensatory time-off in-lieu-of receiving overtime payment. Compensatory time-off is provided at one and one half time (1 ½) the hours worked.

**Q: What do I do if an employee asks to forgo a scheduled rest break?**

**A:** Inform the employee that forgoing a scheduled break is not option and that all employees should take their breaks.