

Hours of Work

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If a state does not appear on the following chart it is due to our not finding any evidence a statute exists for that state.

Click the letter corresponding to the state name below.

C | D | G | H | I | K | M | N | O | R | T | W

| State | Statute |
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| California | <p>510 (b) Time spent commuting to and from the first place at which an employee's presence is required by the employer shall not be considered to be a part of a day's work, when the employee commutes in a vehicle that is owned, leased, or subsidized by the employer and is used for the purpose of ridesharing, as defined in Section 522 of the Vehicle Code.</p> <p>513 If an employer approves a written request of an employee to make up work time that is or would be lost as a result of a personal obligation of the employee, the hours of that makeup work time, if performed in the same workweek in which the work time was lost, may not be counted towards computing the total number of hours worked in a day for purposes of the overtime requirements specified in Section 510 or 511, except for hours in excess of 11 hours of work in one day or 40 hours in one workweek. An employee shall provide a signed written request for each occasion that the employee makes a request to make up work time pursuant to this section. An employer is prohibited from encouraging or otherwise soliciting an employee to request the employer's approval to take personal time off and make up the work hours within the same week pursuant to this section.</p> <p>Wage Order No. 14-2001 (A) Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay, which shall not be less than the minimum wage. (B) If an employee is required to report for work a second time in any one workday and is furnished less than two hours of work on the second reporting, said employee shall be paid for two (2) hours at the employee's regular rate of pay, which shall not be less than the minimum wage. (C) The foregoing reporting time pay provisions are not applicable when: (1) Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities; or (2) Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system; or (3) The interruption of work is caused by an Act of God or other cause not within the employer's control. (D) This section shall not apply to an employee on paid standby status who is called to perform assigned work at a time other than the employee's scheduled reporting time.</p> |
| Colorado | <p>Wage Order # 22 The time during which an employee is subject to the control of an employer, including all the time the employee is suffered or permitted to work whether or not required to do so. Requiring or permitting employees to remain at the place of employment awaiting a decision on job assignment or when to begin work or to perform clean up or other duties 'off the clock' shall be considered time worked and said time must be compensated. a) Travel Time: all travel time spent at the control or direction of an employer, excluding normal home to work travel, shall be considered as time worked. b) Sleep Time: where an employee's tour of duty is 24 hours or longer, up to 8 hours of sleeping time can be excluded from overtime compensation, if: (1) an express agreement excluding sleeping time exists; and (2) adequate sleeping facilities for an uninterrupted night's sleep are provided; and (3) at least five hours of sleep are possible during the scheduled sleeping periods; and (4) interruptions to perform duties are considered time worked. When said employee's tour of duty is less than 24 hours, periods during which the employee is permitted to sleep are compensable work time, as long as the employee is on duty and must work when required. Only actual sleep time may be excluded up to a maximum of eight (8) hours per work day. When work related interruptions prevent five (5) hours of sleep, the employee shall be compensated for the entire work day.</p> |
| Connecticut | <p>31-60-11 (a) For the purpose of this regulation, "hours worked" include all time during which an employee is required by the employer to be on the employer's premises or to be on duty, or to be at the prescribed work place, and all time during which an employee is employed or permitted to work, whether or not required to do so, provided time allowed for meals shall be excluded unless the employee is required or permitted to work. Such time includes, but shall not be limited to, the time when an employee is required to wait on the premises while no work is provided by the employer. Working time in every instance shall be computed to the nearest unit of 15 minutes. (b) All time during which an employee is required to be on call for emergency service at a location designated by the employer shall be considered to be working time and shall be paid for as such, whether or not the employee is actually called upon to work. (c) When an employee is subject to call for emergency service but is not required to be at a location designated by the employer but is simply required to keep the employer informed as to the location at which he may be contacted, or when an employee is not specifically required by his employer to be subject to call but is contacted by his employer or on the employer's authorization directly or indirectly and assigned to duty, working time shall begin when the employee is notified of his assignment and shall end when the employee has completed his assignment.</p> <p>Wage Orders 2A & 2B Laundry Occupation - © Any female or minor employee employed in the laundry occupation and any adult male employee engaged in production work in the laundry occupation including piece workers, regularly reporting for work, unless given adequate notice the day before to the contrary, or called for work in any given day shall be assured a</p> |

minimum of four hours' earnings and shall be paid the minimum rate or his regular rate which ever is higher, if the employee is able and willing to work for that length of time. Payments shall be made even though no work is provided by the employer, except when the plant's regular working day on Saturday is less than four hours, in which case payment shall be made as above for a minimum of three hours. (d) No employee who is paid on piece work, commission or other basis shall be paid less for the hours worked than the minimum rates.

Wage Order No. 1-Beauty Shops An who by request or permission of the employer reports for duty on any day whether or not assigned o actual work shall be compensated for a minimum of four hours' earnings at his regular rate. No employee who is paid on a commission, piece rate or other basis shall be paid then the minimum wages provided in section 31-62- A2.

Wage Orders 3A & 3B-Cleaning and Dyeing Establishments Any employee regularly reporting or called for work in any day shall be assured a minim of four hours' earnings and shall be paid the minimum rate or his regular rate, whichever is higher. If the employee is able and willing to work for that length of time. Payment shall be made even though no work is provided by the employer, except when there is a suspension of operations due to breakdown or an Act of God.

Wage Orders 7A & 7B - Mercantile Trade An employee, who by request or permission of the employer, reports for duty on any day whether or not assigned to actual work shall be compensated for a minimum of four hours' earnings at his regular rate. In instances of regularly scheduled employment of less than four hours as mutually agreed in writing between employer and employee, and approved by the Labor Department, this provision may be waived provided the minimum daily pay in every instance shall be at least twice the applicable minimum hourly rate.

Wage Order No. 8 - Restaurant and Hotel Restaurant Occupations An employee regularly reporting for work, unless given adequate notice the day before to the contrary, or an employee called for work in any day shall be assured a minimum of two hours' earnings at not less than the minim rate if the employee is able and willing to work for that length of time. If the employee is either unwilling or unable to work the number of hours necessary to insure the two-hour guarantee, a statement signed by the employee in support of this situation must be on file as part of the employer's records.

Delaware

1107 No employer may withhold or divert any portion of an employee's wages unless: (1) The employer is required or empowered to do so by state or federal law; or (2) The deductions are for medical, surgical or hospital care or service, without financial benefit to the employer, and are openly, clearly and in due course recorded in the employers' books; or (3) The employer has a signed authorization by the employee for deductions for a lawful purpose accruing to the benefit of the employee, except that the Department, upon finding that it is acting in the public interest, may, by regulation, prohibit such withholding or diverting for such purpose. If the Department abuses its discretion and acts arbitrarily and without any reasonable ground, any aggrieved person may institute a civil action in the Superior Court to have such regulation declared null and void. The Department, in such action, shall not be liable for costs or fees of any nature.

4514 (b) Jurors shall be paid a per diem rate of \$20.00 which shall serve as a daily allowance for reimbursement for travel, parking and other out-of-pocket expenses. An employer shall not consider the reimbursement described in this subsection as pay. Jurors whose term of service is 1 day or 1 trial shall not receive reimbursement for the first day of service. The State shall pay for food, lodging and other necessary expense during the sequestration of a jury.

