



Examples of Non-Compensable Time

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

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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The 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;
- Charitable work done voluntarily outside working hours. 29 C.F.R. § 785.44;
- 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;
- Medical attention outside of working hours or not at the direction of the employer. 29 C.F.R. § 785.43;
- On-call time when the employee merely leaves a telephone number or carries a pager or cell phone and is not restricted. 29 C.F.R. § 785.17;
- Operating an employer's motor vehicle for the employee's own commuting convenience. *Field Operations Handbook* § 31c02;
- Training programs voluntarily attended that are unrelated to regular duties and involve no productive work. 29 C.F.R. § 785.27;
- Travel (a) from home to a work site and vice versa (29 C.F.R. § 785.35), or (b) on overnight trips during nonworking hours except while performing duties or other work. 29 C.F.R. § 785.39; and
- Waiting time (a) in a paycheck line, (b) to check in or out, or (c) to start work at a designated period. 29 C.F.R. § 790.7(g).

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be 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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