



KNOW YOUR RIGHTS: SB 1334 FAQ

“What is SB 1334?”

SB 1334 extends the protections of the California Labor Code to public sector and UC workers who provide or support direct patient care in a hospital, clinic, or public health setting. Upon implementation, this law will guarantee public sector health care workers the same pay for missed meal and rest periods as their private sector counterparts.

“How many rest breaks do I get?”

Workers are entitled to a paid 15-minute paid rest period for every 4 hours “or major fraction thereof” worked. Workers who work less than 3.5 hours in a day are not entitled to a rest break.

“How many meal breaks do I get?”

Non-exempt employees who provide or support direct patient care in the hospital, clinic, or public health setting will be provided an unpaid, uninterrupted 30-minute meal period for shifts of five and up to ten hours. For shifts that exceed ten hours, a second unpaid, uninterrupted 30-minute meal period will be provided. This is a total of two uninterrupted 30-minute meal periods during the shift for employees who work over 10+ hours. Uninterrupted or “Duty free” means you were relieved of all work duties during your break or meal period. If you were not relieved of all duty during your meal period it should be counted as time worked in addition to penalty pay.

Hours Worked	Rest Breaks	Meal Breaks	Waiver
0 – 3 hours 29 minutes	0	0	N/A
3 hours 30 minutes – 4 hours 59 minutes	1	0	N/A
5 hours – 6 hours	1	1	Meal May be Waived
6 hours 1 minute – 10 hours	2	1	Meal May NOT be Waived
10 hours 1 minute – 14 hours	3	2	One Meal May be Waived

“When does the meal break need to be taken?”

On a daily basis, the first meal break must be offered within the first five (5) hours of the shift, and if eligible, the second meal break must be offered within the first ten (10) hours of the shift. Workers may defer the meal break offered within the first five hours, but if these meals breaks are not offered within these time frames, workers are eligible for penalty pay.

“Can I combine my breaks?”

Meal and rest breaks may be combined by mutual agreement of the employee and supervisors. Workers are not required to combine breaks.

“Can I waive the meal breaks?”

Under the new law, employees who work no more than six hours in a day may waive the meal break. Employees who are entitled to two meal breaks may also waive one of the meal breaks. By not signing the University’s meal break waiver, you may be scheduled for 13 hours to accommodate the two meal periods. For example, if you begin your shift at 0700, it may end at 2000 rather than 1930 to accommodate the two unpaid meal periods.

“If I defer my meal break, am I still eligible for penalty pay?”

If you have asked to defer a meal break offered within the first five (5) hours, you are still eligible for penalty pay if another meal break is not offered within the first ten (10) hours.

“Do I need to sign the waiver?”

The waiver is completely optional and is not required if you wish to receive an additional meal break for 6- hour shifts or shifts that exceed 10 hours. The waiver is not a condition of employment.

“What if I change my mind after signing the waiver?”

You may revoke your waiver at any time. To do so, you must provide the University at least 24 hours advance notice.

“Management says that if I do not sign the waiver, the last 30 minutes of my shift will be unpaid.”

This is inaccurate. Unpaid meal breaks need to be offered as outlined on the previous page of this flyer. If you did not sign the waiver, management cannot force you to take your second meal break in the last 30 minutes of your shift and therefore the last 30 minutes should be paid time. Additionally, management cannot unilaterally reduce your hours of work without following the procedures outlined in our contract.

“What should I do if I miss a break?”

If you are unable to take your meal or rest period due to an operational requirement or constraint, you should immediately notify your manager as soon as practicable to allow management to offer a meal or rest break. Under the University’s policy, workers must notify supervisors for missed meal and rest breaks before the end of the pay period.

“What is penalty pay and how much do I receive for missing a break?”

If the University does not provide an employee with a meal or rest period in accordance with SB 1334, it is required to pay a penalty of one additional hour of pay at the employee’s regular rate of pay for each workday that the meal or rest break is not provided. This penalty is not counted as time worked for overtime purposes. An employee is entitled to one meal period penalty for each workday that one or more meal periods are not provided, and one missed break penalty for each workday that one or more rest breaks are not provided.

“What should I do if I didn’t receive penalty pay for a missed break?”

Workers should contact their Union Representative who will provide instructions to reporting the penalty pay to the California Labor Commissioner’s Office [to help you enforce your rights](#). The Union may also be able to file a grievance to ensure your rights to penalty pay.

Find your Union Rep at teamsters2010.org/team