

To all DHS Employees

Recently, Governor Gavin Newsom signed SB 1334 into law effective January 1, 2023. This bill would entitle employees who provide direct patient care or support direct patient care in a general acute care hospital, clinic, or public health setting directly employed by specified public sector employers:

1. One unpaid 30-minute meal period on shifts over 5 hours. This meal period must start by the end of the 5th hour of work. A second unpaid 30-minute meal period is allotted for shifts over 10 hours.
 1. Meal periods may be waived by mutual agreement and documented:
 1. If the shift is no more than six (6) hours
 2. Only one of the two meal periods may be waived by health care employees who work more than eight (8) hours.
 2. A rest period based on the total hours worked daily at the rate of 10 minutes or more (as specified by contract or Personnel Ordinance), as provided by specified existing law. Rest periods cannot be waived and must be taken.

The length of an employee's rest period may not exceed fifteen (15) minutes based on their bargaining unit's [labor agreements](#) and/or [Sacramento County Code 2.78.780](#).

In accordance with this bill, employees, whose classification and division on the "SB 1334 Impacted Classification" document, and are not given reasonable opportunity to take their breaks will be paid one hour of pay for each missed meal period, and an additional one hour of pay for each missed rest period, at the employee's regular rate of compensation (overtime at straight rate or time and a half depending on the number of hours worked that week) for each workday that the meal or rest period is not taken.

As such, staff who provide/support direct patient care are required to work with their supervisors to ensure their rest and meal periods are being utilized. Unapproved missed meal and rest periods may result in progressive discipline.

Moving forward, employees will need management approval to miss their lunch breaks. Both the employee and manager will need to complete/sign the Meal Waiver Form.

Employees will complete their timesheets using **Premium Time – Regular using Premium number Z0** to document meal periods and rest breaks

each day worked during the pay period. See the examples below on how to enter the premium code on your timesheet to record/document your missed lunch period and breaks:

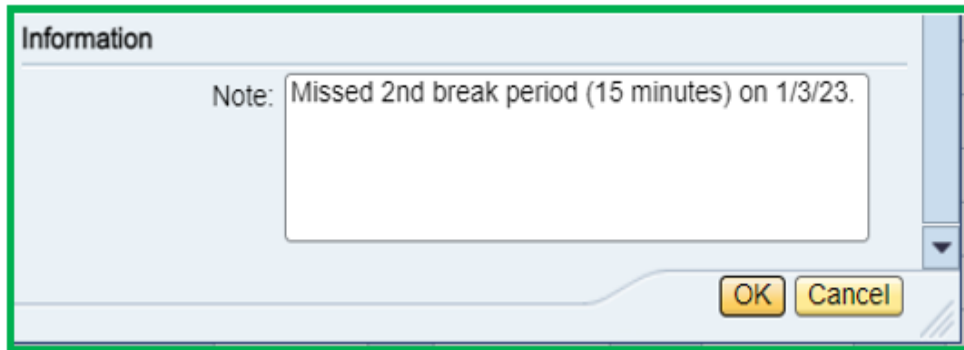
Example 1 –

An employee misses taking 15 minute break period on 1/3/23.

Regular attendance hours are recorded as normal, 1.0 hour is recorded as Premium Time – Regular using Premium number Z0.

Att./abs. type	Leave Code	Premium no.	Premium ID	Total	SU, 01/01	D...	MO, 01/02	Det.	TU, 01/03	Det.
				80.00	0.00		8.00		8.00	
				64.00	0.00		0.00		0.00	
Attendance hours-Regular				72.00					8.00	
Paid Holiday				8.00			8.00			
Premium Time - Regular		Z0	1						1.00	

Detail of sample note information on Premium Time - Regular:



1. Missed rest and lunch breaks are not allowed and employees are expected to take their scheduled breaks. Meal periods may be waived by mutual agreement with your supervisor and documented:
 1. If the shift is no more than six (6) hours
 2. Waiver of one of the two meal periods by health care employees who work more than eight (8) hours.

