

What is considered working time under the wage and hour laws?

Any work that an employer suffers or permits an employee to perform is considered compensable time under the wage and hour laws. This means that if an employer knows that an employee has performed work, even if the employee was not specifically instructed to do so or if the work was done outside the employee's normal hours, the employee must be paid for time spent doing this work. The time will also be counted in determining whether the employee has worked forty hours in a week, and is thus entitled to overtime compensation. An employer may discipline an employee for performing unauthorized work, but the employer must also pay the employee for that work.

Many pre- and post-work activities have been specifically addressed by the regulations and court opinions construing the wage and hour laws. For example, commuting to and from work is generally not included in working time, nor is changing clothes or washing up at the work site. Performing other preparatory duties, such as assembling tools or receiving a work assignment may be considered hours worked, however. Short rest periods during the workday, such as fifteen-minute breaks, are hours worked. A meal period must generally be at least thirty minutes long in order to be excluded from hours worked.

For example, time when an employee is on call must be compensated if the employee must wait at the work site, even if the employee has no duties during that time. An employee who is free to go about his or her own pursuits, however, and merely leave a contact number and arrive when called need not be paid when he or she is not actually performing work. Likewise, an employee who has private sleeping quarters on the employer's premises, and who can sleep at least five hours uninterrupted, need not be paid for the time spent actually sleeping. The employee must be paid when he or she is interrupted for work, however, and if the employee's sleep is frequently interrupted, the employee must be paid for the entire time at the work site, even time spent sleeping.

Time spent on training or education is not considered hours worked as long as the employee's participation is completely voluntary, the employee attends outside of his or her regular working hours, and the employee performs no productive work during the class. Finally, time spent traveling for the employer is hours worked if the traveling is part of the employee's principal activities (for example, traveling between multiple work sites, or a day trip to an out-of-town location), although travel undertaken for an overnight trip is not compensable unless the travel is done during normal working hours, or the employee actually works as he or she is traveling.

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