



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

Policy No. DOC 1.3.46	Subject: EMPLOYEE MEAL AND REST BREAKS
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 2
Section 3: Human Resources	Effective Date: Dec. 28, 2006
Signature: /s/ Mike Batista, Director	Revised: 02/23/2015

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 Department-owned and contracted, as specified in contract.

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/coffee breaks:
 - a. 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 eight hour shift is completed, 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;
 - b. breaks are not an entitlement and may be withheld as workload or schedules dictate, employees are not entitled to additional compensation or time off for missed breaks;
 - c. breaks do not accumulate, may not extend meal breaks, nor be used to start late or leave early;
 - d. breaks must be taken as prescribed by management; and
 - e. administrators may require employees who work at facilities or in programs that house offenders to remain on the facility grounds during breaks.
2. The following requirements apply to meal breaks:
 - a. employees are entitled to one meal break per work period of 6 or more hours in a day/shift;
 - b. meal periods may not be used to start work late or to leave work early;
 - c. employees must be relieved of all duties, and are free to leave work premises for unpaid meal breaks.
 - d. the following requirements apply to paid meal breaks:
 - 1) employees must remain on the employer's premises and must keep his or her immediate supervisor informed of whereabouts; and

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- 2) employees must return to work if business needs exist and supervisors will attempt to allow continuation of the break as soon as possible.

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.
4. Facility administrators are not eligible to receive a paid meal period.
5. An employee who leaves the facility for training, meetings, or any other personal business reason is not eligible for the paid meal period and must take appropriate accrued leave, or work additional time to offset this time.
6. While on a meal break, employees must be available to respond to either routine or emergency facility business needs and may be required to provide security duties.
7. Supervisors will schedule employee meal breaks to ensure employee and facility needs are met and will not schedule meal periods to allow employees to leave shifts early.
8. Employees may periodically interrupt regular duties during a shift to attend to personal needs such as restroom breaks, accessing vending machines, and obtaining beverages but are not entitled to two fifteen minute “rest/coffee breaks” on shift.

C. Alternative Meal Break Periods

1. Employees who wish to extend a meal break beyond the allowed 30-minute meal period may take alternative meal breaks up to 1.5 hours in length with approval by an 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 the Office of Human Resources.

VI. REFERENCES

- A. [24.16.1006](#), ARM

VII. ATTACHMENTS

None