



## Non-Compensable Time

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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**Reference Number:** MTAS-943

**Following are examples of work-related matters for which an employee need not be compensated.**

- Absences (including sick leave, annual leave, holidays, funerals and weather-related absences). 29 C.F.R. § 778.218(d).
- Athletic contest involvement as a participant, official or scorer, even if sponsored by the employer, so long as it is voluntary and not a condition of employment. Field Operations Handbook § 31b05.
- Changing clothes, if the change is for the employee's convenience. 29 U.S.C. § 203(o).
- Charitable work done voluntarily outside the working hours. 29 C.F.R. § 785.44.
- Clothes changing at home. Field Operations Handbook §31b13.
- Holidays on which an employee does not work. 29 C.F.R. § 778.218(d).
- Jury duty. 29 C.F.R. § 778.218(d).
- Meal periods involving no duties and lasting one-half hour or longer. 29 C.F.R. § 785.19(a).
- Medical attention outside of working hours, or not at the direction of the employer. 29 C.F.R. § 785.43.
- On-call time where the employee merely leaves a telephone number and is not restricted. 29 C.F.R. § 785.17.
- Operation of an employer's motor vehicle for the employee's own commuting convenience. Field Operations Handbook § 31c02.
- Sleep time up to eight hours under a contract if the tour of duty is 24 hours or longer. 29 C.F.R. 785.22(a).
- Shutdowns for regular, customary equipment maintenance where the employee is free to leave the premises. 29 C.F.R. § 785.15.
- Time spent before, after or between regular working hours. 29 C.F.R. § 790.7.
- Trade school attendance, which is unrelated to present working conditions. 29 C.F.R. § 785.30.
- Training program voluntarily attended that are unrelated to regular duties and involve no productive work. 29 C.F.R. § 785.27.
- Travel:
  - From home to a work site, and vice versa. 29 C.F.R. § 785.35. Or
  - On overnight trips during non-working hours, except while performing duties or other work. 29 C.F.R. § 785.39.
- Voting time, as long as state laws do not require compensation. 29 C.F.R. § 778.218(d). Wage and Hour Opinion Letter, Nov. 9, 1944.
- Waiting time:
  - In a paycheck line
  - To check in or out, and (c) to start work at a designated period. 29 C.F.R. § 790.7(g).
- Washing up or showering under normal conditions. 29 C.F.R. § 790.7(g).

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*applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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