

Compensable Working Time

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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Following are examples of working time for which an employee is entitled to be compensated. (This list is not all inclusive.)

- Time spent by budget or fiscal employees required to remain until an official audit is finished. 29 C.F.R. § 785.15.
- Caring for tools that are a part of principal activities, such as fire hoses by firefighters and guns by police officers. 29 C.F.R. § 553.221(b).
- Charitable work requested or controlled by the employer. 29 C.F.R. § 785.44.
- Cleaning and oiling machinery. 29 C.F.R. § 785.24(b)(1).
- Driving van pools when the driver is chosen by the employer and under the control of the employer. Field Operations Handbook § 31c02(c).
- Emergency work/travel time. 29 C.F.R. § 785.36.
- Fire drills or other disaster drills, whether voluntary or involuntary, either during or after regular working hours. Field Operations Handbook § 31b15.
- Meal periods, if:
 - Employees are not free to leave their posts
 - Or the time is too short to be useful to employees. 29 C.F.R. § 785.19.
- Medical attention during working hours at the employer's direction. 29 C.F.R. § 785.43.
- On-call where liberty is restricted. 29 C.F.R. § 785.17.
- Preparatory work that is a part of the principal activity. *Lindow v. United States*, 738 F.2d 1057 (9th Cir 1984).
- Principal activities. 29 C.F.R. § 790.8.
- Rest periods of 20 minutes or less. 29 C.F.R. § 785.18.
- Show-up time of 10 to 15 minutes, if the employees are required to remain on the premises that long before being sent home. 29 C.F.R. § 778.220.
- Stand-by time during short plant shutdowns. 29 C.F.R. § 785.15.
- Training in regular duties to increase efficiency. 29 C.F.R. § 785.29.
- Training programs required by the employer. 29 C.F.R. § 785.27.
- Travel (but not performing work) from one work site to another or traveling out of town during working hours. 29 C.F.R. § 785.38, § 785.39.
- Cleaning and laundering uniforms or other distinctive clothing required by the employer, at least to the extent it cuts into the minimum wage. *Marshall v. S.F. of Ohio, Inc.*, 25 Wage and Hour Cas. (BNA) 227 (S.D. Ohio 1981).
- Waiting for work after reporting time or while on duty. 29 C.F.R. § 785.15.
- Washing up or showering, if it is required due to the nature of the work. *Steiner v. Mitchell*, 350 U.S. 247 (1956).
- Cleaning and maintaining police vehicles, if the officers are responsible for those tasks. Wage and Hour Opinion Letter, Dec. 30, 1985.

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