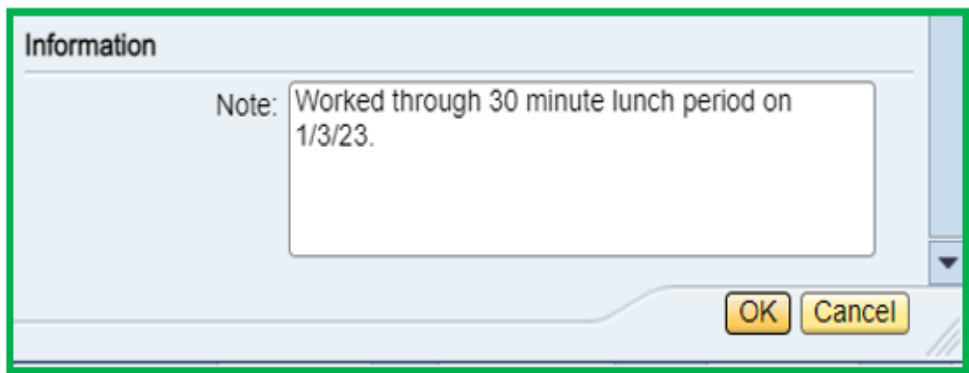
Example 2 –

An employee works through 30 minute lunch period on 1/3/23 and does not leave work early (working their normal work hours on that day and for the entire work week).

Regular attendance hours recorded as normal, 0.5 hours recorded as Overtime Pay Earned, 1.0 hour recorded as Premium Time – Regular using Premium number Z0.

Att./abs. type	Leave Code	Premi... no.	Premi... ID	Total	SU, 01/01	D...	MO, 01/02	Det.	TU, 01/03	Det.
				80.00	0.00		8.00		8.00	
				64.00	0.00		0.00		0.00	
Attendance hours-Regu... ▼				72.00					8.00	
Paid Holiday ▼				8.00			8.00			
Premium Time - Regular ▼		Z0	1						1.00	
Overtime Pay Earned ▼									.5	

Detail of sample note information on Premium Time - Regular:



1. Missed rest and lunch breaks are not allowed and employees are expected to take their scheduled breaks. Meal periods may be waived by mutual agreement with your supervisor and documented:
 1. If the shift is no more than six (6) hours

2. Waiver of one of the two meal periods by health care employees who work more than eight (8) hours.

Example 3 –

An employee misses taking both 15 minute break periods on 1/3/23, additionally works through 1 hour lunch period, and does not leave work early (working their normal work hours on that day and for the entire work week).

Regular attendance hours recorded as normal, 1.0 hour recorded as Overtime Pay Earned, 2.0 hours recorded as Premium Time – Regular using Premium number Z0.

Att./abs. type	Leave Code	Premi... no.	Premi... ID	Total	SU, 01/01	D...	MO, 01/02	D...	TU, 01/03	Det.
				80.00	0.00		8.00		8.00	
				64.00	0.00		0.00		0.00	
Attendance hours-Regular				72.00					8.00	
Paid Holiday				8.00			8.00			
Premium Time - Regular		Z0	1						2.00	
Overtime Pay Earned									1.0	

Detail of sample note information on Premium Time - Regular:

Information

Note: Worked through 1 hour lunch period and missed taking both breaks on 1/3/23.

1. Missed rest and lunch breaks are not allowed and employees are expected to take their scheduled breaks. Meal periods may be waived by mutual agreement with your supervisor and documented:
 1. If the shift is no more than six (6) hours

2. Waiver of one of the two meal periods by health care employees who work more than eight (8) hours.

THE ABOVE EXAMPLES MAY CHANGE ONCE DECISIONS/CLARIFICATIONS ON THE INTERPRETATION AND PROCESS IS CLARIFIED.

If you have missed a break or lunch since January 1, 2023, please work with your supervisor on amending your timesheet by using the attached excel spreadsheet titled, "SB 1334 Missed Lunch and Rest Break Log."

For questions on how to complete your timesheet, please reach out to your assigned HR Team.

Please note that employees will receive the back pay for missed breaks and or meal breaks to which they are entitled once the Z0 premium code testing is completed, which is anticipated to be no earlier than May 19, 2023.