

DEFINITION OF HOURS WORKED

An employee must be compensated properly for all “hours worked” for the employer. Generally, all time spent on the employer’s premises or at a designated work place is hours worked when the employee is required or permitted to perform services of benefit to the employer, except for meal periods of at least thirty minutes or other periods when the employee is entirely free from duty. Also included in hours worked is any work which the employee performs for the employer’s benefit outside of work hours on or off the employer’s premises. Unrecorded hours worked during a workweek by an employee at the job site or away from it must be counted as hours worked if the employer knows or has reason to believe that the work is taking place. It is not sufficient to have a policy against working outside official work hours. The employer must enforce his no-work rules and may not accept the benefits of the work without compensating for them.

Time spent by employees that is counted as hours worked lends itself to two categories:

(1) time spent during regular working hours and (2) time spent before, after, or between regular working hours. Under each of these categories are activities that are work time and those that are not work time. The following listing is not all-inclusive but may be useful as a guide in determining the nature of hours worked.

TIME SPENT DURING REGULAR WORKING HOURS

Work Time

- Charitable work requested or controlled by employer
- Fire Drills
- Time spent by an employee presenting and processing his own personal grievance through the established grievance procedure
- Meal periods (1) if employees are not free from active or inactive performance of duties; (2) if too short to be useful to employees (1/2 hour usually required)
- Job-related medical attention during work hours at employer's direction
- Principal activities
- Rest periods of 20 minutes or less
- Sleeping time if tour of duty is less than 24 hours
- Stand-by time (1) during lunch periods; (2) during work shutdowns
- Training programs required by employer
- Traveling during work hours (1) from one work site to another; (2) out of town; (3) when required to perform work
- Waiting (1) by truck driver standing guard during loading; (2) for work after reporting time; (3) while on duty

Not Work Time

- Meal periods involving no duties and lasting ½ hour or longer
- Medical attention which is not job related
- Sleeping time up to 8 hours if tour of duty is 24 hours or longer
- Absences
- Paid leave time (1) Vacation time; (2) Military training leave; (3) Sick leave time; (4) Holidays not worked; (5) Jury duty time; (6) Compensatory time off; (7) Voting time
- Waiting after relieved from duty or for definite length of time useful to employee

TIME SPENT BEFORE, AFTER OR BETWEEN REGULAR WORKING HOUR

Work Time

- Caring for tools if a part of principal activities, such as meat cutters sharpening knives.
- Changing clothes if required by nature of work.
- Cleaning and oiling machinery.
- Distribution work.
- Emergency work
- On-call time where employee cannot use the time effectively for his or her own purpose.
- Preparatory work if a part of principal activities.
- Shift-change work problems
- Training in regular duties at employer's direction to increase efficiency
- Traveling (1) out of town on one-day assignment; (2) between work site and place of employment when making an extra call; or (3) as a driver when required by the employer to drive a vehicle on an overnight trip.
- Washing up or showering if required by nature of work.
- Preparing formal employee suggestions.

Not Work Time

- Changing clothes if at the employee's convenience
- Homework of which employer has no knowledge or no reason to know
- On-call time where employee merely leaves telephone number or carries a paging device.
- Putting away tools if reasonable time is allowed therefore during regular hours.
- Resident on employer's premises when not on duty.
- Suggestions of a casual nature.
- Training program voluntarily attended, outside of working hours, unrelated to regular duties, and involving no productive work.
- Traveling (1) from home to airport or other terminal; (2) from home to work site and vice versa; or (3) on overnight trips as a passenger outside of regular working hours (except while performing duties).
- Unauthorized overtime if prohibited and without employer's knowledge.
- Volunteer work. (1) If for the same public agency where employed, volunteer work which is not the same type of services performed during normal employment. (2) Volunteer work for a different public agency with which the department has a mutual aid agreement.
- Waiting (1) in pay check lines; (2) to check in or out; (3) to start work at designated period
- Washing up or showering under normal conditions.