District of Columbia

32-1002 (10) The term "working time" means all the time the employee: (A) Is required to be on the employer's premises, on duty, or at a prescribed place; (B) Is permitted to work; (C) Is required to travel in connection with the business of the employer; or (D) Waits on the employer's premises for work.

Georgia

46-8-152 (a) No railroad company shall require or permit its employees who are engaged in the business of operating its trains over its roads to make runs of more than 13 hours or to make runs aggregating more than 13 hours in any 24 hours, except when such train is detained by reason of casualty or other cause from reaching its destination on schedule time. (b) No trainman, after having been on runs for as much as 13 hours out of a 24 hour period, shall be required to go again on duty until after ten hours ' rest, except in the case stated in subsection (a) of this Code section. Any railroad company violating any of the provisions of this Code section shall be subject to a civil penalty of not less than \$50.00 nor more than \$500.00.

34-3-1 The hours of labor required of all persons employed in all cotton or woolen manufacturing establishments in this state, except engineers, firefighters, watchmen, mechanics, teamsters, yard employees, clerical force, and all help that may be needed to clean up and make necessary repairs or changes in or of machinery, shall not exceed ten hours per day; or the same may be regulated by employers, so that the number of hours shall not in the aggregate exceed 60 hours per week, provided that nothing contained in this Code section shall be construed to prevent any of the aforesaid employees from working such time as may be necessary to make up lost time, not to exceed ten days, caused by accidents or other unavoidable circumstances.

Hawaii

387-3 f No employer shall employ any employee in split shifts unless all of the shifts within a period of twenty-four hours fall within a period of fourteen consecutive hours, except in case of extraordinary emergency.

Idaho

67-5328 (1) It is hereby declared to be the policy of the legislature of the state of Idaho that all classified employees shall be treated substantially similar with reference to hours of employment. The policy of this state as declared in this act shall not restrict the extension of regular work hour schedules on an overtime basis in those activities and duties where such extension is necessary and authorized, provided that overtime work performed under such extension is compensated for as hereinafter provided. (2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified officers and employees, subject to the restrictions of applicable federal law. (3) Cash for overtime and compensatory time shall be paid based on the following criteria: (a) Classified and nonclassified officers and employees who fall within one(1)or more of the following categories are ineligible for cash compensation or compensatory time for overtime work: (i)Elected officials; or(ii)Those included in the definition of section 67-5303(j),Idaho Code. (b) Classified and nonclassified employees who are designated as executive, as provided in section 67-5302, Idaho Code, and who are not included in the definition of subsection (3)(a)of this section, shall be ineligible for compensatory time or cash compensation for overtime work. Such

salaried employees shall report absences in excess of one-half (1/2) day. Unused compensatory time balances in excess of two hundred forty (240) hours as of the date of enactment of this act shall be forfeited on December 31, 2008. Unused compensatory time balances of two hundred forty (240) hours or less shall be forfeited on December 31, 2006. Employees who become executives within their current agency as set forth in section 67-5302(12), Idaho Code, shall have twelve (12) months from the date of this act or of appointment, whichever is later, to use any compensatory time balance. After twelve (12) months, any remaining compensatory time will be forfeited. Compensatory time is not transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service. (c) Classified and nonclassified employees who are designated as administrative or professional, as provided in the federal fair labor standards act, 29 U.S.C. section 201, et seq., or who are designated as exempt under any other complete exemption in federal law, and who are not included in the definition of either subsection (3)(a) or (3)(b) of this section, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified and non-classified employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service. *Compensatory time may be accrued and accumulated up to a maximum of two hundred forty (240) hours.* Effective with the first pay period in July, 2008 (beginning date June 15, 2008), compensatory time balances in excess of two hundred forty (240) hours will not continue to accrue until the balance is below the maximum. After the last pay period in June, 2009 (ending date June 13, 2009), balances in excess of two hundred forty (240) hours shall be forfeited. (d) Classified employees who are not designated as executive, administrative or professional as provided in this section, and who are not included in the definition of subsection (3)(a) of this section or who are not designated as exempt under any other complete exemption in federal law, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash. (e) Notwithstanding the provisions of this section, employees may be paid for overtime work during a disaster or emergency with the approval of the board of examiners. (4) Cash compensation for overtime, when paid, shall be at one and one half (1 1/2) times the hourly rate of that officer's or employee's salary or wage, except for those employees whose positions fall within the definitions of executive, administrative or professional as stated in section 67-5302, Idaho Code, who will be paid at their regular hourly rate of pay as provided for in subsection (3) of this section. Except as provided for in subsection (3) of this section, compensation for authorized overtime work shall be made at the completion of the pay period next following the pay period in which the overtime work occurred and shall be added to the regular salary payment.

Illinois

56:210.110 Hours worked" means all the time an employee is required to be on duty, or on the employer's premises, or at other prescribed places of work, and any additional time he or she is required or permitted to work for the employer. An employee's meal periods and time spent on-call away from his/her employer's premise are compensable hours worked when such time is spent predominantly for the benefit of the employer, rather than for the employee. An employee's travel, performed for the employer's benefit (for example, in response to an emergency call back to work outside his/her normal work hours, or at the employer's special request to perform a particular and unusual assignment, or as a part of the employee's primary duty, or in substitution of his/her ordinary duties during normal hours) is compensable work time as defined in 29 CFR 785.33 – 785.41 (1994, no subsequent dates or editions), as amended at 26 FR 190. Travel by an employee for the employer's benefit, such as responding to an emergency call back to work outside normal work hours or at the employer's special request to perform a particular assignment or as part of the employee's primary duty or in substitution of ordinary duties during normal hours count as compensable hours of work.

820 ILCS 140/2 Sec. 2. Every employer shall allow every employee except those specified in this Section at least twenty-four consecutive hours of rest in every calendar week in addition to the regular period of rest allowed at the close of each working day. This Section does not apply to the following: (1) Part-time employees whose total work hours for one employer during a calendar week do not exceed 20; and (2) Employees needed in case of breakdown of machinery or equipment or other emergency requiring the immediate services of experienced and competent labor to prevent injury to person, damage to property, or suspension of necessary operation; and (3) Employees employed in agriculture or coal mining; and (4) Employees engaged in the occupation of canning and processing perishable agricultural products, if such employees are employed by an employer in such occupation on a seasonal basis and for not more than 20 weeks during any calendar year or 12 month period; and (5) Employees employed as watchmen or security guards; and (6) Employees who are employed in a bonafide executive, administrative, or professional capacity or in the capacity of an outside salesman, as defined in Section 12 (a) (1) of the federal Fair Labor Standards Act, as amended, and those employed as supervisors as defined in Section 2 (11) of the National Labor Relations Act, as amended; and (7) Employees who are employed as crew members of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.

