



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy:	DOC 1.3.46 EMPLOYEE MEAL AND REST BREAKS
Chapter 3:	ADMINISTRATION AND MANAGEMENT
Section 1:	Human Resources
Effective Date:	December 28, 2006 Page 1 of 2
Revised:	March 1, 2021
Signature:	/s/ Brian Gootkin, Director

I. POLICY

The Department of Corrections provides employees with meal and rest breaks that comply with state policy and state and federal labor laws. Employee breaks will be based on facility staffing patterns, operational needs, and security requirements.

II. APPLICABILITY

All divisions, facilities, and programs.

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility, or program operation and management.

IV. DEPARTMENT DIRECTIVES

A. General Provisions

1. The following requirements apply to rest periods:
 - a. Rest periods of short duration, running from 5 minutes to about 20 minutes, are common. They promote the efficiency of the employee and are customarily paid for as working time. They must be counted as hours worked. Compensable time of rest periods may not be offset against other working time such as compensable waiting time or on-call time.
 - b. Rest periods are not an entitlement and must not interfere with the accomplishment of assigned duties;
 - c. the Department allows one fifteen-minute break per four hours worked when the break does not interfere with the accomplishment of assigned duties. When an employee is on shift, one break may be taken during the first half of the work period, and one break may be taken during the second half of the work period;
 - d. breaks may not be used to start shifts late or leave early; and
 - e. administrators may require employees who work in facilities/programs that house offenders to remain on the facility grounds during breaks.
2. The following requirements apply to meal periods:
 - a. Administrators may allow employees to take paid or unpaid meal periods.
 - b. The employee must be completely relieved from duty for the purposes of regular meals, if the mealtime is unpaid. Employees are entitled to one meal break per work period of 6 or more hours in a day/shift;

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- c. meal periods may not be used to start work late or to leave work early; and
- d. It is not necessary that an employee be permitted to leave the premises if (s)he is otherwise completely freed from duties during the meal period.

B. Secure Facility Breaks

1. The Department recognizes that secure facilities have unique environments with operational needs.
2. Facility administrators, or designees, will:
 - a. establish procedures to address employee meal period compensation;
 - b. ensure procedures comply with the provisions of this policy; and
 - c. review procedures for adherence to federal and state labor laws.
3. Applicable staff are eligible for a 30 minute paid meal period regardless of established work schedules, i.e., eight, ten, or twelve hour shifts during which employees must remain on-site at the facility.

C. Alternative Meal Break Periods

1. Employees may take alternative meal breaks up to 1.5 hours in length with approval from their immediate supervisor.

V. CLOSING

Provisions of this policy not required by statute will be followed unless the provisions conflict with negotiated labor contracts, which will take precedence to the extent possible.

Questions concerning this policy should be directed to Human Resources.

VI. REFERENCES

- A. [24.16.1006](#), *ARM*

VII. ATTACHMENTS

None