



County Technical Assistance Service

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Breaks

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Breaks

Reference Number: CTAS-1083

State law requires that private employers give a 30-minute unpaid rest break or meal period to employees who are scheduled to work six hours consecutively, except in workplace environments that by their nature of business provide for ample opportunity to rest or take an appropriate break. T.C.A. § 50-2-103. However, this statute does not apply to public employers such as counties. Op. Tenn. Att'y Gen. 94-060 and 08-187. Many personnel advisors suggest, however, that allowing each employee a short break or rest, during morning and afternoon, may increase the productivity of the employee. Break periods also can be used by the employer to handle smoking problems within an office setting. No smoking or limited smoking policies are becoming prevalent in today's work force. The employer can allow the use of morning and afternoon breaks for employees who smoke. Since this break time is considered work time under the Fair Labor Standards Act, the employee would receive regular pay during this period.

All employers, both public and private, are required to provide reasonable unpaid break time each day to an employee who needs to express breast milk for that employee's infant child. These break periods are to run concurrently with any other breaks the employer provides whenever possible. The employer must make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where the employee can express breast milk in privacy. T.C.A. § 50-1-305.

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