

BREAKS AND LUNCH: YOUR RIGHTS

WHAT ARE MY RIGHTS AROUND BREAKS AND LUNCHES?

California law says all workers whose shift is eight or more hours must be provided with a **30-minute lunch break and a break for every four hours worked.**

WHAT HAPPENS IF MY SHIFT IS TWELVE HOURS LONG?

You are legally entitled to a break every four hours worked, and a second lunch if your shift is twelve hours long. However, you can elect to waive the second lunch period in writing.

DOES THE EMPLOYER HAVE TO SCHEDULE MY BREAKS AND LUNCHES FOR ME?

They can, and it's often a good idea that helps make sure all CPs, Sitters, and RNs get breaks and lunches. However, **workers are still responsible for speaking up when a break or lunch may be missed. NUHW and SNA encourage all RNs, Sitters, and Care Partners to communicate with each other to make sure everyone gets their breaks and lunches.**

WHAT HAPPENS IF I GET A LATE LUNCH OR NO LUNCH?

Under California law, **for workers with eight-hour shifts**, if you don't get a lunch at all, or **if you are unable to start your lunch before the end of the fifth hour of your shift, you are entitled to one hour of pay at your regular rate.** To claim your hour of pay, you must fill out an edit sheet in Kronos.

WHAT HAPPENS IF I HAVE TOO MUCH WORK TO TAKE A BREAK OR LUNCH?

Speak with your charge or lead and let them know your workload is too heavy for you to take a break or lunch. Don't be afraid to submit the paperwork saying you missed breaks or lunches because you had too much work to do – it's your right.

WHY CAN IT BE SO DIFFICULT SOMETIMES TO GET A BREAK OR LUNCH?

The bottom line is that there just aren't enough Care Partners. Both SNA and NUHW have repeatedly told the employer about problems that are due to understaffing on many of the nursing floors. While it may be tempting to get frustrated with your coworkers about this, remember that the problem would go away if the hospital staffed to census and acuity instead of always trying to cut staff to increase profits!