Kansas

49-30-3 Hours worked; on call time; period of paid employment. (a) "Hours worked" means any period of time during which the employee is performing services for an employer or is required to wait or remain on call by an employer when: (1) The employee is required to report at a specified time for duty or at a specified work place, even if he or she does nothing but wait for a work assignment. (2) The time is spent in a sleeping period, of not more than eight (8) hours, which has been agreed to by the employee and the employer, occurring during a work period of twenty-four (24) hours or more when the employee is not permitted at least five (5) continuous hours of sleep. (3) The period of time is less than thirty (30) minutes occurring between the required report time and the end of the required hours of work. (4) The employer or anyone having management responsibilities of the employer has made any actual inferred or implied requirement that work be performed, shall cause any designated period of nonpaid employment to be considered as a paid period of employment. (5) The time is spent in walking, riding, or traveling to and from the actual place the employee is required to report when the period of time is compensable by express contract, custom or practice. (6) The time is spent by an employee who is on call and required to remain at a specified place to await possible call to perform a work assignment for the employer and is prevented from using the time for his or her own personal benefit by such employer requirement. (7) The period of

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| | <p>employment is used for training, lectures or meetings that occur either during the employee's regular working hours, or outside regular working hours when the subject matter is directly related to the employee's job and attendance is required; or when nonattendance would have an adverse effect on the employment relationship. (b) Periods of nonpaid employment. (1) Periods of time when the employer has required the employee to leave work at his or her home or with company officials where he or she may be reached. (2) Any period of thirty (30) minutes or more when the employee has been previously advised that such is a nonpaid period and no services are required to be performed, such as: (A) Lunch periods of thirty (30) minutes or more. (B) Time between split shifts if the employee is free to use the period of time for his or her own benefit. (C) Periods of time when the employee is waiting to be engaged due to delay, loading, unloading, during which no services are expected from the employee and the employee is free to use the time to his or her own use. (3) The time is for lectures, training, or meetings outside required working hours, is voluntary and to the benefit of the employee not directly related to the employee's assigned job and no productive work is performed. (4) Time spent by an employee (outside his or her required working hours) at an employer's work site pursuing his or her own private interests.</p> |
| Massachusetts | <p>2.03 (1) When an employee who is scheduled to work three or more hours reports for duty at the time set by the employer and that employee is not provided with the expected hours of work, the employee shall be paid for at least three hours on such day at no less than the basic minimum wage. This provision shall not apply to organizations granted status as charitable organizations under the Internal Revenue Code. (2) An on-call employee who is not required to be at the work site, and who is effectively free to use his or her time for his or her own purposes, is not working while on call. (3) Sleeping Time and Working Shifts. (a) An employee required to be on duty at the work site for less than 24 hours is working even if the employee is permitted to sleep or engage in other personal activities when not busy. (b) Where an employee is required to be on duty at the worksite for 24 hours or more, the employer and employee may agree prior to performance of the work to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from working time, provided the employer provides adequate sleeping quarters and the employee can usually enjoy an uninterrupted night's sleep. If no prior agreement is made, sleeping time and meal time will constitute working time. If the sleeping period is interrupted by a call to duty, all such time on duty must be counted as working time. If the sleeping period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted as working time. (c) If an employee resides on an employer's premises on a permanent basis or for extended periods of time, not all time spent on the premises is considered working time. The employer and the employee may make any reasonable agreement as to hours worked which takes into consideration all of the pertinent facts. (a) Ordinary travel between home and work is not compensable working time. However, if an employee who regularly works at a fixed location is required, for the convenience of the employer, to report to a location other than his or her regular worksite, the employee shall be compensated for all travel time in excess of his or her ordinary travel time between home and work with allowance for associated transportation expenses. (b) An employee required or directed to travel from one place to another after the beginning of or before the close of the work day shall be compensated for all travel time and shall be reimbursed for all transportation expenses. (c) Travel that keeps an employee away from home overnight shall be compensated for in a manner consistent with 29 C.F.R. §785.39.2.04.</p> |
| Minnesota | <p>5200.0120 The minimum wage must be paid for all hours worked. Hours worked include training time, call time, cleaning time, waiting time, or any other time when the employee must be either on the premises of the employer or involved in the performance of duties in connection with his or her employment or must remain on the premises until work is prepared or available. Rest periods of less than 20 minutes may not be deducted from total hours worked. An employee who is required to remain on the employer's premises or so close to the premises that the employee cannot use the time effectively for the employee's own purposes is working while on call. An employee who is not required to remain on or near the employer's premises, but is merely required to leave word at the employee's home or with company officials where the employee may be reached is not working while on call. Periods when the employee is completely relieved of duty and free to leave the premises for a definite period of time, and the period is long enough for the employee to use for the employee's own purposes, are not hours worked. Bona fide meal periods are not hours worked. Bona fide meal periods do not include rest periods such as coffee breaks or time for snacks. The employee must be completely relieved from duty for the purpose of eating regular meals. Thirty minutes or more is ordinarily long enough for a bona fide meal period. A shorter period may be adequate under special conditions. The employee is not completely relieved from duty if required to perform any duties, whether active or inactive, while eating. It is not necessary that an employee be permitted to leave the premises, if the employee is otherwise completely freed from duties during the meal period. If the meal period is frequently interrupted by calls to duty, the employee is not relieved of all duties and the meal periods must be considered as hours worked.</p> |
| Missouri | <p>290.505. 1. No employer shall employ any of his employees for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed. 2. Employees of an amusement or recreation business that meets the criteria set out in 29 U.S.C. § 213(a) (3) must be paid one and one-half times their regular compensation for any hours worked in excess of fifty-two hours in any one-week period. 3. With the exception of employees described in subsection (2), the overtime requirements of subsection (1) shall not apply to employees who are exempt from federal minimum wage or overtime requirements including, but not limited to, the exemptions or hour calculation formulas specified in 29 U.S.C. Section 207 and 213, and any regulations promulgated thereunder. 4. Except as may be otherwise provided under sections 290.500 to 290.530, this section shall be interpreted in accordance with the Fair Labor Standards Act, 29 U.S.C. Section 201, et seq., as amended, and the Portal to Portal Act, 29 U.S.C. Section 251, et seq., as amended, and any regulations promulgated thereunder.</p> |
| Nevada | <p>608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works: (a) More than 40 hours in any scheduled week of work; or (b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work. 2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work. 3. The provisions of subsections 1 and 2 do not apply to: (a) Employees who are not covered by the minimum wage provisions of NRS 608.250; (b) Outside buyers; (c) Salesmen earning commissions in a retail business if their regular rate is more than 1 1/2 times the minimum wage, and more than one-half their compensation comes from commissions; (d) Employees who are employed in bona fide executive, administrative or professional capacities; (e) Employees covered by collective bargaining agreements which provide otherwise for overtime; (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended; (g)</p> |

