

**In our industry, like so many industries today, we are challenged to find and employ solid employees. We want to be a good place to work. We all spend a lot of time at work.**

**We understand that many people smoke. We also understand that cell phones are a normal part of life and that people use them frequently for calls, texts, etc.**

**With that said, safety and production efficiency are our top priorities...and a great work culture would be our next priority.**

**Our production employees work 4 10-hour shifts. We want to be certain that our handbook is relevant and that if we have a policy it is enforced. If we aren't going to enforce a policy we believe it should be eliminated from the handbook.**

**Have you found a balance in the following areas:**

- **Smoke breaks (some smoke, some don't – how to keep it fair)**
- **Cell phone usage – texting/phone calls**
- **Headphones**
- **Bathroom breaks**

**I appreciate your input on this topic and we are open to out of the box ideas. Perhaps what we have had in our handbook for years is in need of an overhaul to better match today.**

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We've struggled with these same challenges and have policies in place that I must say have been working for us and employees have respected.

- 1) We are smoke free – no smoking on the grounds or in the buildings (employees can leave the grounds during lunch to smoke, but not during breaks as they are paid breaks and aren't allowed to leave the grounds)
- 2) Cell phones may only be used during break and lunch periods unless permission is given by management. (this would be if an employee is expecting a call from a Dr. or has a family member who is ill, hospitalized, etc., then they are allowed to carry their cell phone)
- 3) No headphones allowed during working hours
- 4) Restroom breaks are allowed at any given time. (However, if it appears that an employee is abusing the privilege management will address the issue)

Hope this helps.

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Certainly these are all bigger issues as we all struggle to find employees. As much as we want all of our employees to have a solid work ethic, many don't. And when the option is these sub-par employees or temps, our rejection rate drops. But as for the issues brought up:

Smoke Breaks – Plant employees can smoke outside during break time and before / after shifts. Office employees take more smoking breaks but that's the tradeoff we have for working >8 hour days and often through lunches.

Cell Phones/ head phones – Office people are contacted on their cell phones by customers often – so they have no restrictions. We hope they don't abuse it...but if they do, it usually just results in them working a longer day.

For plant employees – cell phones are now kept in lockers – too many instances where production or safety suffered because people were texting while running machines. And absolutely no head phones on the plant floor. All we need is one employee to walk out in front of a fork lift to see how dangerous it is to not be aware of what's going on.

Bathroom Breaks – this is often the most dicey one. We have employees that go to the bathroom 10 minutes before break time and magically – the bathroom takes up all 10 minutes. This is actually a bigger issue with temps – temps who go the bathroom every hour or two are then out for future work. Too many temps caught on their phones or watching a movie in the bathroom...

Good luck – can't wait to read all the answers....

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- Smoke breaks (some smoke, some don't – how to keep it fair) – mostly everyone in the production area smokes at lunch time and breaks. They can't just leave to smoke.
  - Cell phone usage – texting/phone calls – no texting or phone calls in the production area. In case of an emergency they can call their supervisor directly or the office number. The reason for this is because it is distracting but also unsafe to have a production worker to have a cell phone. Only supervisors are allowed.
  - Headphones – only in the office. Production area it would be unsafe.
  - Bathroom breaks – We prefer breaks and lunches but you can't control everyone so they are free to go if they need to.

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- Smoke breaks (some smoke, some don't – how to keep it fair) -----100% non-smoking
  - Cell phone usage – texting/phone calls -----No policy we ask our employees to not abuse
  - Headphones -----No policy
  - Bathroom breaks -----No policy, use as needed.

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This is an issue we also have. We do not have a good answer.

Cell phones are not allowed in secure areas – which is a minimal area. Headphones are not allowed in forklift areas.

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We are working on a new handbook this year and are addressing some of these items as well. Right now we have independent policies in place because of the changing workforce.

