

## Court rules that employees must be compensated for interrupted meal breaks

The Tenth U.S. Circuit Court of Appeals recently ruled that nurses who were repeatedly interrupted during their lunch breaks were entitled to overtime pay for their time.

### **The Case**

Eight nurses who worked for Hillcrest Medical Centers in Oklahoma were paid for their shifts minus 30 minutes for a lunch break. The nurses claimed that they were rarely able to enjoy an uninterrupted lunch break.

During their lunch breaks, the nurses said that they were asked to check on patients, watch monitors, answer phones, administer medications, and respond to pages and emergency calls. Several nurses said that they were not allowed to leave the hospital during their breaks.

The Fair Labor Standards Act (FLSA) states that non-exempt employees must be paid overtime for any hours that they work over 40 in a week. Federal regulations define a meal break as a “rest time” during which the employee “must be completely relieved from duty for the purposes of eating regular meals.”

At Hillcrest, nurses who worked over 40 hours in a week could fill out a “time exception report” and get it signed by a supervisor to be paid for overtime. Hillcrest never denied a request for overtime pay.

The nurses did not request overtime payment for the interrupted lunches because they thought that they could only be paid if they worked the entire lunch. At a union meeting, they learned that they were entitled to overtime pay for lunch breaks that were interrupted for work

purposes. Consequently, the nurses sued for overtime pay for interrupted lunches for the previous three years.

On July 5, 2002, the district court dismissed the case without a trial indicating that the nurses had not produced enough evidence that the lunches were interrupted for work purposes. The nurses appealed.

On October 9, 2003, the Tenth Circuit Court of Appeals overturned the lower court’s decision and sent it back for trial. The appeals court ruled that the nurses had raised a triable issue whether they were primarily engaged in work-related activities that prevented them from “comfortably and adequately” passing their meal breaks. The appeals court referenced a similar case where police officers were allowed to sue for overtime pay for their meal breaks because a variety of restrictions had been placed on them by their employer.

### **The Bottom Line**

Employers should either give their non-exempt employees uninterrupted and unrestricted breaks, or be prepared to pay overtime when those breaks are interrupted. A written break policy may assist in clarifying the rules for both employees and supervisors.

As this case shows, an employer may be liable for a large amount of back pay—plus penalties and interest—if employees decide to sue for uncompensated overtime.

For more information, contact CTSI at 303-861-0507.