

CHAPTER 23

**MEAL PERIODS, REST PERIODS, HOLIDAYS, AND STAGGERED
AND FLEXIBLE WORK HOURS**

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TABLE OF CONTENTS

GENERAL INFORMATION 23-3

MEAL PERIODS 23-3

REST PERIODS 23-3

 Leaving the Building During Rest Periods 23-4

 Smoke Breaks 23-4

HOLIDAYS 23-4

 Uniformed Employees and Cadets 23-4

 Nonuniformed Employees 23-4

STAGGERED AND FLEXIBLE WORK HOURS 23-7

 Staggered Work Hours Defined 23-7

 Flexible Work Hours Defined 23-8

 Procedure for Implementing Staggered or Flexible Work Hours..... 23-8

 Guidelines..... 23-8

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CHAPTER 23

MEAL PERIODS, REST PERIODS, HOLIDAYS, AND STAGGERED AND FLEXIBLE WORK HOURS

1. GENERAL INFORMATION. This chapter provides policy and procedures regarding meal periods, rest periods, holidays, and staggered and flexible work hours for excluded employees. **For represented employees, refer to the employee's bargaining unit agreement. If the provisions are not contained in the agreement, refer to the procedures in this chapter.**

2. MEAL PERIODS.

a. Commanders shall allow employees who work more than five hours per day a minimum of 30 minutes and not more than one hour for meal periods. (For additional information, refer to General Order [GO] 6.2, Office Hours and Lunch Periods.)

b. The commander shall determine the time when the meal period is to be taken. As a matter of good personnel practice, meal periods should be granted no earlier than three hours after the beginning of the employee's shift and no later than three hours before the end of the shift.

c. Time granted for meal periods shall be exclusive of the number of hours that an employee is required to work each shift.

3. REST PERIOD

a. Commanders may grant employees a rest period not to exceed 15 minutes each four hours of their work shift. The total time taken for rest periods shall not exceed 25 minutes each workday.

b. The commander shall determine the time when the rest period is to be taken. Insofar as practicable, it shall be granted in the middle of each four-hour work period.

c. Rest periods shall not be granted during the first or last hour of the work period.

d. Rest period time may not be accumulated, and overtime shall not accrue if a rest period is not taken.

- e. Leaving the Building During Rest Periods. With the consent of the commander, employees may leave the building during their rest period.
- f. Smoke Breaks. In accordance with GO 6.1, Smoking, smoke breaks may be taken in lieu of regular rest periods at the discretion of the supervisor and employee; however, **total daily time allowed for smoke breaks shall not exceed the time allocated for regular rest periods.**

4. HOLIDAYS.

a. Uniformed Employees and Cadets. Uniformed employees and cadets are not entitled to regular state holidays or the personal holiday. Instead, they receive holiday-in-lieu credit added to their vacation or annual leave accrual rate. (Refer to Highway Patrol Manual 10.3, Personnel Transactions Manual, Chapter 22, Vacation, Annual Leave, and Holiday-In-Lieu.)

b. Nonuniformed Employees.

(1) List of Holidays. All excluded nonuniformed employees are entitled to the following holidays with pay:

- January 1 (New Year's Day)
- Third Monday in January (Martin Luther King, Jr. Day)
- Third Monday in February (Presidents' Day)
- March 31 (Cesar Chavez Day)
- Last Monday in May (Memorial Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- November 11 (Veterans' Day)
- Fourth Thursday in November (Thanksgiving Day)
- The day after Thanksgiving
- December 25 (Christmas Day)
- Every day appointed by the Governor as a public fast or holiday.
- Personal Holiday - One day selected by the employee during the fiscal year.

(2) Determination of Time Off for Holidays. The amount of paid time off will be based on the employee's time base as of the pay period in which the holiday occurred.

(a) Full-time employees receive eight hours paid time off for holidays.

(b) Part-time employees receive the prorated amount of eight hours paid time off for holidays.

(c) Intermittent employees receive paid time off for holidays based on the number of hours worked in the pay period in which a holiday occurs. The employee must work at least 11 hours during the pay period before being eligible for any holiday pay.

(3) Holiday on Saturday or Sunday.

(a) When a holiday falls on Sunday, the following Monday is observed as the holiday. When a holiday other than November 11 falls on Saturday, the employee is entitled to holiday credit equivalent to the employee's time base up to eight hours. If November 11 (Veterans' Day) falls on a Saturday, the preceding Friday is observed as the holiday.

(b) Holiday credit shall be accrued on the actual date of the holiday. Holiday credit can be used in accordance with vacation/annual leave provisions. There is no requirement that holiday credits be used in the same fiscal year and there is no limitation on the number of holiday credits that can be accrued.

(4) Holiday Compensation. Government Code 19853(c) provides that an employee who works on a holiday is entitled to receive straight-time pay and up to eight hours of holiday credit.

(5) Personal Holiday.

