

# Flex Time, Overtime, Workload, and Breaks

WFSE DCYF Policy Committee

Reef Landrum, Western Washington Vice Chair

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*Find guidance and tips around how to organize your workday, workweek, and workload. This article is mostly for overtime-eligible workers; it doesn't answer every possible question, but it does summarize a lot of the most common ones we receive. Updated based on the 2025 - 2027 collective bargaining agreement (CBA). The below information may not apply if you work after-hours or have a less common position or schedule.*

**Hey, you! Yes, you! We know you're skipping lunch and your 15-minute breaks. Here are your rights and what you need to know about doing that.**

## *Article 6.5 and 6.7*

If you're working 8 a.m. - 5 p.m. (that's most of us, at least some of the time), you get a one-hour lunch break. Why? You get paid for 40 hours of work per week, which comes out to 8 hours a day of paid time. But 8 a.m. - 5 p.m. is 9 hours, so that leaves us with an hour of **unpaid** meal time every day.

You should also know that if you work 3+ hours longer than a regular workday, you get an additional 30-minute unpaid meal period.

*Do I **really** have to take a lunch?*

Usually, yes. The CBA guarantees a minimum of a 30-minute lunch break if you're working more than 5 consecutive hours. It also prevents you from using your lunch for getting to work late or leaving early (it should be as close to the middle of your work shift as possible). If you have to work during lunch (it happens), it's not really an unpaid meal break because you're working - and on the clock. Which means you have to either finish your lunch break later in the day, flex off somewhere else, or get overtime approved. If you work all day, 8 a.m. - 5 p.m., with no lunch break, that means you worked 9 hours instead of 8.

*What are these mythical "15-minute breaks" you annoying stewards keep referencing?*

Every half shift you work (3+ hours), you get a paid 15-minute rest period near the middle of that half shift.

So, basically, you have 15 minutes off in the morning and another 15 off in the afternoon. You can't combine them with lunch or use them to arrive to work late or leave early. If your job or workday allows, you can divide up those 15 minutes into multiple shorter breaks.

State law guarantees 10 minutes for these and we bargained it up to 15.

*But I can't get everything done unless I work through my lunch and my breaks?*

We work at DCYF; that's typical even if you *do* work off the clock (but please don't). But we deserve – and have the right – to be paid for the time we work. Standing up for ourselves can make conditions better for everyone – our clients included. If you work off the clock to catch up, it also sends a message to management that our workloads are fine, making the workload crisis even worse. See the workload question below or talk with a steward or council rep for more concrete answers or ideas.

## **What is overtime?**

### *Article 7*

Overtime is work beyond 40 hours per workweek. Work (or work time) includes vacation leave, sick leave, compensatory time, holidays, and other paid time. It does not include shared leave, leave without pay, additional compensation for time worked on a holiday, or time compensated as standby, callback, or any other penalty pay.

Work also includes travel time from one work site to another (office to court, IFF to office, etc.). Your commute to and from your regular work location is NOT counted as work. If you are commuting to or from a different location than your normal worksite, things get more complicated and you should ask a steward, council rep, or your supervisor, or review DCYF mileage guidelines.

You need to get overtime approved in advance unless there's an emergency. What counts as an emergency? Ask your supervisor or Area Administrator, because it depends. See below for how this all fits together with flex time and our workloads.

## **What are the requirements around flexing time for overtime eligible employees?**

### *Article 6.3*

Per article 6.3 (and appendix B) of the CBA, S3s, S4s, SHPC1s, and SHPC2s can be required to flex extensively to avoid overtime. If it gets excessive or they aren't taking your preferences into account at all (they're supposed to), talk to a steward or council rep.

Clerical workers (OT eligible), support specialists, S1s, and S2s have some limitations on required flexing. If you work more than two hours beyond your daily schedule on at least one day in a workweek, you can't be required to flex out later that week to avoid overtime or comp time. You can agree to it if you want, but there is no requirement. Meaning, if you work three hours late on Tuesday, you can't be required to flex out another day in the week to avoid overtime (it's best to contact a steward or council rep to confirm this before refusing to flex).

