



WHAT CONSTITUTES HOURS WORKED FOR NON-EXEMPT EMPLOYEES

**COMPENSABLE TIME UNDER THE FLSA
IS REFERRED TO AS “HOURS WORKED”**

Work at Home [29 USC §785.11, §785.12](#)

Work Time. Work at home which is permitted but not requested by the employer. If the employer knows or has reason to believe that the work is being performed, it must be counted as hours worked.

This will include significant time spent using the phone or reviewing messages after hours

Non-work Time. Work done at home of which the employer has no knowledge or no means of acquiring knowledge.

HOURS WORKED



Meal Periods and Breaks

[DOL Fact Sheet #22](#)

Work Time. Rest or meal periods where the employee is not completely relieved of duties or where the period is less than 30 minutes in length. If the employee eats at his or her desk and listens for the phone, it is work time.

Breaks of 20 minutes or less are considered work time.

**HOURS
WORKED**



HOURS WORKED

DOL Fact Sheet #22

Non-work Time. Bona fide meal periods of 30 minutes or more where the employee is entirely relieved of duties.



Training Time [DOL Fact Sheet](#) [#22](#)

Work Time. Attendance at lectures, meetings, training programs and similar activities outside of regular work hours must be counted as work time if the employee is led to believe that attendance is mandatory or involuntary.

HOURS WORKED



Training Time [DOL Fact Sheet #22](#)

Non-work Time. Attendance at lectures, meetings, training programs and similar activities which is voluntary, outside of working hours, not job-related and no other work is performed.

Training is considered directly related to the job if it is designed to make the employee more effective at his/her present job.

HOURS WORKED

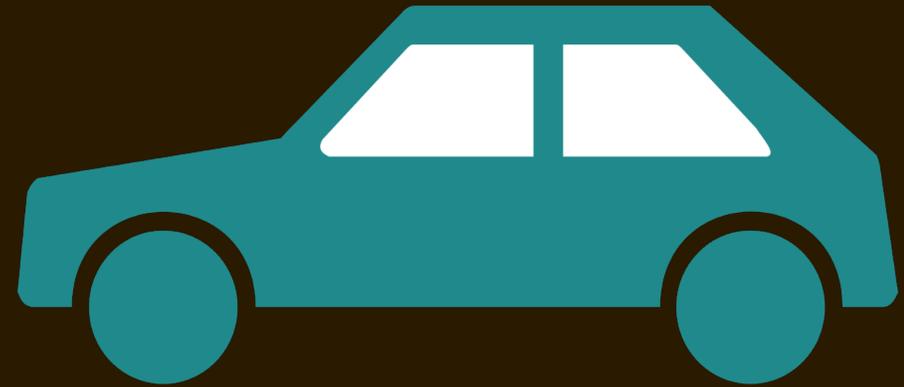


Travel Time [DOL Fact Sheet #22](#)

Work Time.

- Travel to a meeting place or alternate work location during the normal work day;
- Travel site-to-site as part of normal duties;
- Travel required to go a considerable distance after hours to respond to an emergency;
- Travel away from the home community overnight.

**HOURS
WORKED**



Overnight Travel [DOL Fact Sheet #22](#)

Work Time. Travel time that keeps an employee away from home overnight is work time. (Wis. Adm Code [DWD 272.12 \(2\)\(g\)](#))

If an employee is offered public transportation but requests to use a personal vehicle instead, the employer may count as time worked either the time spent driving or the time the employee would have been in the public conveyance.

**HOURS
WORKED**



Work Performed while Traveling

[DOL Fact Sheet #22](#)

Work Time. Any work which an employee is required to perform while traveling even if it is not during regularly scheduled hours.

Non-work Time. Bona fide meal and sleep periods.

**HOURS
WORKED**



Volunteerism

An employee may not “volunteer” for his/her employer, to perform extra duties related to his/her job without pay.

Therefore, employees cannot do extra work for the employer and “waive” payment for compensable time worked.

**HOURS
WORKED**



Independent Education [29 USC §785.30](#)

Non-work Time

Attendance at a college or trade school after hours on the employee's own initiative, even if the course is related to the employee's job.

Attendance outside of working hours at specialized or follow up training that is required by law for certification.

**HOURS
WORKED**

