

Lunch and Breaks

Lunch

All letter carriers, including CCAs, daily receive an **unpaid** half hour lunch break. The Employee and Labor Relations Manual (ELM), section 432.33 refers to this break as mealtime and states:

432.33 Mealtime

Except in emergency situations or where service conditions preclude compliance, no employee may be required to work more than 6 continuous hours without a meal or rest period of at least 1/2 hour.

A 1985 national pre-arbitration settlement (M-00093) gives carriers the right to request to take their lunch break after working more than 6 consecutive hours. The settlement upheld the union's position that while a carrier may not be required to work more than 6 consecutive hours without their lunch break, the carrier may request to schedule their lunch period after completion of 6 hours of work. The relevant language of that settlement states:

M-00093 Pre-arb

April 4, 1985, H1N-5K-C 20446

- 1. Except in emergency situations or where service conditions preclude compliance, no employee may be required to work more than 6 consecutive hours without a meal or rest period of at least 1/2 hour.**
- 2. Where service conditions permit, an employee may request to schedule their lunch period after completion of 6 hours' work.**

You should never work through your lunch break. If you work six consecutive hours or longer, it is assumed that you will be taking a lunch break, in accordance with the ELM 432.33 provision, and a half hour lunch break is automatically deducted from your time. If 30 minutes is deducted and you do not take a lunch, then you are working off the clock for 30 minutes, which is strictly prohibited. Article 41.3.K of the National Agreement specifically addresses working off the clock by stating:

41.3.K. Supervisors shall not require, nor permit, employees to work off the clock.

The above contractual provision specifically states that supervisors under no circumstances may require or permit you to work off the clock and that means working through your lunch as well as any other time in which you are not being paid. You may be thinking that you are helping yourself, your coworkers or your supervisor by working through your lunch break but the National Agreement specifically forbids it.

Lunch Locations

Each route has authorized lunch locations at which carriers are permitted to stop and take their lunch break. The authorized lunch locations, as well as the authorized location to leave the route for lunch, for both the regular carrier and the carrier technician, are recorded on PS Form 1564-A, Delivery Instructions which is found in the route book at each carrier case. Handbook M-41, City Delivery Carriers Duties and Responsibilities, Section 521.6 addresses this by stating:

251.6 Lunch Information

This shows time of authorized lunch, location of authorized lunch stop(s), and location where carrier is authorized to leave route for lunch. (See instructions on Form 1564-A where this applies.) Similar information for any deviation for lunch by carrier technician is entered on the Form 1564-A.

You should familiarize yourself with the authorized lunch locations for each route you carry. Refresh your memory prior to leaving for the route by looking at Form 1564-A in the route book.

Rest Breaks

All letter carriers, including CCAs, daily receive two **paid** 10 minute rest breaks during an eight hour work day. Each year the local union may opt to have either both breaks on the street or one in the office and one on the street. Handbook M-39, Management of Delivery Services, Section 242.341 addresses this as such:

242.341 The carriers at the delivery unit will receive two 10-minute break periods. The local union may annually opt to have either (a) both breaks on the street or (b) one of the 10-minute breaks in the office and one break on the street. If two 10-minute breaks are taken on the street, they will be separate from each other. Breaks must be separate from the lunch period. The carrier shall record on Form 1564-A, Delivery Instructions, the approximate location of the break(s). Reasonable comfort stops will not be deducted from the carrier's actual time.

As stated in the above provision, these breaks may not be combined with each other and they may not be combined with your lunch break. National pre-arbitration settlement M-00834 also confirms this, but the settlement also clarifies that there is no requirement to take one break before and one after your lunch.

M-00834 Pre-arb

February 2, 1988, H4N-3Q-C 40722

Handbook M-39, Section 242.341, requires that the two ten minute break periods be separate from each other, and that such breaks must be separate from the lunch period. There is no specific requirement in the M-39 Handbook that one of the break periods be before and one after a carrier's lunch period.

Some offices may take breaks longer than 10 minutes each. These longer breaks may be negotiated locally or established by a past practice. National pre-arbitration settlement M-00941 allows for this by stating:

M-00941 Step 4

June 27, 1989, H7N-5H 7814

In those installations where longer break periods were provided by past local negotiation, the longer break periods will be used.

Like lunch breaks, letter carriers are required to take their negotiated rest breaks as well. National Arbitrator Britton in his 1988 ruling addressed this by stating, "The Postal Service must ensure that all employees stop working during an office break. Contractual breaks must be observed and cannot be waived by employees." (H4N-3D-C 9419, December 22, 1988, C-08555).

Like lunch locations, break locations for the regular carrier and carrier technician are also similarly listed on PS Form 1564-A, Delivery Instructions. Handbook M-41, City Delivery Carriers Duties and Responsibilities, Section 521.7 addresses this by stating:

251.7 Break Information

This shows location of authorized break stop(s). (See instructions on Form 1564-A where this applies.) Similar information for any deviation for break by carrier technician T-6 carrier is entered on the Form 1564-A.

There may be instances where a PS Form 1564-A is not available for you to reference where you should take your breaks. If this is the case then speak with your supervisor, your shop steward, or an NALC branch officer for proper break locations in your office.

Letter carriers who work less than 8 hours in a service day will take their breaks on a pro-rata basis. If they work less than 6 hours, then they receive one ten-minute break. If they work 6 hours or more, then they receive two ten-minute breaks. This is explained below in question 81 of the Questions and Answers, 2011 USPS/NALC National Agreement:

81. How are breaks provided for CCAs who work less than eight hours on a particular day?

Breaks for CCAs who work only a portion of a day (less than eight hours) will be as follows: One ten-minute break if the employee works less than six hours and two ten-minute breaks if the employee works six hours or more.

If you have any further questions in regard to lunch or break locations and times, then speak with your supervisor, your shop steward, or an NALC branch officer.