If you did not agree to flex in this situation, and you were still forced (by the situation, your supervisor, etc.) to work more than those two hours, you would keep the rest of your regular weekly schedule, but with overtime for your time worked beyond 40 hours instead of flexing out (not working) for those hours. This means that you need to be extra careful to notify your supervisor early on if there is a chance that something could result in you working overtime instead of just flexing more time (e.g., going to a health and safety visit that might turn into a placement change). You can't just work an extra three hours one day for guaranteed surprise overtime, except in an emergency.

*My supervisor is asking me to just show up late on Monday instead of getting overtime approved?*

No one can flex outside of their work week. That means if your work week is Saturday through Sunday, and you go over 40 hours, you can't just take a couple of hours off on Monday of next week. You would receive overtime pay or comp time. But, aside from unexpected emergencies, your supervisor should be involved early on in this process and in the decision-making. Are they asking the impossible? Is their request going to result in harm to a child or family? Share your concern – and get their response – in writing.

*I'm being asked to take a looooong lunch to avoid overtime?*

Flexing out in the middle of the day is currently a matter of discussion. We all agree that it's ridiculous, and some offices and supervisors do not allow it at all, but whether or not it's technically against the CBA as written is something this writer is not certain of. If

you're being asked to do this, check with your steward or council rep. Regardless, Management is not actually required to make the worst possible decisions for our lives and well-being most of the time, and that means there definitely can be room to address these things. Also, if you are off the clock, you are off the clock, and that means you shouldn't be checking your phone, answering emails, staffing cases, updating discovery, writing reports, or doing anything else work-related.

Overall, talking with your steward or council rep is a good bet for addressing issues with flexing your time. They can help you learn all your options and how to use them without (or with minimal) consequences. Even if something's technically allowed under the CBA, that doesn't mean it can't be acted on.

### **I feel like my workload isn't manageable in the time I have.**

#### *Article 36.7*

You definitely aren't alone.

Article 36.7 of the CBA covers this, although it is not currently grievable (meaning it isn't *as* enforceable). If you believe your workload isn't achievable within the time you're given, contact your supervisor. They are responsible for giving you direction and guidance including "the setting of priorities, adjustment of work, or other actions that will assist [you] in the accomplishment of [your] work assignments." A practical way to address this might be asking your supervisor what they want you to do when issues come up. If there isn't time to get everything done, ask them (in writing is best): "Should I do x or y, or will overtime be approved so I can do both?" We can't work without pay, so they can make the decision on what gets done.

If you still have concerns after that, you may go to your supervisor's supervisor. We suggest talking with a steward or council rep before doing so.

If that didn't solve the issue and you haven't already reached out to your union, you would then contact your council rep or other union leadership to share what's going on. Workload may then be raised as an issue at a Union Management Communication Committee. You could also file a complaint if your supervisor or their supervisor didn't discuss your workload concerns with you; we suggest contacting a steward or council rep if you're considering this.

Consider talking with others in your office or local union, or joining our Policy Committee's Facebook group if you'd like to find out about any similar experiences others have had.

## Resources

Find your steward or council representative

[wfse.org/dcyf-policy-committee/find-your-steward-council-representative-or-local](https://wfse.org/dcyf-policy-committee/find-your-steward-council-representative-or-local)

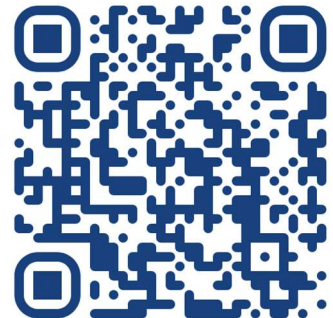


What is a Union Management Communication Committee (UMCC)?

[wfse.org/dcyf-policy-committee/union-management-communications-committee-umcc](https://wfse.org/dcyf-policy-committee/union-management-communications-committee-umcc)

WFSE DCYF Facebook Group

[facebook.com/groups/2437495776357336](https://facebook.com/groups/2437495776357336)



Learn more about our Union, our rights, and current actions on the WFSE DCYF Website

[wfse.org/dcyf-policy-committee](https://wfse.org/dcyf-policy-committee)