

Side Letter Agreement  
Arrowhead Regional Medical Center  
California Nurses Association

## MEAL AND BREAK PERIODS

### NURSES UNIT AND PER DIEM NURSES UNIT

Effective January 1, 2023, meal and rest premium pay was extended to cover certain healthcare workers who provide direct patient care or support direct patient care. This article is applicable only to those employees who meet the eligibility criteria for premium pay under SB 1334. In the event that any part of SB 1334 is invalidated, suspended, or revoked this article will be nullified and parties agree to meet and confer in accordance with the Provisions of Law article of the MOU.

#### Section 1 – Meal Period

- (a) Meal periods are unpaid, duty-free, and nonworking time and shall not be less than one-half (1/2) hour, or greater than one (1) hour when scheduled. Every effort will be made to schedule such meal period during the middle of the shift when possible. ~~If a regularly scheduled tour of duty does not include a duty-free meal period, appointing authorities shall allow nurses a maximum of twenty (20) minutes per shift to eat a meal. Such time shall be considered work time.~~ Employees shall be provided with a one-half (1/2) hour unpaid meal period when they work more than five (5), but not more than ten (10) hours. If an employee's shift is completed at the end of six (6) hours, the meal period may be waived by mutual consent of the department and the employee. Employees who work shifts in excess of ten (10) hours are entitled to two (2) one-half (1/2) hour unpaid meal periods, unless the employee has signed an appropriate meal waiver form that allows for a waiver of one (1) meal period. Employees who work shifts in excess of fifteen (15) hours are entitled to three (3) one-half (1/2) hour unpaid meal periods, unless the employee has signed an appropriate meal waiver form.
- (b) Meal Waiver – Employee may voluntarily waive one (1) meal period per shift. A waiver form must be completed and acknowledged by the employee. The employee may revoke the waiver at any time by providing at least one (1) day's advanced notice. The employee will be fully compensated for all working time, including any on-the-job meal period.
- (c) On-duty Meal Period – Employees may take paid on-duty meal periods when the nature of the work prevents them from being relieved of all duty. Management's prior approval is required for on-duty meal periods, which should be documented using the appropriate on-duty meal agreement. The employee may revoke the on-duty meal agreement at any time in writing. If a regularly scheduled tour of duty does not include a duty-free meal period, appointing authorities shall allow nurses a maximum of twenty (20) minutes per shift to eat a meal. Such time shall be considered work time.
- (d) Missed Meal Period - The County will pay the equivalent of one (1) additional hour of pay at the employee's regular rate of compensation as defined by applicable law, for each workday for a missed meal period. A missed meal period includes circumstances where a nurse is not relieved of duty, or in the event the charge nurse or manager requests that a nurse return from the meal period early (i.e., prior to completion of the meal period), or where a nurse returns from a meal period early to address an occurrence of an urgent patient safety episode, with an approved white slip for a missed meal break on the day of said shift.

#### Section 2 – Break Period

- (a) Break Period - The County will pay the equivalent of one (1) additional hour of pay at the employee's regular rate of compensation, as defined by applicable law, for each workday for a missed break period. A missed break period includes circumstances where a nurse is not relieved of duty or in the event the charge nurse or manager requests that a nurse return from the rest period early (i.e., prior to completion of the rest period), or where a

nurse returns from a break period early to address an occurrence of an urgent patient safety episode, with an approved white slip for a missed break period on the day of said shift.

- (b) Nurses shall be entitled to break periods in accordance with the schedule contained herein. Break periods shall be scheduled in accordance with the requirements of the department, but in no instance shall break periods be scheduled within one (1) hour of the beginning or ending of a tour of duty or meal period, nor shall such time be cumulative or used to report to work late or leave early. Break periods shall be considered as time worked. Nurses required to work beyond their regular tour of duty shall be granted a ten (10) minute break period for each two (2) hours of such work. Break periods may not be divided so as to increase the total number of break periods taken. For example, a twenty (20) minute break period may not be divided by the employee into two break periods of ten (10) minutes duration.

Regularly Scheduled Tour of Duty	Number and Limit of Break Period
After 3 hours and through 6 hours	One – 15 Minute Break Period
After 6 hours and through 8 hours	Two – 15 Minute Break Periods
After 8 hours and through 10 hours	Two – 20 Minute Break Periods
After 10 hours	One – 25 Minute Break Period and One – 20 Minute Break Period

### Section 3 – General Provisions

Meal and break relief shall be provided by a designated break relief/resource registered nurse, who will be scheduled for all shifts in direct patient care units. The break relief/resource registered nurse shall remain a break relief/resource registered nurse for entire scheduled shift, except as needed to meet patient nurse ratios (e.g., calls offs, unexpected patient surge, etc.). In the event of an absence, the breaks shall be provided by charge nurses, assistant nurse managers, and/or nurse manager, House Supervisor taking into consideration RN ratios, the number of nurses needing to be relieved, patient needs, etc. If a nurse misses a meal break the missed meal period shall be paid as time worked in addition to the full shift and shall be deemed as hours worked for the purpose of determining overtime.

Additionally, the Department may authorize an earlier departure time for the employee or make other accommodations for the missed meal period, upon mutual agreement of the nurse. Further, nurses who are required to carry a phone and respond during meal/break periods shall have all such time counted as hours worked.


In appropriate ARMC departments, the assigned Nurse Manager shall develop a plan to accommodate meal and break periods.

Date Agreed: 10/17/23

SAN BERNARDINO COUNTY

CNA

  
Leo Gonzalez  
County Labor Relations Chief

  
YVETTE LOPEZ  
Print and Sign