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# HRDG 4610 - Tours of Duty - Section C

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## **Subchapter 4610**

### **Tours of Duty**

#### **Section C - Scheduling Meal Periods**

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All full-time employees must take an **unpaid** meal period unless specifically excluded from this requirement for work-related reasons.

**Requirement  
for Meal  
Periods**

When an unpaid meal period is scheduled, the employee may leave his/her place of employment for the established period of time. When an unpaid meal period is not included in the tour of duty, the employee may not leave the immediate vicinity of his/her duty post.

**Part-time  
Employees**

Part-time employees who work 5 or more hours per day are required to take an unpaid meal period. If the period of duty is less than 5 hours, a meal period normally would not be scheduled. Exceptions to this policy must meet the requirements for tours of duty without meal periods.

**Employees  
Covered by  
FLSA**

Employees covered by the Fair Labor Standards Act (FLSA) must be allowed an uninterrupted unpaid meal period. If work is required during the period, the employee must be compensated under FLSA premium pay provisions. Whether the employee eats or not during this period is immaterial.

**Meal Periods  
in the DC  
Metro Area**

The meal period (30, 45, or 60 minutes) in the Washington, D.C. Metropolitan area should be taken between the hours of 11 a.m. and 2 p.m. When this cannot be followed, the meal period should be taken when practical, taking into account mission demands, employee needs, and if applicable, local negotiated agreements.

The amount of time taken for a meal period is set according to local practice and requirements of the work. It will be one of the following:

- Minimum period for meals - - 30 minutes
- Medium period for meals - - 45 minutes
- Maximum period for meals - - 60 minutes

**Meal Periods  
at Field  
Locations**

The meal period should begin no sooner than 2 hours after reporting for duty and end no later than 6 hours after the report time. When this cannot be followed, the meal period should be taken when practical, taking into account mission demands, employee needs, and if applicable, local negotiated agreements.

**Note:** GIPSA bargaining unit employees' meal period is to begin no sooner than 2 hours after reporting for duty and to end no later than 6 hours prior to the end of the shift.

Employees scheduled to work less than 5 hours are not required to take a meal period.

**Length of Meal  
Periods**

All employees scheduled to work 5 or more hours in a workday must take a meal period, unless an exception has been granted for one of the reasons given under tours of duty without meal periods. In APHIS and AMS, this applies to the regular workday as well as to overtime work.

For all flexible work schedules, meal periods may be 30, 45, or 60 minutes, but may not exceed 1 hour unless a CTD is granted. Employees working under flexitime or maxiflex must sign in and out for the meal period if it will extend the workday beyond the established TOD.

**Exception:** Meal periods longer than 1 hour may be taken at the option of the employee when a core time deviation has been approved.

**Meal Periods  
for Employees  
on Flexible  
Schedules**

Example: Before the beginning of the administrative workweek, the employee established his/her tour of duty for the week as Monday through Friday, 8 a.m. to 4:30 p.m. On Tuesday, the employee's lunch period was 30 minutes. This did not extend the workday; therefore, the employee did not need to sign in and out for lunch. On Wednesday, however, the employee's lunch period lasted 1 hour. Because of the longer lunch period, the employee must sign in/out on this day to document the extra time taken. The employee may either choose to work longer on this or another day to make up the extra ½ hour. On whatever day the employee chooses to make up time, he/she must sign in/out on that day to show when and how (e.g., work time, leave, or credit hours taken) the time was made up.

First-40-hour employees are not prevented from having a meal period. If circumstances prevent an employee from taking a meal period, then the time spent eating may be considered as part of the tour for that day.

**First-40-Hour  
Employees**

Example: Pilots and dispersers in flight status will not be charged with a formal meal period even though they may be able to eat their meal while in the air. On the ground, however, during normal meal hours for the duty station, these employees will be required to take the meal period.

Tours of duty without a meal period are established only in unusual circumstances. Typical conditions which could warrant the establishment of such tours are:

**Tours of Duty  
Without Meal  
Periods**

- The work to be performed requires the full time and continuing attention of the employee who is alone and is not permitted to leave his/her post of duty for the purpose of obtaining and/or eating a meal.
- Inspection services must be maintained on a continuing basis and only one employee is assigned to the duty post during each tour of duty. (In this situation it is assumed that the opportunity for staggering meal periods among two or more employees does not exist.)
- When the flow of traffic at land border crossings at airports or at FGIS facilities is such that the high and low periods vary significantly from day to day, hour to hour and cannot be anticipated with any degree of accuracy (provided that the opportunity for staggering meal periods does not exist and inspectional services must be provided on a continuing basis).

**Note:** These provisions apply to field locations only.

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