(a) Eligibility. To be eligible for a personal holiday, an employee must be appointed to one of the following: a classification that requires a probationary period, an exempt position where leave credits are earned, or a Career Executive Assignment for more than six months. Once eligible employees complete six months of their initial probationary period, they are credited with a personal holiday for the current fiscal year. Thereafter, the personal holiday is credited on July 1 for each fiscal year.

(b) Intermittent Employee.

1 An intermittent employee shall receive paid time off for a personal holiday based on the number of hours worked in the pay period in which the personal holiday is requested.

2 If an intermittent employee is denied their initial request for a personal holiday, the hours worked in the pay period initially requested shall be used to determine the personal holiday pay in the pay period in which it is granted. The pay period initially requested

must be indicated in the "Remarks" column on a CHP 71, Attendance Report.

(c) Ineligible Employees. Retired annuitants, expert examiners, seasonal clerks, and student assistants are ineligible to receive a personal holiday.

(d) Bargaining Units (BU) 12 and 13 Employees. All permanent employees in BU 12 and BU 13 shall receive eight hours of holiday credit in lieu of a personal holiday credit. Part-time employees shall receive holiday credit on a prorated basis in accordance with their time base.

(e) Usage. Employees should make every effort to use their personal holiday by June 30 of the fiscal year.

1 The number of hours an employee can use for a personal holiday is based on the employee's time base at the time the personal holiday is requested.

a Example - Full Time to Half Time: An employee is full time on July 1 but goes half time on August 1. The employee requests to use a personal holiday on September 15th. The employee shall be entitled to four hours of personal holiday credit.

b Example - Half Time to Full Time: An employee is half time on July 1 but goes full time on August 1. The employee requests to use a personal holiday on September 15th. The employee shall be entitled to eight hours of personal holiday credit.

2 Denied Use of Personal Holiday. When an employee is denied the use of a personal holiday by June 30, the Division chief shall allow the employee to either carry a personal holiday to the next fiscal year or cash out the holiday on a straight time (hour-for-hour) basis. Cash out is subject to prior approval of the Commissioner.

3 An employee may not carry over or cash out more than two personal holidays in any fiscal year. Payment for cashing out will be made from the command's overtime allocation. Human Resources Section shall be notified by memorandum when a personal holiday is to be carried to the next fiscal year or cashed out.

(f) Notice and Approval of Date. Employees shall request approval from their commanders prior to taking their personal holidays; a five-day notice is required unless waived by the commander. The commander cannot schedule an employee's personal holiday without the concurrence of the

employee, but may limit the number of employees taking a personal holiday off on any one day. Employees are responsible for requesting to take their personal holidays during the current fiscal year.

(g) Multiple Positions Limitation. An employee holding more than one position in state service is restricted to an eight-hour maximum personal holiday among all positions. An employee working part time or intermittent with this Department and full time in another department is not eligible for a personal holiday since the employee will receive the full eight hours in the full-time position. An employee working part time or intermittent in more than one department cannot exceed a total of eight hours personal holiday from all of the positions combined.

(h) Payment Upon Separation. If an employee separates from state service prior to taking a personal holiday, it will be paid in a lump sum.

(i) Disability Status. If an employee has been approved for Industrial Disability Leave or Temporary Disability Leave and is not supplementing with leave credits, or has been approved for Labor Code 4800.5 time, the disability status cannot be interrupted to utilize an unused personal holiday. In this instance, the personal holiday credit is allowed to be carried over to be used in the same fiscal year that the employee returns to work. However, any disability absence that is supplemented with leave credits may be covered by the employee's unused personal holiday.

5. STAGGERED AND FLEXIBLE WORK HOURS.

a. Staggered Work Hours Defined. With Division approval, commanders may allow employees to define their own "standard" workday hours. These workday hours will be the same every day.

b. Flexible Work Hours Defined. With Division approval, commanders may allow employees to work eight-hour days with start and finish times other than 0800 hours and 1700 hours which may vary from day to day.

c. Procedure for Implementing Staggered or Flexible Work Hours. The approval, disapproval, or discontinuance of a staggered or flexible work hour program within either a Division office or any subordinate command is at the discretion of the Division chief. With Division approval, commanders are responsible for determining which positions may participate in a staggered or flexible work hour program. Some operations, such as dispatch or road patrol, or individual positions may not be suited to take advantage of a staggered or flexible work hour program.

d. Guidelines. The guidelines for a staggered or flexible work hour program for day shift employees are as follows:

(1) The “standard” workday for day shift employees shall be between the hours of 0800 and 1700 and shall consist of eight working hours.

(2) The “expanded” workday shall be between the hours of 0700 and 1800. Employees may start work as early as 0700 hours and may work as late as 1800 hours. Employees shall work eight hours within this period.

(3) Commanders shall establish core hours (the period during each day that employees are required to be at their work location).

(4) The minimum meal period shall be one-half hour and should be taken between the hours of 1130 and 1330.

(5) Each employee shall select hours of work within the expanded workday and shall have the hours approved by the commander.

(6) Before approving any changes from current work hours, each command shall ensure that there will continue to be adequate coverage of its function during the standard workday to reflect workload demands, internal and external communications, deadlines, and service to the public.