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| | <p>Employees of a railroad; (h) Employees of a carrier by air; (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan; (j) Drivers of taxicabs or limousines; (k) Agricultural employees; (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year; (m) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and (n) A mechanic or workman for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.</p> |
| New Hampshire | <p>275:43-a On any day an employee reports to work at an employer's request, he shall be paid not less than 2 hours' pay at his regular rate of pay; provided, however, that this section shall not apply to employers of counties or municipalities, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.</p> <p>275:67 I. A registered nurse, licensed practical nurse, or a licensed nursing assistant licensed under RSA 326-B shall not be disciplined, or lose any right, benefit, or privilege for refusing to work more than 12 consecutive hours, except as provided in paragraph II. A nurse may be disciplined for refusing mandatory overtime in a case when overtime is required under paragraph II. Any nurse who is mandated to work more than 12 consecutive hours, as permitted by this subdivision, shall be allowed at least 8 consecutive hours of off-duty time immediately following the worked overtime. II. The prohibition against mandatory overtime shall not apply to: (a) A nurse participating in surgery, until the surgery is completed; (b) A nurse working in a critical care unit, until another employee beginning a scheduled work shift relieves him or her; (c) A nurse working in a home health care setting, until another qualified nurse or customary caregiver relieves him or her; (d) A public health emergency; or (e) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory overtime.</p> <p>275:68 Employers shall be exempted from the provisions of RSA 275:67 by written agreement between the employer and employee, made without coercion or pressure, provided the agreement is submitted to the commissioner of the department of labor. The agreement may be terminated by the employee by written notice to the employer and the commissioner of the department of labor. Said termination shall be effective 14 days after notice is provided.</p> |
| New Jersey | <p>12:56-5.2 - 12:56-5.3 (a) All the time the employee is required to be at his or her place of work or on duty shall be counted as hours worked. (b) Nothing in this chapter requires an employer to pay an employee for hours the employee is not required to be at his or her place of work because of holidays, vacation, lunch hours, illness and similar reasons. Employees who reside on the employer's premises and whose hours worked are irregular and intermittent to the extent that it is not feasible to account for the hours actually on duty may be compensated for not less than eight hours for each day on duty in lieu of any other applicable provisions.</p> <p>12:56-5.5 -12:56-5.7(a) An employee who by request of the employer reports for duty on any day shall be paid for at least one hour at the applicable wage rate, except as provided in (b) below. (b) The provisions of (a) above shall not apply to an employer when he or she has made available to the employee the minimum number of hours of work agreed upon by the employer and the employed prior to the commencement of work on the day involved. When employees are not required to remain on the employer's premises and are free to engage in their own pursuits, subject only to the understanding that they leave word at their home or with the employer where they may be reached, the hours shall not be considered hours worked. When an employee does go out on an on-call assignment, only the time actually spent in making the call shall be counted as hours worked. If calls are so frequent or the "on-call" conditions so restrictive that the employees are not really free to use the intervening periods effectively for their own benefit, they may be considered as "engaged to wait" rather than "waiting to be engaged." In that event, the waiting time shall be counted as hours worked. "On-call" employees may be required by their employer to remain at their homes to receive telephone calls from customers when the company office is closed. If "on-call" employees have long periods of uninterrupted leisure during which they can engage in the normal activities of living, any reasonable agreement of the parties for determining the number of hours worked shall be accepted. The agreement shall take into account not only the actual time spent in answering the calls but also some allowance for the restriction on the employee's freedom to engage in personal activities resulting from the duty of answering the telephone.</p> |
| New York | <p>137-1.6 Restaurant Industry An employee who by request or permission of the employer reports for duty on any day, whether or not assigned to actual work, shall be paid at the applicable minimum wage rate: (1) for at least three hours for one shift, or the number of hours in the regularly scheduled shift, whichever is less; (2) for at least six hours for two shifts totaling six hours or less; or the number of hours in the regularly scheduled shift, whichever is less; and (3) for at least eight hours for three shifts totaling eight hours or less, or the number of hours in the regularly scheduled shift, whichever is less.</p> <p>138-2.3 - 138-2.6 Hotel Industry(a) Where a nonresidential employee by request or permission of the employer reports for duty on any day, whether or not assigned to actual work, the employer shall pay: (1) for at least three hours for one shift, or the number of hours in the regularly scheduled shift, whichever is less; (2) for at least six hours for two shifts totaling six hours or less, or the number of hours in the regularly scheduled shift, whichever is less; (3) for at least eight hours for three shifts totaling eight hours or less, or the number of hours in the regularly scheduled shifts, whichever is less. (b) Payment shall be at the applicable minimum wage rate after allowance for tips for the time actually worked and without allowance for tips for the balance of the period. (1) Working time means actual service or time of permitted attendance at the establishment, and time spent in traveling at the request of the employer from one of the employer's establishments to another. (2) Waiting time, other than time off duty for a split shift, during which an employee is required or permitted to wait during the workday while no work is provided by the employer, shall be counted as working time. Such waiting time shall be paid for at not less than the minimum rate before taking into account any allowances for tips, and after taking into account any allowance for meals and the total number of hours of working time for that week. (3) An employee required or permitted to travel from one establishment to another of the same employer after the beginning or before the close of the working day shall be compensated for travel time at the minimum rate before taking into account any allowances for tips and shall be reimbursed for fare. (b) Resort hotels. Working time means that an employee is permitted to work, or is required to be available for work at a place prescribed by the employer, and shall include time spent in traveling to the extent that such traveling is part of the duties of the employee. (c) All hotels. A residential employee shall not be deemed to be permitted to work or required to be available for work: (1) during such employee's normal sleeping hours solely because</p> |

such employee is required to be on call during such hours; or (2) at any other time when such employee is free to leave the place of employment. A nonresidential employee in an all-year hotel shall receive one hour's pay at the basic minimum hourly wage rate before allowances, in addition to the minimum wages otherwise required in this Part, for any day in which the spread of hours exceeds 10.

142-2.3 Miscellaneous Industries and Occupations. An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage.

190-1.3(m) Farm Workers Working time means the hours that an employee is permitted to work or is required to be available for work at the assigned place of work, and shall include time spent in going from one field to another, in waiting for baskets, pickup or breakdown of machinery or equipment where the employer requires the employee to remain at the site of the breakdown during repairs. Time not worked because of weather conditions shall not be considered as hours worked. An employee who lives on the premises of the employer, or in comparable facilities at the work site, shall not be considered to have worked or have been available for work: (1) during normal sleeping hours solely because the employee is required to be on call during such hours; or (2) at any other time when the employee is free to leave the place of employment.

North Dakota **46-02-07-02 5** Employees do not have to be paid for meal periods if they are completely relieved of their duties and the meal period is ordinarily thirty minutes in length. The employee is not completely relieved if required to perform any duties during the meal period. Collectively bargained agreements will prevail over this provision. 6. Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if all the following four criteria are met: a. Attendance is outside of the employee's regular working hours. b. Attendance is in fact voluntary. c. The course, lecture, or meeting is not directly related to the employee's job. d. The employee does not perform any productive work during such attendance. Training or education mandated by the state, federal government, or any political subdivision for a specific occupation need not be counted as work-time. 7. Ordinary travel from home to work need not be counted as worktime. Special and unusual one-day assignments performed for the employer's benefit and at the employer's request is worktime for the employee regardless of driver or passenger status. Travel away from home is worktime when performed during the employee's regular working hours. Time spent traveling on nonworking days during regular working hours is worktime. The time spent as a passenger on an airplane, train, bus, or automobile after normal working hours is not worktime. The driver of a vehicle is working at anytime when required to travel by the employer. Travel time from jobsite to jobsite, or from office to jobsite, is worktime to be compensated. Activities which are merely incidental use of an employer-provided vehicle for commuting home to work are not considered part of the employee's principal activity and therefore need not be counted as worktime. 8. Standby time on the employer's premises, or "on call" as in an engaged to wait manner is worktime to be compensated. Waiting to be engaged is not required to be compensated as worktime. 9. If an employee is required to be on duty for twenty-four hours or more, the employer and the employee may agree to exclude bona fide meal periods and bona fide regularly scheduled sleeping periods of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted sleep. If the sleeping period is more than eight hours, only eight hours will be deducted from hours worked. If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted as worktime.

