

RESOLUTION NO. 12-32

A RESOLUTION OF THE DRAPER CITY COUNCIL AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL REGARDING REST AND LUNCH BREAKS TO INCLUDE BREAK TIME FOR NURSING MOTHERS

WHEREAS, the City Council from time to time reviews and adopts policies and procedures to assist in the fair and uniform application of requirements and benefits to City employees; and

WHEREAS, the City Council has reviewed Policy 7040 of the Personnel Policies and Procedures Manual and has determined a need to clarify and amend the Rest and Lunch Breaks Policy to address break time for nursing mothers; and

WHEREAS, the City Council believes this amendment is in the best interest of the employees of Draper City and Draper City and complies with federal law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. The Draper City Council hereby adopts the additions and changes to Policy 7040 of the Personnel Policies and Procedures Manual as attached hereto as Exhibit "A."

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS THE 21st DAY OF August, 2012.

ATTEST:




City Recorder

DRAPER CITY


By: 
Mayor

EXHIBIT "A"

Section 7040 – REST BREAKS, AND LUNCH BREAKS AND BREAK TIME FOR NURSING MOTHERS

General Policy Statement:

Full-time eEmployees may take two ~~(2)~~ fifteen 15-minute rest breaks and will take a ~~one (1)~~ one-hour lunch break during a normal eight-hour work day in accordance with the policy guidelines below. Break time for employees who are nursing mothers will be provided as described in this policy.

Guidelines Policy:

1. Scheduling. Supervisors are responsible for scheduling lunch and rest breaks with appropriate consideration for staffing needs and operational demands. Supervisors may change break schedules as work situations dictate.
2. Lunch Breaks. The normal workday ~~will~~ extends from 8:00 a.m. to 5:00 p.m. including a one-hour unpaid meal period. Supervisors must give specific approval to a single occurrence of a change in the meal period. Department Heads may give written approval for any longer term change in an employee's meal period.
 - A) Part-Time and Seasonal Employees. Part-time and seasonal employees who work more than five ~~(5)~~ hours per day will receive at least a 30-minute unpaid meal break.
 - B) No Working Through Lunch Hour. Except with the supervisor's permission, an employee may not work through a meal period.
3. Rest Breaks. Full-time, eEmployees receive two ~~(2)~~ fifteen ~~(15)~~ 15-minute rest breaks in each eight-hour workday.
 - A) Scheduling. A ~~fifteen (15)~~ 15-minute break will be scheduled during each four-hour period of work.
 - B) Staggered Times. Scheduled break times will be staggered to maintain adequate staffing.
 - C) Working Through Breaks. Employees who work through rest breaks may not leave work early and will not be paid additional compensation.
 - D) Long Workdays. Employees required to work two ~~(2)~~ or more hours of overtime may ~~also~~ receive an additional rest break.
4. Break Time for Nursing Mothers. Pursuant to Section 7 of the Fair Labor Standards Act (FLSA), an employee who is nursing will be allowed reasonable break time as needed to express breast milk for her nursing child for one year following the child's birth. The frequency and length of such breaks will depend on the needs of the mother and will likely vary. To the extent that break time is needed in excess of the lunch and rest periods, such break time will be unpaid. Break rooms for nursing mothers shall not be restrooms. Break rooms shall be free from intrusion from co-workers and the public. Such rooms shall be designated on an as-needed basis by the nursing mother's Department Head.
4. 5 Compensation for Breaks. Meal periods for employees are not considered "hours worked" and are unpaid. Rest breaks are considered "time worked" and will be paid. Employees who are directed to work during lunch will be paid for their meal time.
5. 6 Abuse of Break Time. Employees who violate or abuse lunch or rest break privileges will be subject to corrective action, up to and including termination.
 - A) Tardiness. Employees must take meal and rest breaks at their scheduled times and return to work promptly. Employees will not be paid for unauthorized break times.
 - B) Distracting Others. Employees on breaks should not distract others who are working. Breaks should be taken away from workstations in the employee break room or a similar area as directed by their supervisor.
6. 7 Leaving City Premises. Employees on rest breaks ~~should~~ shall not leave City ~~facilities~~ premises without their ~~S~~supervisor's permission.