

Does a Break at the Gas Pump Mean More Breaks During the Workday?

Like everyone else in the country, our employees are concerned about gas prices. In order to reduce transportation costs for our employees, we are considering switching weekly schedules from five eight-hour days to four ten-hour days. That will make for longer work days but will save gas money. Since we are still keeping them at 40 hours a week, there shouldn't be any overtime issues.

Most of our employees are thrilled with this new plan. But one of them says that if we change to this new schedule, we will have to give three rest breaks during the day, instead of the two breaks we give now. Is this correct?

Probably not, as long as you take some care in scheduling their breaks and meal periods.

In general, employers must provide at least 30 minutes of uninterrupted time for a meal period if an employee works a shift of 6 hours or more. That meal period must be taken between the third and sixth hour of work. In addition, employees must receive a paid rest period of at least ten minutes for every four hours (or the major portion thereof) they work.

Below is a typical example of how you might schedule these breaks and meal periods in your current eight-hour work days:

8:00 to 12:00 - Ten minute break, as close to 10:00 as possible

12:00 to 1:00 - Unpaid meal period of one hour

1:00 to 5:00 - Ten minute break, as close to 3:00 as possible

You may certainly give another break in a ten hour day if you and your employees desire it, but you are not obligated by law to do so. Instead, you could schedule the day as follows:

7:00 to 12:00 - Ten minute break, as close to 10:00 as possible

12:00 to 1:00 – Unpaid meal period of one hour

1:00 to 6:00 – Ten minute break, as close to 3:00 as possible

Because both the morning and afternoon shifts are longer than four hours, the employer must divide the shifts into four-hour segments in order to ascertain the appropriate number of rest periods. The employer must give the employee one ten-minute paid break during the first four-hour segment.

The employer must then determine if the second segment is four hours or the major portion of four hours. If so, a second break must be provided. Here, since the second segment is only one hour, no further break is required.

In next week's column, we will discuss how this kind of 4-day work schedule might affect an employee's accrual of vacation and sick time.

For more information about rest and meal periods, join Technical Assistance for Employers at an upcoming Wage and Hour Law seminar: July 10 and August 5 in Portland, July 10 in Medford, and July 22 in Bend. For registration information, visit the website at www.oregon.gov/BOLI/TA or call 971-673-0825.