

FLSA-617

October 20, 1981

This is in response to your letter inquiring whether time spent receiving medical attention is hours worked. You state that an employee who was injured on the job receives medical attention off of the company's premises every Friday at 1 p.m. The company pays the balance of her shift to 3 p.m. and her transportation to the doctor's office and back to the plant. The employee is occasionally delayed at the doctor's office or by traffic which results in her arriving at the plant after 3 p.m. You wish to know if the employee is due overtime compensation for this additional time spent beyond 3 p.m. on Fridays.

We have considered your comments under the provisions of the Fair Labor Standards Act, the Federal law of most general application concerning wages and hours of work. The major highlights of this law regarding hours worked are contained in the enclosed WH Publication 1312.

This law requires that all covered and nonexempt employees be paid at least \$3.35 an hour for all hours worked and overtime pay of one and one-half times the regular rate of pay for all hours worked over 40 in the workweek.

As stated in section 785.43 of the enclosed bulletin, time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when the employee is working constitutes hours worked. In this situation, the employer is not required to provide transportation or accompany the employee but must pay for the time required to travel to receive medical attention if this travel occurs during normal working hours. If follow-up visits to receive medical attention occur during normal working hours on days when the employee is working and are at the direction of the employer, such time is considered hours worked.

Based on our review of the facts in this situation, it is our opinion that the time the employee spends outside of her normal working hours receiving medical attention and traveling from the doctor's office need not be counted as hours worked.

We hope this responds to your inquiry.

Sincerely,

William M. Otter
Administrator