

NIH Policy Manual

2300-610-5 - Meal Periods and Breaks

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Approving Official(s): OHR Director

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Transmittal Notice

- 1. Explanation of Material Transmitted:** This chapter describes mandatory and discretionary meal periods and work breaks for work units not accorded union recognition in a bargaining unit. This revision provides updates to formatting, hyperlinks, References, and Definitions. A Background and Roles and Responsibilities section have been added. Clarification has been added within the Scope section to identify those to which this policy is applicable. The Policy section has been updated to provide examples of alternative work schedules and that employees on breaks in pay status shall not be absent from their place of work. The Internal Controls and Records Retention and Disposal sections have been removed as they are no longer required.
- 2. Filing Instructions:**

Remove: Manual Issuance 2300-610-5, dated 5/22/09.

Insert: Manual Issuance 2300-610-5, dated 10/11/2023.

PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Policy Manual, contact the Division of Compliance Management, OMA on 496-2832, or enter this URL: <http://oma.od.nih.gov/manualchapters/>.

A. Purpose

The purpose of this policy manual is to address mandatory and discretionary meal periods and work breaks applicable to work units that have not been accorded exclusive (union) recognition in a bargaining unit.

B. Scope

This policy applies to all eligible non-bargaining unit NIH employees, including individuals appointed or detailed to NIH under the Intergovernmental Personnel Act (IPA), and Federal employees on detail to the Agency.

This policy manual does not apply to positions that prohibit scheduled breaks due to the nature of the duties, including but not limited to firefighters, police, nurses, and other shift workers. Consult the Employee and Labor Relations Branch to address any additional inquiries relevant to these employees.

C. Background

This policy manual establishes the National Institutes of Health (NIH)'s policies and procedures for meal periods and breaks and clarifies roles and responsibilities for administering these periods within the agency. This policy is published in accordance with the Department of Health and Human Services (HHS) Instruction 610-1-20: Establishing and Administering Hours of Duty.

D. Policy

1. Meal Periods –

- a. A meal period is an approved period of time in a non-pay and non-work status that interrupts a basic workday or a period of overtime work for the purpose of allowing an employee to eat or engage in personal activities. A meal period must be provided if the employee is scheduled to work 8 or more hours a day. Employees on an alternative work schedule, e.g., compressed and flexible work schedules including but not limited to 5/4-9, 4-10, and/or Maxiflex schedule, must have a meal period if they work 8 or more hours a day.
- b. A meal period may be provided if the employee is scheduled to work more than 5 but less than 8 hours a day.
- c. A meal period is usually not provided if the employee is scheduled to work 5 or fewer hours a day, however; the employee's request for one may be granted at management's discretion.
- d. A meal period may not be skipped at the discretion of the employee in order to shorten the length of the workday.
- e. Employees who are required by their supervisors to work through their meal period must be given a meal period later in the same workday, be dismissed from duty an equivalent period of time at the end of the workday or be compensated for working during the meal period.

2. Breaks –

- a. A work break is a brief period of paid work time, e.g., 15 minutes or less, set aside at management's discretion for the efficiency, health, or safety of employees. Breaks are granted at the discretion of management and as such are an employee benefit, not an entitlement.
- b. Breaks may not be scheduled immediately before or after meal periods or at the start or end of the workday.
- c. Breaks may not be accumulated for use in lieu of leave.

- d. An employee is in a pay status during authorized rest periods and may not generally be absent from their place of work during such periods.

E. Roles and Responsibilities

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1. NIH Office of Human Resources (OHR):

- a. Provides technical guidance to NIH Institutes, Centers, and Offices (ICOs) and develops written policy concerning meal periods and breaks.
- b. Ensures accountability for the methods and internal controls used to implement an agency-wide meal periods and breaks policy.

2. NIH Workforce Relations Division (WRD):

- a. Provides guidance and training regarding meal periods and breaks policies and procedures to IC staff.
- b. Sets forth policies to ensure meal periods are properly accounted for in the Integrated Time and Attendance System (ITAS).
- c. Manages compliance and accountability with policies regarding meal periods and breaks.

3. Institutes, Centers, and Offices (ICOs) Timekeepers:

- a. Ensure meal periods are properly accounted for in ITAS on employee timecards each pay period.
- b. Serve as liaisons between OHR and ICO staff, communicating as necessary accurately reflect employee tours of duty, including meal periods, in ITAS.

4. Managers and Supervisors:

- a. Complies with, applies, and enforces this policy and applicable Federal laws and regulations related to meal periods and breaks.
- b. Ensures the fair and equitable implementation and use of meal periods and breaks across subordinate staff.
- c. Reviews employees' use of meal periods and breaks and approves, disapproves, or modifies the requests in accordance with this manual chapter, any applicable NIH guidance, and/or collective bargaining agreement requirements.

5. Employees:

- a. Complies with this manual chapter, NIH guidance, procedures, etc., and applicable Federal laws and regulations related to meal periods and breaks.
- b. Obtains supervisor's approval if requesting a meal period or break that is not required per this policy.
- c. Ensures timecard appropriately accounts for meal periods as applicable.

F. References

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1. [5 CFR 610.121](#), Establishment of work schedules
2. [5 U.S.C. 6101\(A\)\(3\)\(F\)](#)
3. [HHS Instruction 610-1](#), Establishing and Administering Hours of Duty
4. [HHS Timekeeping Guide Chapter 3](#), Regular Hours

G. Definitions

1. **Work Break** - A brief period of paid work time, e.g., 15 minutes or less, set aside at management's discretion for the efficiency, health, or safety of employees.
2. **Meal Period** - An approved period of time in a non-pay and non-work status that interrupts a basic workday or a period of overtime work for the purpose of allowing an employee to eat or engage in personal activities. Employees scheduled to work eight (8) or more hours in a day must take a meal break of a minimum of one-half hour. Employees may not save any part of the thirty (30) minutes in order to leave early or extend subsequent meal periods, unless an exception is authorized by the supervisor or other authorized approving management official. A meal period is not considered to be part of the basic workweek/work requirement, except in those situations when the supervisor requires the employee to perform his or her regular duties while eating.