



Angelo State University
Operating Policy and Procedure

OP 52.24: Lunch and Break Periods

DATE: September 30, 2019

PURPOSE: The purpose of this OP is to establish a policy for lunch and break periods.

REVIEW: This OP will be reviewed in March every three years, or as needed, by the director of human resources with recommended revisions forwarded through the vice president for finance and administration to the president by April 15th of the same year.

1. Lunch Periods

Lunch periods are allowed for a period of one hour for full-time employees. Typically, lunch time may be taken between 11:00 AM and 1:00 PM but departments have discretion in setting their employees' lunch periods. In order to qualify as a bona fide lunch period, hourly employees (those covered by the Fair Labor Standards Act (FLSA)) must be completely relieved from work duty for the purpose of eating regular meals or conducting personal business and must be at least 30 minutes. A lunch period of less than 30 minutes is considered work time and therefore is on university time and must be paid. These limits do not apply to salaried employees who are exempt from FLSA's regulations.

Per Texas Government Code, Section 658.005 (a), all state agencies are required to remain open with at least one person on duty during the noon hour each work day to accept calls, receive visitors, and conduct business.

For clarification of employee types and FLSA classifications please refer to [OP 52.09 Definitions of Employee Categories](#).

2. Break Periods

Break periods of short duration are not required by the FLSA, nor are they an entitlement under state regulations. However, break periods may be allowed by departments. Common practice has been to allow a 15 minute rest break in the morning and in the afternoon. Departments have discretion on whether to allow rest breaks or not. If break periods are permitted, they are not to be taken at the beginning or end of the work day or taken at the beginning or end of an approved lunch period. Break periods count as time worked for FLSA purposes.

3. Recordkeeping

Each hourly employee is required to maintain a daily record of actual hours worked and leave hours taken for each pay period during which any time is worked. The employee's supervisor is responsible for assuring that the employee complies with this requirement and will certify

[Minor revision: September 30, 2019]

that the reported hours are correct. Supervisors may not explicitly or implicitly suggest that their subordinates work without reporting the time. This is commonly referred to as working “off the clock.” All hours worked by an employee must be reported.

Recordkeeping requirements under FLSA and the potential for unequal practices discourage departments from allowing their employees to work through their lunch periods in order to make up time off. Lunch periods cannot be banked for taking time off at a future time.

Employees who have concerns about the way in which they are being asked to complete their time records may contact the Office of Human Resources.

Refer to [OP 52.28 Hours of Work, Overtime, and Compensatory Time](#) for more information regarding record keeping.