

# Tech Crew Meal Break Procedures

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## Overview

The New York State Labor Law specifies that non-exempt (hourly) employees must take a non-paid meal break when working over a six-hour period of time. It further specifies when that break is to be taken—that time being dependant on *when* the start and end of the shift occurs.

In order to be compliant with IACA , RIT Policy and NYS Labor Law, all employees will adhere to the procedures as outlined in this document. It is important to know that you are responsible for ensuring that you follow these procedures without exception. Though the Manager, Supervisor or Job Chief on any given job should know what time breaks must be given, that individual may not be aware of your individual circumstance. That is, you might have been on a another job, shop, training, etc. that affects when you (personally) need to break, and that time may differ from the break time determined by that job alone.

The institute policy is based on the NYS Labor Law. In some areas, the law is very specific and in others, vague. We have worked with IACA and the attorney for RIT to develop these requirements.

## Managing the Breaks

We will manage this in several ways.

## Database

Our database that generates the work order (job sheet) will determine if it is likely or mandatory that there is a break required. By likely, a "cushion" has been factored in as the end time for the job can only be estimated, although we're pretty good at that estimate— provided something during the event or strike doesn't alter that time. The database will inform the coordinator inputting the job's data if/when the break is to occur. It will allow them to assess the job to see if it is workable or if more attention needs to be given in that area. It will also print on each job sheet if/when these breaks are to occur.

The database will also generate a note in the confirmation that is sent to the client informing them that there will be breaks taken during their event. This should be no surprise to them provided they read their confirmation.

## Training

We will train (hence this document) all employees so that they are informed of the rules that are provided in the NYS Law. All employees will be given the rules and times clearly defining the scenarios that may come up.

## Communication

This is a multi-way process. Several things need to be discussed at times:

- The Coordinator needs to work with the client in the job planning especially when the break is to occur during critical times of the event so to have agreement how this will be handled.
- The Job Chief, at the time of sign up, or the time being assigned (like during crew meetings), must review the job, and determine if the scheduled break(s) will be doable with resources and logistics as outlined. If additional resources are needed to meet the law, meet with the coordinator or manager to discuss alternatives.
- The Job Chief should bring up (when necessary) the subject with the client. Also, if there was a schedule of activities worked out between the Tech Crew and the client, the Job Chief needs to stay top of that schedule in the attempt to keep the client on schedule (we're thinking of these events where there is a lot of rehearsing and tend to run long).
- The employees must inform the Job Chief (both at the onset of the job, and at the time of their break) if prior work schedule mandates their break to be taken at a different time than posted on the Job Sheet.

## Shifts/Schedules

For some events, it is possible we may have specific Shifts or Schedules. For instance, it is common for a concert to have an itinerary from load-in to load-out specifying what happens when.

## Moving Up Crew Start Times

The Coordinators will make an effort to move up the start times for the jobs by 30-45 minutes to allow more time for breaks. This will be a learning process, thus the Job Chief is reminded to review their job sheet (when assigned) to ensure the times are acceptable, and if not communicate that to the Coordinator or Manager.

## Relief Workers

We may schedule people to come in and work for a short period of time, allowing the crew to break. Additionally, the Job Chief will have the permission (when caught in that no-win situation) to call in a couple of persons for relief if needed; however the Job Chief needs to continuously keep track of time in order to avoid that situation.

## Disciplinary Action

This policy is developed to insure compliance with NYS laws. All employees are therefore responsible for their adherence to this policy. If expectations regarding this policy and practice are not followed, disciplinary action will be taken. This action could include suspension or termination of employment once the severity of the violation is assessed.

## **The Rules – as set forth by NYS and RIT (IACA):**

Please note that the rules are based on the shift times, that is, the time that is specified on the Job Sheet, or your assigned time(s) for work. For example, if you are scheduled to work 8:00AM to 5:00PM, but punch in a couple of minutes early (in order to be on time) and punch out a couple minutes late (in order to work your full shift), the shift is still considered 8-5. *This is good time to remind you that you are to punch in no earlier than 5 minutes prior to the start your shift and punch out no later than 5 minutes after the job/shift ends.*

## **Rules – as written**

### **Rule #1**

Shifts of six hours or more that start before 11:00AM and go through the noon meal hours (ending past 2PM) require a meal break of at least 30 minutes within the noon hours, that is, between 11:00AM and 2:00PM. *To clarify, one must punch OUT for break on or after 11:00AM and punch back IN from break before 2:00PM, and the break must be 30-minutes or more.*

### **Rule #2**

Shifts that start before 11:00AM and extend past 7:00PM require, in addition to the noon meal break, a 20-minute meal break between 5:00PM and 7:00PM for a total of two meal breaks for the day.

### **Rule #3**

Shifts of six hours or more that start between 1:00PM and 6:00AM require a meal break of at least 45-minutes midway in the shift.

## **Variants to Rules (areas not specifically addressed by NYS)**

### **Variant #1**

Shifts starting between 11:00AM and 1:00PM are not mentioned in the rules, thus we will place this group into Rule #3.

### **Variant #2**

Shifts that are six hours or more that start on or after 6:00AM but before 11:00AM, and end before 2:00PM are not mentioned in the rules, thus we will require a 30-minute meal break midway in the shift.

## **The Shift**

Neither the law nor the Institute defines a "shift". We will go under this presumption (and this may be changed): If one is assigned to a specific job where a break (or breaks) is required, that job is the shift. That is, if one punches out (or will be punching out) for a class or any other reason during times that are not scheduled for a break, and returns, they will still be required to take a break during the scheduled break period. If one works two or more different jobs, with minimally more than two hours (unpaid) between jobs, it might be able to consider it a new shift but you need to first check with the manager.

**Meal Break Table**  
**[using a 30-minute cushion, or 5.5 hour work shift]**

SCHED. SHIFT START	IS >= 5.5 HRS <u>and</u> SCHED. SHIFT ENDS	RULE #'s	BREAK DESCRIPTION
12:00AM ~ 5:59AM	Between 5:30AM and 2:00PM	R3	45 min. Midway
12:00AM ~ 5:59AM	After 2:00PM	R1 and R3	45 min. Midway <u>plus</u> 30 min. between 11:00AM and 2:00PM
6:00AM ~ 10:59AM	Between 11:30AM and 1:59PM	V2	30 min. Midway
6:00AM ~ 10:59AM	Between 2:00PM and 7:00PM	R1	30 min. between 11:00AM and 2:00PM
6:00AM ~ 10:59AM	After 7:00PM	R2	30 min. between 11:00AM and 2:00PM <u>plus</u> 20 min. between 5:00PM and 7:00PM
11:00AM ~ 12:59PM	Anytime	V1 (R3)	45 min. Midway
1:00PM ~ 11:59PM	Anytime	R3	45 min. Midway