

## FLSA-256

February 26, 1976

This is in reply to your letter of January 31, 1976, regarding "hours worked" under the Fair Labor Standards Act. You state that you are employed by a security agency to perform guard duties at a manufacturing plant and have been so employed for the past 14 months. You have been informed that you must take a Red Cross course which will require about 8 hours time and also take a physical examination and both activities are to be taken on your own time and without pay. In addition, you must pay for the physical examination.

With regard to the Red Cross training program, it is our position that if its completion is required in order to retain your job, the time spent in taking the course is "hours worked" under the Fair Labor Standards Act and consequently such time must be paid for. You state that you work 32 hours per week. Thus, if you work 32 hours and spend an additional 8 hours in taking the training course, you would be entitled to not less than 40 hours times the applicable minimum wage of \$2.30 an hour or a total gross wage for the forty hour week of \$92.

It is also our position that the time spent by an employee in waiting for and undergoing a physical examination 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 or her nonworking hours. The medical examination is an essential requirement of the job and is primarily for the benefit of the employer. If the cost of the physical examination to be paid for by you results in your receiving less than the applicable minimum wage for each hour worked, including the time spent in taking the physical examination, your employer would be in violation of the minimum pay requirements of the Act.

If you would like further information as to how the Act applies to your employment, you may wish to contact the Wage-Hour office at 228 North East Jefferson (third floor), Peoria, Illinois 61603 (telephone: 309-671-7058). The people there will be pleased to answer any questions you may have regarding "hours worked" under the Act.

Sincerely,

William Hoffman, Director  
Division of Minimum Wage  
and Hour Standards

Enclosure