

## City of Mission Viejo Personnel Policy

**Subject:** HOURS OF WORK

**Statement of Intent:**

To establish work hours, breaks and meal periods.

**Policy:**

1. Breaks not to exceed ten (10) minutes may be taken in approximately the middle of each four (4) hours of scheduled work.
  - a. An employee may not accumulate breaks to be taken at a later time.
  - b. Unused breaks may not be used to make up tardiness or to shorten the workday of an employee.
2. Meal periods are provided for non-exempt employees scheduled to work at least six (6) hours in a day. Non-exempt employees working a minimum of six (6) hours per day will be scheduled for a minimum thirty (30) minute unpaid meal period. Non-exempt employees working eight (8) hours per day will be scheduled for a one (1) hour unpaid meal period. Department heads may, at their discretion, schedule meal periods for non-exempt employees working less than six (6) hours per day. Scheduling of meal periods shall take into consideration the employees work schedule and shall not result in unauthorized overtime work. Employees who are eligible for meal periods are expected to take them.

As an exception to the Meal Period provision of this policy, a department head, or designee, may schedule a non-exempt employee to work hours that does not include a meal period. In this situation, the non-exempt employee will be required to remain on City premises and take all breaks and/or meal periods on the work site, while remaining available to the public.

3. Meal Periods for Animal Control Officers: Animal Control Officers will be scheduled for a thirty (30) minute paid meal period to be taken between the 4th and 7th hour of a ten-hour shift, or the 4th and 6th hour of an eight-hour shift, as set forth on the daily watch list. If an Animal Control Officer is unable to take their assigned meal period during the assigned time due to service calls, the Officer shall attempt to take their assigned meal period at the next available time and note in their daily log the reason why the meal period was unable to be taken during the assigned time and/or the supervisor or lead that approved the modification.
4. Meal Periods for other Animal Services Center Non-Exempt Staff: Non-exempt employees working a minimum of six (6) hours per day at the Animal Services Center will be scheduled for a thirty (30) minute unpaid meal period to be taken

between the 4th and 6th hours of an 8-hour shift and normally must be staggered among employees in the same classification to ensure at least one employee in the classification is working at all times. Meal periods can only be modified with prior consent from supervision or leads. An Animal Services Supervisor, or designee may, at their discretion, schedule meal periods for non-exempt employees working less than six (6) hours per day.

5. Workweek Defined: The workweek for a non-exempt employee shall consist of seven (7) consecutive days beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on Friday.
6. The usual work schedule for non-exempt employees is Monday through Friday from 8:00 a.m. to 5:00 p.m. A department head, or a designee, may establish alternative work hours for an organizational unit or individual employees to meet the service needs of the public, with the approval of the City Manager or a designee.
7. Time spent by an employee in traveling to and from, waiting for, and receiving medical attention due to an industrial injury or illness during the employee's normal working hours on days when he/she is working constitutes hours worked.
8. Abuse of breaks and meal periods may be cause for disciplinary action up to and including termination.
9. A department head may establish a flextime work schedule for his/her employees. Flextime allows an employee to vary his/her work hours within a specified period of time each day, provided that a specified period of hours is worked each day. A proposed flextime schedule must be in writing and approved by the City Manager, or a designee, before it is implemented.

**Administration:**

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed to have a direct financial impact on the City. City Council approval is required prior to initial implementation and for any subsequent amendments.

- Approved: By City Manager – December 8, 1989.  
 Revised: By City Manager –, 2000.  
 Revised: Resolution No. 16-19, May 10, 2016.  
 Revised: Resolution No. 17-51, October 24, 2017.  
 Revised: Resolution No. 18-09, February 13, 2018, effective February 10, 2018.  
 Revised: By City Council on September 24, 2019, Resolution No. 19-30.  
 Revised: By City Council on June 11, 2024 – Resolution Number 24-22, effective June 22, 2024