Oregon **839-020-0040 - 839-020-0046** (1) OAR 839-020-0040 to 839-020-0047 deals with hours worked as defined by OAR 839-020-0004(20) and discusses principles involved in determining what constitutes working time for purposes of ORS 653.010 to 653.261 and these rules. (2) Work requested or required is considered work time. Work not requested, but suffered or permitted is considered work time. (3) Work performed for the employer but away from the employer's premises or job site is considered work time. If the employer knows or has reason to believe that work is being performed, the time spent must be counted as hours worked. (4) It is the duty of the employer to exercise control and see that the work is not performed if it does not want the work to be performed. The mere promulgation of a policy against such work is not enough. Where waiting is an integral part of the job, i.e., when the time spent waiting belongs to and is controlled by the employer and the employee is unable to use the time effectively for the employee's own purposes, that employee will be considered as engaged to wait. All time spent in activity where an employee is engaged to wait will be considered as part of hours worked. Periods during which an employee is completely relieved from duty and which are long enough to enable the employee to use the time effectively for the employee's own purposes are not hours worked. The employee is not completely relieved from duty and cannot use the time effectively for the employee's own purposes unless the employee is told in advance that the employee may leave the job and that the employee will not have to commence work until a specified hour has arrived. Whether the time is long enough to enable the employee to use the time effectively for the employee's own purposes depends upon all of the facts and circumstances of the case. An employee who is required to remain on-call on the employer's premises or so close thereto that the employee cannot use the time effectively for the employee's own purposes is working while "on-call". An employee who is not required to remain on the employer's premises but is merely required to leave word at the employee's home or with company officials where the employee may be reached is not working while on-call. Under certain conditions an employee is considered to be working even though some of the employee's time is spent sleeping or in certain other activities: Less than 24 hours duty: An employee who is required to be on duty for less than 24 hours is working even though the employee is permitted to sleep or engage in other activities when not busy. Where an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted sleep period. If sleeping period is of more than eight hours, only eight hours will be credited. Where no expressed or implied agreement to the contrary is present, the eight hours of sleeping time and lunch periods constitute hours worked: (a) Interruptions of sleep. If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable sleep period, the entire period must be counted; (b) For purposes of this rule a reasonable night's sleep is considered sleep time of not less than five continuous hours. An employee who resides on the employer's premises on a permanent basis or for extended periods of time is not considered as working all the time the employee is on the premises. Ordinarily, the employee may engage in normal private pursuits and thus have enough time for eating, sleeping, entertaining, and other periods of complete freedom from all duties when the employee may leave the premises for the employee's own purposes.

To determine the exact hours worked, any reasonable agreement of the parties which takes into consideration all of the pertinent facts will be accepted. Preparatory and concluding activities are considered hours worked if the activities performed by the employee are an integral and indispensable part of a principal activity for which the employee is employed: (a) Example: A bank teller counts the till and arranges the work space in preparation for receiving customers. This activity is an integral and indispensable part of the principal activity for which the employee is employed and is included as hours worked; (b) Example: In connection with the operation of a lathe, the lathe operator oils, greases, or cleans the machine or installs a new cutting tool. Such activities are an integral and indispensable part of a principal activity and are included as hours worked; (c) Example: Agricultural workers must dress in protective clothing and thoroughly clean up after their work with or around pesticides. The time spent in these activities is work time. These rules are applicable even where there exists a custom, contract or agreement not to pay for the time spent in such activity. Where a contract, custom or practice dictates certain activities to be considered as work time, even though not considered to be an integral and indispensable part of a principal activity, the time devoted to such activities will be considered as work time. Attendance at lectures, meetings, training programs and similar activities need not be counted as work time if the following four criteria are met: (a) Attendance is outside of the employee's regular working hours; (b) Attendance is voluntary; (c) The course, lecture, or meeting is not directly related to the employee's job; and (d) The employee does not perform any productive work during such attendance. Attendance is not voluntary if it is required by the employer. It is not voluntary in fact, if the employee is given to understand or led to believe that the employee's present working conditions or the continuance of the employee's employment would be adversely affected by non-attendance. Training is directly related to an employee's job if it is designed to make the employee handle the employee's job more effectively as distinguished from training the employee for another job or teaching the employee a new additional skill in the same job. Independent training is time spent by the employee on the employee's own initiative attending an independent school, college, or independent trade school after hours. Time spent in this activity is not considered hours worked for an employer even if the courses are related to the employee's job. There are special situations where the time spent in attending lectures, training sessions and courses of instruction is not regarded as hours worked. For example, an employer may establish for the benefit of its employees a program of instruction, which corresponds to courses offered by independent bona fide institutions of learning. Voluntary attendance by an employee at such courses outside of working hours would not be hours worked even if they are directly related to his job, or paid for by the employer. Time spent in an organized program of related, supplemental instruction by employees working under bona fide apprenticeship programs may be excluded from working time if the following criteria are met: (a) The apprentice is employed under a written apprenticeship agreement or program which meets the standards of and is registered with the Bureau of Labor and Industries, Apprenticeship and Training Division; and (b) Such time does not involve productive work or performance of the apprentice's regular duties. If the above criteria are met, the time spent in such related supplemental training will not be counted as hours worked unless the written agreement specifically provides that it is hours worked. The mere payment or agreement to pay for time spent in related instruction does not constitute an agreement that such time is hours worked. Time spent in required training outside regular working hours at specialized or follow up training which is required for certification of employees by any law or ordinance does not constitute compensable hours of work. The time spent in training as provided in this subsection is not compensable, even if all or part of the cost of training is borne by the employer. An employee who travels from home before the employee's regular workday and returns home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment, whether the employee works at a fixed location or at different job sites. Normal travel from home to work is not work time. If an employee has left the employer's premises or job site after completing the day's work and is subsequently called out to travel a substantial distance to perform an emergency job, any time spent in excess of time spent in normal home-to-work travel will be considered working time. Call-backs which require only normal home-to-work travel to the employer's place of business or job site will not be considered working time. For purposes of this section, "substantial distance" means a distance beyond a 30-mile radius of the employer's place of business. Time spent by an employee in travel as part of the employee's principal activity must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there or to pick up and carry tools, the travel from the designated place to the work place is part of the day's work and must be counted as hours worked regardless of any contract, custom or practice: (a) Example: A construction worker who travels from job site to job site during the work day must be compensated for time spent in traveling; (b) Example: If an employee who normally finishes work on the employer's premises at 5 p.m. is sent to another job at a different site, finishes that job at 8 p.m. and is then required to return to the employer's premises arriving at 9 p.m., the employee will be compensated for all time up to 9 p.m. However, if the employee goes home instead of returning to the employer's premises, the travel time after 8 p.m. is considered normal work to home travel and is not compensable. An employee who regularly works at a fixed official work station, if given an assignment to work in another city outside of a 30 mile radius of the official work station where normally employed, and not required to stay over night, must be paid travel time. This time is considered an integral part of a principal activity. Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is work time when it cuts across the employee's workday. The employee is substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on non-working days. Time that is spent in travel away from home outside of regular work hours as a passenger on an airplane, train, boat, bus, or automobile is not considered work time. When a private automobile is used in travel away from the home community: If an employee is offered public transportation but requests permission to drive the employee's own car instead, the employer may count as hours worked either the time spent driving the car or the time the employee would have had to count as hours worked during working hours if the employee had used the public conveyance. Work performed while traveling includes any work which an employee is required to perform while traveling and must be counted as hours worked. An employee who drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during bona fide meal periods or when the employee is permitted to sleep in adequate facilities furnished by the employer. Time spent in adjusting grievances between an employee and employer during the time employees are required to be on the premises is hours worked, but in the event a bona fide union is involved the counting of such time will be left to the process of collective bargaining or to the custom or practice under the collective bargaining agreement. (Time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when the employee is working constitutes hours worked. Time spent in work for public or charitable purposes at the employer's request, or under its direction or control, or while the employee is required to be on the premises, is working time. Time spent voluntarily in such activities outside of the employee's normal working hours is not hours worked. Time spent by employees outside of their regular working hours in developing suggestions under a general suggestion system is not working time, but if employees are permitted to work on

