

POLICY B-50
MEAL BREAKS

Section 1. General

- 1.1 Purpose. - To outline the circumstances under which meal breaks must be offered, and when a break requires that the employee be compensated for time worked. To establish clear, compliant standards for the timing, administration, and compensation of meal breaks for employees and to ensure alignment with state and federal law.
- 1.2 Authority. - 29 USCS §§201 to 219 (Fair Labor Standards Act of 1938); 29 CFR 785.19; 29 CFR 785.47; W. Va. Code §12-3-13; § 21-3-10; § 21-3-10a; § 21-6-7. Other applicable federal and state wage-and-hour requirements as they may be amended from time to time.
- 1.3 Scope. - This policy applies to all employees of the West Virginia University at WVU Parkersburg Board of Governors. This includes all full-time, part-time, exempt, and non-exempt employees, except where otherwise required by law or a formal employment agreement.
- 1.4 Effective Date. - April 4, 2008January 20, 2026
(Transferred from WVU Board of Governors on July 1, 2008)Replaces version dated April 4, 2008
- 1.5 Revision History. This is the first meal break policy implemented by the West Virginia University at Parkersburg Board of Governors.

Section 2. Policy

- 2.1 During the course of a workday of six (6) or more hours, all supervisors shall allow employees to take at least a twenty (20) minute meal break. This provision shall be required in all situations where the employee is not afforded necessary breaks and/or permitted to eat lunch while working.During a workday of six (6) or more hours, supervisors shall ensure employees receive at least the minimum break period required under W. Va. Code §21-3-10a. A break of twenty (20) minutes or less is considered compensable under federal law and must be recorded as paid time.
- 2.2 If the employee is under the age of eighteen (18), the supervisor shall require a meal break after five (5) continuous hours of work. The meal break must be at least thirty (30) minutes in duration. Supervisors must ensure strict compliance with all minor-labor requirements.
Meal breaks for minors must be uninterrupted and duty-free.
- 2.3 Generally, there is not a requirement that supervisors allow employees to leave the premises or the work site for their meal break. However, supervisors shall not require or

allow employees to take food or drink into areas where hazardous conditions or substances exist and in areas that are forward facing offices and inappropriate for customer service. -In such situations, supervisors must require that meal breaks be taken elsewhere.

2.4. Compensation for Meal Breaks:

2.4.1. Meal breaks are not compensated if:

- the duration is at least thirty (30) minutes, or longer, although a shorter period may qualify under special conditions; and
- the employee is completely relieved of active and inactive duties for the purpose of eating regular meals.

Unpaid meal breaks must be at least thirty (30) minutes and must be uninterrupted. During an unpaid meal break, the employee must be fully relieved of all job duties, expectations, and work-related activities, including performing incidental or passive work tasks. Any break shorter than thirty (30) minutes must be treated as paid time.

2.4.2. If an employee is not excused from job duties, or if he/she is recalled to job duties, the employee is entitled to pay for compensable work, including work that is not *de minimis* in nature. (In the context of this policy, *de minimis* refers to insubstantial or insignificant periods of time beyond the scheduled working hours, which cannot as a practical administrative matter be precisely recorded for payroll purposes.) However, employees will not be compensated if they are simply placed on-call, or are required by their supervisor to carry a pager, radio, or cell phone during their meal breaks.

If an employee performs any work during a meal break, the entire break becomes compensable. Modern timekeeping systems allow for accurate recording; therefore, “de minimis” exceptions should not be applied.

Being “on-call” during a meal break does not automatically require compensation; however, if an employee’s freedom to use the time for their own purposes is significantly restricted, the break must be paid.

2.5. The supervisor shall schedule the meal break, in coordination with the operational needs of the college, and employees must seek approval from their supervisors if deviation from the scheduled meal break is necessary.

Supervisors are responsible for scheduling meal breaks in a manner that supports both operational needs and legal compliance. Supervisors may not discourage employees from taking required breaks. Any changes to a scheduled break must be approved in advance when possible.

2.6. Meal breaks should occur at a scheduled time, or within a specified period of the day which, in light of the employee’s working hours, is suitable for a normal meal break.

Meal breaks should be scheduled at a reasonable point in the shift and should not be purposefully delayed or denied except under temporary, documented operational necessity.

Section 3. Responsibility for Implementation

- 3.1 The employee's immediate supervisor is responsible for ensuring that the employee receives and takes meal breaks, and receives appropriate compensation, when applicable, in accordance with this policy. Supervisors must accurately verify and approve time records, ensure non-exempt employees take required breaks, and immediately correct or report any missed or interrupted breaks. Repeated violations may result in supervisory corrective action.

Section 4. Responsibility for Interpretation

- 4.1 Responsibility for interpretation of this policy rests with the Director of Human Resources. The Human Resources Office is also responsible for providing training, conducting periodic compliance reviews, and recommending corrective action when necessary to ensure adherence to federal and state wage-and-hour law.

Section 5. Compliance

- 5.1 Employees are expected to follow scheduled meal break procedures and report all work performed.
- 5.2 Supervisors are prohibited from directing, encouraging, or permitting employees to work through required meal breaks without proper compensation.
- 5.3 Violations of this policy, whether by an employee or supervisor, may result in personnel action and wage adjustments.