

What Urgent Care Operators Need to Know About Employee Break Rooms

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While urgent care operators pay a lot of attention to patient-facing and productive work areas such as the front office and medical station—the employee break room, if it even exists, is typically an after-thought. That’s because in many centers, the break room isn’t seen as “revenue producing” or “value added” space. Rather, the break room serves as a multi-purpose kitchen, meeting area, training facility, locker room, cleaning closet, and storage space. But having a designated, comfortable, clean and inviting place for employees to unwind and interact not only can improve camaraderie, morale and productivity; a proper break room can also help an urgent care center comply with important federal and state employment regulations.

Legal Considerations

Because federal law does not require employers to provide breaks or meals for employees, there’s no federal law specifically mandating an employee break room. However, multiple employment regulations point to the need for a designated space for employees’ personal time and activities.

For example, the Occupational Safety and Health Administration (OSHA) mandates that if an employer allows employees to store, consume, or prepare food and beverages in the workplace—the employer must provide a location that is suitable for those activities.¹ Because chemicals and pathogens enter the body via the hand-to-mouth route, displaying holiday cookies at a medical station or washing the coffee pot in a laboratory sink puts employees at risk. Such actions violate OSHA Standard 1920.141 stating that areas where food preparation and consumption occurs must be free of toxic materials, including drugs, disinfectants and cleaning supplies, lab samples, medical waste, and chemicals.²

A designated employee break room also helps employers comply with the Fair Labor Standards Act (FLSA), which regulates wages and hours, because retreating to the break room provides a clear distinction between employees’ “on-” and “off-the-clock” time. For example, without a break room, a medical receptionist eating lunch at the front desk is “available” to direct patients when they enter the center and thus is considered “working.” Under federal law, the receptionist manning the front desk could be entitled to overtime pay, even if she performs no other work and even if no patients actually show up while she is eating.

State wage and hour laws often take federal regulations a step further. For example, California’s Industrial Welfare Commission Wage Orders require employers to grant employees a rest period of 10 minutes for every four hours worked. This rest period must be taken on the work premises and the employer must pay for such periods.⁵

Similarly, the Patient Protection and Affordable Care Act, which amended Section 7 of the FLSA, requires employers to provide reasonable break time for a mother to breastfeed her child for one year after the child is born. Employers must provide a place other than a restroom, shielded from view and intrusion from co-workers, for the mother to breastfeed.⁴

The Department of Labor requires that all employers post notices describing “Job Safety and Health Protections” under OSHA, “Minimum Wage” standards under FLSA, rules protecting military service under the Uniformed Services Employment and Re-employment Rights Act (USERRA), and employee rights under the Employee Polygraph Protection Act (EPPA). Additionally, larger employers are required to post notices regarding Equal Employment Opportunity (EEO) and the Family Medical Leave Act (FMLA). Pending a court ruling in 2012, employers will also be required to post employee’s rights to unionize under the National Labor Relations Board (NLRB).⁷ Some state laws additionally require employers to post their Workers Compensation carrier and coverage data, a log of workplace related injuries, whistleblower protections, and emergency phone numbers.⁸ Having a bulletin board in the break room gives a place for employers to post all of these required notices.

Note that none of these laws specifically mandate a conventional employee break room be present but providing one clearly helps the employer comply with the law. And while a separate room is ideal, if space is truly at a premium, a divided off area (out of patient view) dedicated to employees can suffice.

A Space of Our Own

Legal considerations aside—from a practical standpoint, employees who take breaks at their workstations risk distracting co-workers with personal phone calls or conversations, spilling beverages on patient charts or computer keyboards, dropping crumbs that attract ants and roaches, and turning-off patients with an unprofessional appearance.

On a more positive note, having a designated place to gather and interact can boost employee morale by drawing employees away from their workstations to learn about their co-workers' families and hobbies. As employees begin to see each other as "friends" rather than "co-workers," their ability to work as a team will improve as will their productivity.