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| | <p>suggestions during regular working hours the time spent must be counted as hours worked. When an employee is assigned to work on the development of a suggestion, the time is considered hours worked.</p> |
| <p>Rhode Island</p> | <p>28-12-3.2 An employer, who requests or permits any employee to report for duty at the beginning of a work shift, and at least three (3) hours work is not furnished on that shift, shall pay the employee not less than three (3) times the regular hourly rate. In the event that an employee reports for duty at the beginning of a work shift and the employer offers no work for him or her to perform, the employer shall pay the employee not less than three (3) times the regular hourly rate.</p> <p>23-17.20-1. It is declared to be the public policy of this state to establish a maximum workday for certain hourly wage employees as defined herein, beyond which the employees cannot be required to perform overtime work, in order to safeguard their health, efficiency, and general well-being, as well as the health and general well-being of the persons to whom these employees provide services.</p> <p>23-17.20-2. As used in this chapter: (1) "Employee" means a nurse licensed pursuant to chapters 5-34 and 5-34.2 or any other person who provides or assists in providing direct medical care to a patient including, but not limited to, a certified nurse assistant and provided that said person or persons provide or assist in providing direct medical care to a patient, provided further, that such term shall not include resident physicians; and provided further, that for purposes of this chapter, said nurse and/or other person providing or assisting in providing direct medical care to a patient shall be paid on the basis of an hourly wage. As used in this chapter, the term "employee" shall not include a person who is paid an annual salary, and shall not include employees who are working pre-scheduled "on-call time" in the surgical department of a health care facility. (2) "Employer" means a person, partnership, association, corporation or group of persons acting directly or indirectly in the interest of a health care facility; (3) "Health care facility" means any private, public or state hospital; (4) "Regular hourly wage" means the amount that an employee is regularly paid for each hour of work as determined by dividing the total hours of work during the week into the employee's total earnings for the week, exclusive of pay for overtime work; (5) "Unforeseeable emergent circumstance" means an unpredictable or unavoidable occurrence at unscheduled intervals relating to health care delivery that requires immediate action and which shall include a major power outage; and (6) "On-call time" means time spent by an employee who is not working on the premises of the place of employment but who is compensated for availability or who, as a condition of employment, has agreed to be available to return to the premises of the place of employment on short notice if the need arises</p> <p>23-17.20-3. (a) No health care facility as defined above shall require an employee to accept work in excess of an agreed to, predetermined scheduled work shift of eight (8), ten (10), or twelve (12) hours. (b) No health care facility shall require an employee to work overtime in excess of an agreed to, predetermined scheduled work shift of eight (8), ten (10), or twelve (12) hours, except in a bona fide emergency. In no case shall a health care facility require an employee to work in excess of twelve (12) consecutive hours. The refusal of any employee to accept such overtime work shall not be grounds for discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the employee. (c) Nothing in this chapter shall be construed to limit voluntary overtime in excess of an agreed to, predetermined scheduled work shift of eight (8), ten (10), or twelve (12) hours. (d) The provisions of this section shall not apply in the case of an unforeseeable emergent circumstance when: (1) the overtime is required only as a last resort and is not used to fill vacancies resulting from chronic short staffing; and (2) the employer has exhausted reasonable efforts to obtain staffing. If the event of such an unforeseeable emergent circumstance, the employer shall provide the employee with necessary time, up to a maximum of one hour, to arrange for the care of the employee's minor children or elderly or disabled family members. (e) The requirement that the employer shall exhaust reasonable efforts to obtain staffing shall not apply in the event of any declared national, state or municipal emergency or a disaster or other catastrophic event which substantially affects or increases the need for health care services.</p> |
| <p>Texas</p> | <p>62.054 An employer may not be required to pay an employee who lives on the premises of a business and who is assigned certain working hours plus additional hours when the employee is subject to call for more than the number of hours the employee actually works or is on duty because of assigned working hours.</p> |
| <p>West Virginia</p> | <p>21-5C-1 (h) Working time includes all the time an employee is required to be on the employer's premises or at the prescribed work place, including on-call time on employer's premises, nearby, or at home if employees cannot use time effectively for their own purposes, as distinguished from time when workers are required merely to leave word at home or with employer where they may be reached; all time spent in mental or physical exertion under employer's control; general work not requested but allowed; clothes-changing and washing when indispensable to employee's work, or required by laws, rules, or regulations or constituting preliminary or postliminary activities by contract or custom; general waiting time when employee is engaged to wait; and rest periods from five to 20 minutes "Hours worked", in determining for the purposes of sections two and three of this article, the hours for which an employee is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday, time spent in walking, riding or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform and activities which are preliminary to or postliminary to said principal activity or activities, subject to such exceptions as the commissioner may by rules and regulations define.</p> |
| <p>Wisconsin</p> | <p>272.12 (a) General requirements of sections. 1. employees subject to the statutes must be paid for all time spent in "physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer's business." The workweek ordinarily includes "all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place." 2. "Workday," in general, means the period between "the time on any particular workday at which such employee commences their principal activity or activities" and "the time on any particular workday at which they cease such principal activity or activities." The "workday" may thus be longer than the employee's scheduled shift, hours, tour of duty, or time on the production line. Also, its duration may vary from day to day depending upon when the employee commences or ceases their "principal" activities. (2). (a) employees "suffered or permitted" to work. 1. General. Work not requested but suffered or permitted is work time. For example, an employee may voluntarily continue to work at the end of the shift. They may be a pieceworker, they may desire to finish an assigned task or they may wish to correct errors, past work tickets, prepare time reports or other records. The reason is immaterial. The employer knows or has reason to believe that they are continuing to work and the time is working time. 2. Work performed away from the premises or job site. The rule is also applicable to work performed away from the premises or the job site, or even at home. If the employer knows or has reason to believe that the work is being performed, they must count the time as hours worked. 3. Duty of management. In all such cases it is the duty of the</p> |

