

FLSA-368

July 24, 1984

This refers to your letter of March 22 to the Federal Maritime Commission and a subsequent telephone discussion on July 3 between Ms. *** of your *** District Office and Mr. Carl Smith of my staff. Ms. *** provided additional information on behalf of Mr. **. ** was concerned about the proper payment for his hours worked on an off-shore drilling site. The circumstances of his employment require *** to remain on the oil-drilling rig 24 hours a day for a period of time.

The Wage and Hour Division administers the Fair Labor Standards Act (FLSA), which is the Federal law of most general application concerning wages and hours of work. This law requires that all covered and nonexempt employees be paid not less than \$3.35 an hour for all hours worked and not less than one and one-half times their regular rates of pay for all hours worked over 40 in the workweek.

Section 785.22 of 29 CFR Part 785 (copy enclosed) normally applies to employees who are required to be on duty for 24 hours or more. There are certain circumstances, however, usually at locations such as isolated construction jobs or off-shore drilling sites, where practical considerations make it necessary for an employee to remain temporarily on the employer's premises to eat and sleep there. In such situations, the employee is not considered to be on duty for 24 hours or more within the meaning of section 785.22 if he or she has a regular schedule of hours and thereafter is relieved of duties except for extra work required by the exigencies of the job. Only the actual working time need be considered as hours worked.

The example in your letter refers to an individual who "is on 24-hour call and works 13 hours" and the requirement "to pay him for the additional hour." In this case, if the employee is working one hour in addition to his normal 12-hour schedule, the additional or thirteenth hour is included in the compensable hours worked. It should be emphasized that this determination only applies to actual working time.

For further information, your constituent may wish to contact the Little Rock, Arkansas, Wage and Hour Area Office (telephone 501-378-5292) or, if it is more convenient, the Monroe Louisiana Wage and Hour Field Station (telephone: 318-226-5028). The field station is located in the Old Post Office Building, Room 102, 201 Jackson Street, Monroe, Louisiana 71201 (mailing address: P.O. box 1327). The staff of that office is in the best position to obtain the necessary information and will be pleased to assist in any way possible. We suggest that Mr. ** write or telephone prior to visiting that office since it is staffed by personnel whose duties frequently require them to be away from the office.

We trust the above is responsive to your concerns in this matter.

Sincerely,

William M. Otter
Administrator

Enclosure

cc: Washington, DC, office