

## **PRN**

### **Professional Resource for Nurses**

Date: November 1, 1994

To: Unit Representatives - **Please Post**

From: Patricia Briggs, RN, PRN President and Chief Negotiator

Subject: Meal and Rest Breaks

There seems to be some confusion among nurses and managers regarding if, when and how meal and rest breaks are provided to Clinical Nurses. The following is a summary of the contractual and legal requirement for meal and rest breaks:

1. Each Clinical Nurse will receive one (1) 15-minute rest break for every four (4) hours worked. This constitutes two (2) rest breaks for each 8-hour or 10-hour shift. This is paid time.
2. The rest break **must** be given in the middle of the 4-hour period. It cannot be at the beginning or the end of the 4-hour period, or attached to a meal break. This is specified by State Labor Code.

One (1) exception exists. If an emergency exists that precludes giving the rest break in the middle of the shift, the rest break can be given at another time during the 4-hour period. The emergency must be a bona fide emergency and not merely a staffing problem.

The CBA states, "If the rest break cannot practicably be given in the middle of the four (4) hour work period, the break may be given at a more practicable time during the four (4) hour period." Staffing levels should be high enough to staff rest breaks at the proper time on an ongoing basis.

3. Each Clinical Nurse will receive one (1) 30-minute meal break if the RN works more than five (5) hours. This applies to 8-hour and 10-hour shifts. This is unpaid time.
4. The meal break must be uninterrupted. If the break must be interrupted for any reason, the 30-minutes must start over or the RN must be paid for the meal period as hours worked, including overtime if applicable. This is specified by State Labor Code and the CBA.

Staffing levels should be high enough to staff meal breaks at the proper time on an ongoing basis.

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5. With so many unlicensed assistive personnel (UAPs) working on various units, e.g.: 1) Surgical (Operating Room) Technicians, 2) CNAs, 3) Dialysis Technicians, 4) Patient Care Technicians, 5) Cath Lab. Technicians, etc., there is some confusion regarding staff coverage for meal/rest breaks. This question came up in the PRN/Camino Healthcare Work Redesign negotiations.

A UAP cannot cover for an RN during the RN's rest and/or meal break. An LVN can cover for the RN, if the RN is immediately available. "Immediately available" means the RN can be at the bedside in less than one (1) minute. This means the RN cannot leave the unit for her/his rest and/or meal break.

PRN believes the RN must be able to take her/his rest and/or meal break in a relaxing area. If the lounge is acceptable to the RN, then the lounge is acceptable to PRN. If the RN desires to leave the unit for her/his breaks, the RN must be properly relieved to do so. Otherwise, the RN has not received her/his legally and contractually mandated rest and/or meal break.

For further questions regarding meal and rest breaks, please call PRN at 408-249-0294.