

Guidelines for Rest and Meal Breaks

The requirements for rest and meals breaks provided to Washoe County employees are described under the provisions of NRS 608.019 and the respective collective bargaining agreements. NRS 608.019 does not apply to employees included within the provisions of a collective bargaining agreement.

In general, state statute requires that meal breaks of at least 30 minutes be provided to employees working a continuous 8 hour period with 10 minute rest breaks being given to employees for each 4 hour period of work, "or major fraction thereof." Negotiated contracts commonly provide for two 15 minute rest periods during the work day. Such breaks should not to be taken within 1 hour of the employee's starting time, quitting time, or meal breaks, and may not be accumulated or used to supplement meal breaks, arrive at work late or leave work early except as specifically provided for in some contracts. For instance the Washoe County Employee's Association contract makes exceptions for extended work periods and the Washoe County Sheriff's Deputies Association contract makes exceptions for extended shifts and for coverage.

The County must compensate employees who are required to work during their lunch break. If the employee is completely relieved of duty for the duration of a lunch break of at least 30 minutes, the County is under no obligation to compensate the employee for the lunch break unless the circumstances are specifically addressed in negotiated contracts.

State statute addresses the minimum time allowed for lunch and meal breaks but does not preclude giving more. As a general rule, meal breaks should be toward the middle of the shift. Rest breaks should be toward the middle of the 4 hour period (or major fraction of). Rest periods are not required for employees whose total daily work time is less than 3 and one-half hours.

Department specific rules for rest and meal breaks may apply for public health and safety department employees, particularly as applied to employees working emergency situations.

Departments are encouraged to contact Human Resources with specific questions regarding meal and rest breaks. Because many of the questions directed to Human Resources by the various departments are situation specific – answers may vary based on the situation. For example, one of the questions that often comes up is if breaks and lunch breaks can be "banked" in order to shorten the work day. As general rule this is not allowed unless the circumstances are addressed in negotiated contracts.

Predicated on the principle of treating employees fairly and consistently, there may be special circumstances where a department head may want to allow an employee or employees to flex their time for a special situation; on an exception basis this would be allowed (i.e., to provide donations to the blood bank, participation in health fair events, etc).

Except for special instances (i.e., legal professionals, emergencies, etc.), Washoe County as an employer cannot ask employees to give up breaks and meal periods as provided for by law and contract.