- Smoke breaks will probably never be perceived as fair. Everyone receives the same break time and get to choose how to use it. Smoking is only permitted during break times in designated areas.
- Cell phones are only allowed in break areas during break times. This is a safety and production issue.
- No headphones allowed on the factory floor by anyone. Again, safety and production issue.
- Our policy is bathroom breaks during break times only. However, we attempt to accommodate when an employee needs a break. If this is being abused we have a meeting with the employee to discuss the situation.

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- [Smoke breaks \(some smoke, some don't – how to keep it fair\)](#) Employee has to punch out when they leave the building to smoke. This is monitored and we do not feel the smokers abuse the policy
  - [Cell phone usage – texting/phone calls](#) Not allowed during the work day
  - [Headphones](#) are not allowed however Earbuds are allowed but only in one ear.
  - [Bathroom breaks](#) as needed

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- Smoke breaks (some smoke, some don't – how to keep it fair) every company should see to it that employees get breaks and a lunch (and should comply with federal/state law). However, the company should decide what's reasonable and compliant then everyone gets the same number of breaks and a lunch. How employees use them (smoking, sleeping, eating, etc.) is up to the employees. No special treatment for smokers
  - Cell phone usage – texting/phone calls – as above. Breaks/lunch can be used for smoking or texting on or checking your phone. I would approach as above... Special situations (expectant fathers for example) can be taken into consideration. There's also a safety factor due to distraction
  - Headphones – My first concern would be safety. Warehouse/lift truck drivers probably not. Office workers, why not?
  - Bathroom breaks – reasonable usage that doesn't compromise productivity. Might be more for a 63 year old (speaking from experience...) than a 23 year old. Need to hydrate might need to be taken into consideration in hot environments. Also you need to make sure bathroom breaks don't become smoke breaks.

All that being said, there's a lot to being said for trusting your employees to make good choices in all of the above areas.

### Smoke breaks (some smoke, some don't – how to keep it fair)

Our handbook states, In keeping with the company's intent to provide a safe and healthful work environment, smoking and the use of artificial smoking devices including non-tobacco products is prohibited throughout the workplace. Employees are provided periodic breaks throughout the day. How you choose to use that time is up to you, however, additional break time for smoking is not allowed and will not be tolerated.

### Cell phone usage – texting/phone calls

Cell phones are not to be used or carried onto the plant floor. This is a violation of our company policies and the company considers the use of cell phones, during work hours, a safety violation. Employees may use their cell phones on breaks or lunch periods. At the conclusion of your break, all phones must be returned to your lunch bag, locker or car, not placed in your pocket or by your work station. Office employees should not use or have their personal cell phones out during work hours. Office staff should place their cell phones in their personal bags, briefcases, cars or inside their desks during work hours.

In an emergency employees should have calls come in through the main switchboard and the call will be directed to the employee or the employee's supervisor. After hours calls come through the switchboard and are routed to phones in the plant. Exceptions to this policy are employees who have been authorized by management to use their cell phone for work related issues.

### Headphones

Headphones are not to be worn on the floor or in the office during work hours. The use of head phones is a safety violation and if observed using one during work hours, the headphones will be confiscated and turned into the plant manager.

### Bathroom breaks

Employees are allowed to leave their work station as necessary to use the bathroom.

We are updating our employee handbook this year so it will be interesting to see what other companies are doing and expecting from their employees.

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We do not allow any smoking on our premises. Our employees are told that during the interview process.

Cell phones can be used in the lunchroom during break times. If an employee gets an emergency call from family, they are to leave the work area and go to the lunchroom to take the call (machines loud anyway).

We don't allow earbuds anywhere in the plant.

Bathroom breaks are not regulated.

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Wisconsin laws regarding paid and unpaid breaks are fairly clear but unique among the states. Unlike other states which make specific laws or yield to federal statutes (see FLSA [here](#)), the Wisconsin Administrative Code (see Wis. Admin. Code Chapter DWD 274) makes only the suggestion that employers provide a break of at least 30 minutes at or near the usual meal period, but an administrative recommendation does not carry the force of law, so employers are not required to follow it and face no penalty if they do not do so. (Note: Wisconsin does have certain mandates covering minors, but I have not included these here for brevity.)