management to exercise its control and see that the work is not performed if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so. (b) Waiting time. 1. General. Whether waiting time is time worked depends upon particular circumstances. The determination involves "scrutiny and construction of the agreements between particular parties, appraisal of their practical construction of the work agreement by conduct, consideration of the nature of the service, and its relation to the waiting time, and all of the circumstances. Facts may show that the employee was engaged to wait, or they may show that he/she waited to be engaged." 2. On duty. A stenographer who reads a book while waiting for dictation, a messenger who works a crossword puzzle while awaiting assignments, a firefighter who plays checkers while waiting for alarms and a factory worker who talks to fellow employees while waiting for machinery to be repaired are all working during their periods of inactivity. The rule also applies to employees who work away from the plant. For example, a repairperson is working while they wait for their employer's customer to get the premises in readiness. The time is work time even though the employee is allowed to leave the premises or the job site during such periods of inactivity. The periods during which these occur are unpredictable. They are usually of short duration. In either event the employee is unable to use the time effectively for their own purposes. It belongs to and is controlled by the employer. In all of these cases waiting is an integral part of the job. The employee is engaged to wait. 3. Off duty. Periods during which an employee is completely relieved from duty and which are long enough to enable them to use the time effectively for their own purposes are not hours worked. They are not completely relieved from duty and cannot use the time effectively for their own purposes unless they are definitely told in advance that they may leave the job and that they will not have to commence work until a definitely specified hour has arrived. 4. On-call time. An employee who is required to remain on call on the employer's premises or so close thereto that they cannot use the time effectively for their own purposes is working while "on call." An employee who is not required to remain on the employer's premises but is merely required to leave word at their home or with company officials where they may be reached is not working while on call. (c) Rest and meal periods. 1. Rest. Rest periods of short duration, running less than 30 minutes are common in industry. They promote the efficiency of the employee and are customarily paid for as working time. They must be counted as hours worked. Compensable time of rest periods may not be offset against other working time such as compensable waiting time or on-call time. 2. Meal. Bona fide meal periods of 30 minutes or more are not work time. Bona fide meal periods do not include coffee breaks or time for snacks. These are rest periods. The employee must be completely relieved from duty for the purposes of eating regular meals. Ordinarily 30 minutes or more is long enough for a bona fide meal period. The employee is not relieved if they are required to perform any duties, whether active or in active, while eating. For example, an office employee who is required to eat at their desk or a factory worker who is required to be at their machine is working while eating. (d) Sleeping time and certain other activities. 'General.' Under certain conditions an employee is considered to be working even though some of their time is spent in sleeping or in certain other activities. 2. Less than 24-hour duty. a. An employee who is required to be on duty for less than 24 hours is working even though they are permitted to sleep or engage in other personal activities when not busy. A telephone operator, for example, who is required to be on duty for specified hours is working even though they are permitted to sleep when not busy answering calls. It makes no difference that they are furnished facilities for sleeping. Their time is given to their employer. They are required to be on duty and the time is work time. b. Allowances for board and lodging as provided in sec. DWD 272.03(3) or (4) may be considered by a mutual written or implied agreement. 3.a. Where an employee is required to be on duty for 24 consecutive hours or more, the employer and the employee pursuant to mutual written agreement may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked per 24-hour period, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. If the sleeping period is more than eight hours, only eight hours shall be credited per 24-hour period. Where no written agreement to the contrary is present, the eight hours of sleeping time and lunched periods constitute hours worked. If the sleeping period is interrupted by a call to duty, the interruption shall be counted as hours worked. Employers may take credit for board and lodging as prescribed by sec. DWD 272.03(3) or (4), whichever is applicable. Record keeping requirements provided in sec. DWD 272.11 shall apply. b. If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. 4. employees residing on employer's premises, home care premises or working at home. An employee who resides on his or her employer's premises or home care premises on a permanent basis or for extended periods of time is not considered as working all the time he or she is on the premises. Ordinarily, the employees may engage in normal private pursuits and thus have enough time for eating, sleeping, entertaining, and other periods of complete freedom from all duties when they may leave the premises for purposes of his or her own. It is of course difficult to determine the exact hours worked under these circumstances and any reasonable agreement of the parties which takes into consideration all of the pertinent facts shall be accepted. 5. 'Home care premises.' a. When an employee who provides home care services does not maintain his or her permanent residence on the home care premises and does not otherwise reside on the premises seven days a week, the department shall consider an employee who sleeps in private quarters, in a homelike environment, to reside on the premises for an extended period of time within the meaning of par. (d) 4, if the employee resides on the premises for a period of at least 120 hours in a workweek. b. An employee shall be found to reside on the premises for extended periods of time if both of the following apply: the employee is on duty at the home care premises and is compensated for at least eight hours in each of 5 consecutive 24-hour periods; and the employee sleeps on the premises for all sleep periods between the beginning and end of the 120-hour period. Any 24-hour period can be utilized, and the eight compensated hours per 24-hour period need not be consecutive. An employee who is on duty and compensated for the period 5:00 p.m. to 10:00 p.m. Monday, 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 10:00 p.m. Tuesday through Friday, and 6:00 a.m. to 9:00 a.m. Saturday, and who sleeps on the premises (10:00 p.m. to 6:00 a.m.) for all sleep periods from Monday night through Friday night, has been compensated for at least 8 in 5 consecutive 24-hour periods between 5:00 p.m. Monday and 5:00 p.m. Saturday. The employee would also have slept five consecutive nights on the premises. Provided the other conditions were met, this would be considered to be residing on the premises for an extended period of time. An employee who is on duty and compensated from 6:00 a.m. to 9:00 a.m. and 5:00 p.m. to 10:00 p.m., Monday through Friday, and who sleeps Monday through Thursday nights on the premises, would be considered to reside on the premises for extended periods of time. These employees are called "full-time" employees. c. Where one or more employees meet the "full-time employee residing on the premises test" of subd. 5.b., the department shall apply the provisions of par. (d) 4. to one or more "relief" employees who reside on the premises for 1 to 3, provided these employees are on duty and are compensated for at least 8 hours in each 24-hour period in question and sleep on the premises all intervening nights. Although it is anticipated that there will be no more than one relief employee for each full-time employee, it is possible that there may be more than one. To come within