In addition to facilitating casual employee interactions, the break room can also serve as a controlled space for scheduled employee meetings. Not only does having a designated meeting space prevent disrupting patient flow, team members pay more attention if they're not surrounded by the clutter and distractions of the front-office or clinical areas.²

And most importantly, investment in the employee break room shows employees that owners and management care about their well-being. It's difficult for an urgent care operator to credibly proclaim "my employees are my most valuable asset" when the break room is small, dark, dingy, and sparsely furnished.

Practical Suggestions

Designing the employee break room should start with the "basics"—a table and chairs for employees to sit and eat, a sink and counter space to prepare food and rinse off dishes, cabinets to store supplies, a refrigerator/freezer to store food, a microwave and toaster-oven to prepare meals and snacks, an ice maker and water cooler, and a coffee maker. Furnishings should be durable and easy to clean since spills frequently occur whenever food is present.

To make the employee break room inviting and comfortable, many urgent care operators go beyond these basics and invest in the break room's interior design and furnishings.⁶ Some recommend painting the break room a different color than the rest of the center to change the "scenery"—bright colors can help keep employees alert while pastels can be more calming. Sofas or lounge chairs can give employees a comfortable place to relax and re-energize. Magazines, news publications, cable or satellite television can provide a diversion and keep employees current on industry affairs or local and national events.

To promote healthy lifestyles and boost employee energy during the workday, some employers stock their break rooms with snacks such as granola bars, dry oatmeal, fresh fruit and microwave popcorn. Snacks can be provided as a perquisite, employees can voluntarily contribute cash to a food/beverage fund, or a change box can be placed so employees pay for products on the "honor system."

If an urgent care operator chooses to provide a break room for employees, he/she should have a clear set of rules governing the room's use.⁶ For example:

- "If you make a mess, clean it up." To encourage employees to do this, the employer should provide paper towels, sponges, and cleaning supplies. A dishwasher is another option.
- "If you emptied it, refill it." For example, the person who uses the last paper towel should put out a new roll.
- "The first person to want coffee makes coffee." Likewise, the last one to leave the office turns the pot off and discards the used coffee and filter.

- “Don’t gossip or vent.” Conversations that would be inappropriate elsewhere in the office are likewise inappropriate in the break room. Urgent care operators should be particularly mindful of employees maintaining patient confidentiality and avoiding any discussion about patients or the business away from their workstations. Likewise, to assure everyone is comfortable, controversial topics or offensive language should be banned from the break room.
- To prevent odors from overtaking the refrigerator and to deter “food thieves,” employees should write their names and a date on all perishable food items. A common practice is to designate a day each week where food that is more than five days old (or is not labeled) gets thrown away.

In situations in which “everyone” is responsible for maintenance of the break room—staff will have to hold one another accountable, which is certain to result in occasional disputes over who didn’t “pull his/her weight.” Alternatively, some managers assign full-time responsibility for the break room to one specific individual—such as a medical receptionist—or they rotate duties among all staff members on a scheduled basis. For example, Jean may be responsible for cleaning out the refrigerator this month while Briana has next week’s “coffee duty.”

Conclusion

While urgent care operators may not be legally required to provide an employee break room, there are solid business reasons for doing so. Break rooms help employers comply with state and federal laws mandating wages, hours, health and safety. They also help get employees out of their workstations and spur morale-building interaction. Urgent care operators shouldn’t be afraid to think creatively when designing and furnishing the employee break room, but they should also be practical and adopt basic rules governing the room’s use. From the standpoint that the condition of the break room reflects how well an employer values its staff, in some ways the break room could be considered the most important room in the center.

References:

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⁷ U.S. Department of Labor <http://www.dol.gov/oasam/programs/osdbu/sbrefa/poster/matrix.htm> (Last Accessed 7 May 2012)

⁸ California Department of Industrial Relations <http://www.dir.ca.gov/wpnodeb.html> (Last Accessed 7 May 2012)