If an employer chooses to offer meal breaks, Wisconsin regulations require that employees be paid for their breaks if they must carry out any work duties during the break, or even if they are required to remain on the premises. Federal law does not require compensable meal breaks. If a worker is completely free of his or her duties and is free to leave the work site, the meal break may be unpaid if it runs 30 minutes or longer. Shorter meal breaks or rest breaks offered during the work period are compensable and may not be deducted from a worker's wages.

Employers have adopted the "lunch hour" to include an unpaid 30-minute lunch break with the remaining half hour distributed for discretionary use by the employee. The second 30 minutes is paid time but may be used by the employee to go to the bathroom, have a smoke or continue to work. The key policy point here to make in writing is that the total of discretionary time is 30 minutes or less and the employee may decide what he/she does, including continuing to work. The consummate worker who decides to continue to work can be rewarded with favorable compensation adjustments, promotional considerations, and other management decision processes by an employer who need not fear a discrimination claim. Some payroll systems schedule employees for 9 hour work days, with 30 minutes automatically deducted for the lunch period.

With respect to personal cell phone use, including wearing ear buds or headphones, safety trumps all else. OSHA has used its General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act, to issue citations and proposed penalties in these circumstances where "distraction" places personal safety at risk. Texting while driving is against laws in many states including in Wisconsin; however, OSHA has extended this principle to other industrial circumstances, e.g., operating equipment. Secondly important, but important nevertheless, is productivity. Some employers have adopted policies which forbid personal phone use except on personal breaks, require personal phones to stay off desks and placed in drawers or lockers, and advise employees to tell family members that emergency calls can be placed to the company receptionist or other main, manned number in lieu of permitting cell phone usage exceptions. Please note that employers who think they are exempt from OSHA inspections may be subject to OSHA investigations upon receiving a complaint.

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Our employees are given a 25-minute break per day in addition to the lunch break so use it how they see fit. Smoker and non-smokers must abide by these break times only. The policy is enforced.

Personal cell phone use is not allowed on the production floor, but when texting or calls are necessary, employees must go to the break room area to handle the call. This removes concern for safety. Limited personal use is allowed in administrative areas and monitored by departmental managers.

Headphones are not allowed except to listen to music through a device. The production area is the only location this is acceptable as the other areas must be available for continual phone use and communication. The policy states headphones can only be used by those labor workers not working with machinery.

Bathroom breaks are allowed even if it isn't break time. Each manager will monitor any time away from area if the breaks become excessive. If it becomes a problem, the issue becomes a disciplinary matter.

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Smoke breaks, cell phone breaks etc. All are BREAKS. Bathroom,????? If it happens 10 minutes after break, we may have a discussion, but when I was in school they taught us, Your recess is for you to take care of anything you needed to take care of and come back to class refreshed and ready to work. I guess we use the same mentality in our work place. BREAK is BREAK. Use it wisely.

Headphones – not allowed – we have enough noise in our plant already, I would not want the noise from their music to push them over the noise level threshold. In our office, we provide music and it is loud enough, they don't use ear buds.

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We provide two set breaks each day.  
Shift begins at either 6:30 or 7:00 a.m.  
Morning break is from 9:00 to 9:15 a.m.  
Lunch is from 11:00 to 11:30 a.m.  
Afternoon break is from 1:00 to 1:15 p.m.  
Shift ends at either 3:00 or 3:30 p.m.

We shut machines down during breaks and lunch. When we are very busy we will run staggered breaks in order to keep the machines running.

Breaks and lunch are for smoking, cellphone use and restroom breaks. Lockers are provided to hold cellphones and snacks.

Headphones are not allowed in the plant.

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- Smoke breaks (some smoke, some don't – how to keep it fair), **we have a tobacco free campus for health and safety reasons – lots of flammable paper!**
  - Cell phone usage – **texting/phone calls, due to our secure facility restrictions, we only allow cell phones in the breakroom or non-secure areas**
  - Headphones, **only allowed in office areas**
  - Bathroom breaks, **varies by department**
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