

**FLSA-265**

July 19, 1972

This is in reply to your communication of June 22, 1972, concerning an inquiry you received from \*\*\*, as to whether his employer had to give him working time off to take a physical examination in order to be able to drive a commercial truck, or whether he had to take the examination on his own time.

It is the position of the Department of Labor that the time spent by employees waiting for and undergoing physical examinations required by the employer as a requisite for continued employment is to be considered as compensable hours worked. It is immaterial whether the examination is scheduled during the employee's normal working hours or during his nonworking hours. The medical examination is an essential requirement of the job and is primarily for the benefit of the employer.

For further information or assistance, your constituent may wish to contact the Wage-hour Area Office at Ohio and Pennsylvania Streets, Room 409 Federal Building, Indianapolis, Indiana 46204. The telephone number is (317) 633-8425.

Sincerely,

Horace E. Menasco  
Deputy Assistance Secretary

Enclosures