the provisions the relief employee shall be relieving a full-time employee. That is, the full-time employee and the employee or employees relieving that employee may not be on duty for more than a combined total of 7 days and 7 nights in each workweek. A part-time employee shall not be considered a relief employee if that employee and the full-time employee being relieved are on duty simultaneously for more than one hour a day. d. In order to deduct sleep time for full-time and relief employees, the employees shall be provided private quarters in a homelike environment. A reasonable agreement shall be reached, in advance, regarding compensable time. The employer and the employee may agree to exclude up to 8 hours per night of uninterrupted sleep time. They may also agree to exclude a period of off-duty time during the day when the employee is completely relieved of all responsibilities. These exclusions shall be the result of an employee-employer agreement and not a unilateral decision of the employer. Such an agreement should normally be in writing to preclude any possible misunderstanding of the terms and conditions of the individual's employment. e. Where sleep time is to be deducted, the employer should determine if the following criteria are met: the employer and the employee have reached agreement in advance that sleep time is being deducted; adequate sleeping facilities with private quarters were furnished; if interruptions occurred, employees got at least 5 hours of sleep during the scheduled sleeping period; employees are compensated for any interruptions in sleep; and no more than 8 hours of sleep time is deducted for each full 24-hour on-duty period. f. Sleep time may not be deducted for relief or other part-time employees who are not relieving a full-time employee, unless such employees are themselves on duty for 24 hours or more as provided in subd. 3. An off-duty period during a weekday for such employees breaks an on-duty period for the purposes of subd. 3. For example, a duty period from 5:00 p.m. of one day to 5:00 p.m. the following day, during which an employee has uncompensated free time between 9:00 a.m. and 3:00 p.m. of the on-duty period, is not considered to be a 24-hour period. (e) Preparatory and concluding activities. 1. The term "principal activities" includes all activities which are an integral part of a principal activity. Two examples of what is meant by an integral part of a principal activity are the following: a. In connection with the operation of a lathe, an employee will frequently, at the commencement of their workday, oil, grease, or clean their machine, or install a new cutting tool. Such activities are an integral part of the principal activity, and are included within such term. b. In the case of a garment worker in a textile mill, who is required to report 30 minutes before other employees report to commence their principal activities, and who during such 30 minutes distributes clothing or parts of clothing at the workbenches of other employees and gets machines in readiness for operation by other employees, such activities are among the principal activities of such employee. Such preparatory activities are compensable under this chapter. c. Among the activities included as an integral part of the principal activity are those closely related activities which are indispensable to its performance. If an employee in a chemical plant, for example, cannot perform their principal activities without putting on certain clothes, changing clothes on the employer's premises at the beginning and end of the workday would be an integral part of the employee's principal activity. On the other hand, if changing clothes is merely a convenience to the employee and not directly related to their principal activities, it would be considered as a "preliminary" or "postliminary" activity rather than a principal part of the activity. However, activities such as checking in and out and waiting in line to do so would not ordinarily be regarded as integral parts of the principal activity or activities. (f) Lectures, meetings and training programs. 1. 'General.' Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met: a. Attendance is outside of the employee's regular working hours; b. Attendance is in fact voluntary; c. The course, lecture, or meeting is not directly related to the employee's job; and d. The employee does not perform any productive work during such attendance. 2. Involuntary attendance. Attendance is not voluntary, of course, if it is required by the employer. It is not voluntary in fact if the employee is given to understand or led to believe that their present working conditions or the continuance of their employment would be adversely affected by nonattendance. 3. Training directly related to employee's job. The training is directly related to the employee's job if it is designed to make the employee handle their job more effectively as distinguished from training them for another job, or to a new or additional skill. For example, stenographers who are given a course in stenography are engaged in an activity to make them a better stenographer. Time spent in such a course given by the employer or under their auspices is hours worked. However, if the stenographers take a course in bookkeeping, it may not be directly related to their job. Thus, the time they spend voluntarily in taking such a bookkeeping course, outside of regular working hours, need not be counted as working time. Where a training course is instituted for the bona fide purpose of preparing for advancement through upgrading the employee to a higher skill, and is not intended to make the employee more efficient in their present job, the training is not considered directly related to the employee's job even though the course incidentally improves their skill in doing their regular work. 4. Independent training. Of course, if an employee on their own initiative attends an independent school, college or independent trade school after hours, the time is not hours worked for their employer even if the courses are related to their job. 5. Apprenticeship training. As an enforcement policy, time spent in an organized program of related, supplemental instruction by employees working under bona fide apprenticeship programs may be excluded from working time if the following criteria are met: a. The apprentice is employed under a written apprenticeship agreement or program which substantially meets the fundamental standards of the bureau of apprenticeship standards of the department of industry, labor and human relations, and b. Such time does not involve productive work or performance of the apprentice's regular duties. If the above criteria are met the time spent in such related supplemental training shall not be counted as hours worked unless the written agreement specifically provides that it is hours worked. The mere payment or agreement to pay for time spent in related instruction does not constitute an agreement that such time is hours worked. (g) Travel time. 1. 'General.' The principles which apply in determining whether or not time spent in travel is working time depend upon the kind of travel involved. 2. Home to work; ordinary situation. An employee who travels from home before their regular workday and returns to their home at the end of the workday in engaged in ordinary home to work travel which is a normal incident of employment. This is true whether they work at a fixed location or at different job sites. Normal travel from home to work is not work time. 3. Home to work in emergency situations. There may be instances when travel from home to work is work time. For example, if an employee who has gone home after completing their day's work is subsequently called out at night to travel a substantial distance to perform an emergency job for one of their employer's customers, all time spent on such travel is working time. 4. Home to work on special one-day assignment in another city. A problem arises when an employee who regularly works at a fixed location in one city is given a special one-day work assignment in another city. Such travel cannot be regarded as ordinary home-to-work travel occasioned merely by the fact of employment if performed for the employer's benefit and at their special request to meet the needs of the particular and unusual assignment. It would thus qualify as an integral part of the "principal" activity which the employee was hired to perform on the workday in question; it is like travel involved in an emergency call, or like travel that is all in the day's work. All the time involved, however, need not be counted. Since, except for the special assignment, the employee would have had to report to their regular work site, the travel between their home and the railroad depot may be deducted, it being in the "home-to-work" category. Also, of course, the usual meal time would be deductible. 5. Travel that is all in the day's work. Time spent by an

employee in travel as part of their principal activity, such as travel from job site to job site during the workday, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the workplace is part of the day's work, and must be counted as hours worked regardless of contract, custom, or practice. If an employee normally finished their work on the premises at 5 p.m. and is sent to another job which they finish at 8 p.m. and is required to return to their employer's premises arriving at 9 p.m. all of the time is working time. However, if the employee goes home instead of returning to their employer's premises, the travel after 8 p.m. is home-to-work travel and is not hours worked.

6. Travel away from home community. Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is work time on Saturday and Sunday as well as on the other days. Regular meal period time is not counted. As an enforcement policy, work time is that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

7. When private automobile is used in travel away from home community. If an employee is offered public transportation but requests permission to drive their car instead, the employer may count as hours worked either the time spent driving the car or the time they would have had to count as hours worked during working hours if the employee had used the public conveyance.

8. Work performed while traveling. Any work which an employee is required to perform while traveling must of course be counted as hours worked. An employee who drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during bona fide meal periods or when the employee is permitted to sleep in adequate facilities furnished by the employer.

(h) Adjusting grievances, medical attention, civic and charitable work, and suggestion systems.

1. 'Adjusting grievances.' Time spent in adjusting grievances between an employer and employees during the time the employees are required to be on the premises is hours worked, but in the event a bona fide union is involved the counting of such time will, as a matter of enforcement policy, be left to the process of collective bargaining or to the custom or practice under the collective bargaining agreement.

2. 'Medical attention.' Time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when they are working, constitutes hours worked.

3. 'Civic and charitable work.' Time spent in work for public or charitable purposes at the employer's request, or under their direction or control, or while the employee is required to be on the premises, is working time. However, time spent voluntarily in such activities outside of the employee's normal working hours is not hours worked.

4. 'Suggestions systems.' Generally, time spent by employees outside of their regular working hours in developing suggestions under a general suggestion system is not working time, but if employees are permitted to work on suggestions during regular working hours the time spent must be counted as hours worked. Where an employee is assigned to work on the development of a suggestion, the time is considered hours worked.