

FLSA-245

April 17, 1979

This is in reply to your letter of October 26, 1978, requesting an opinion with respect to "waiting time" issues which regularly recur for farmworkers. In your letter you describe five situations in which farmworkers commonly are required, for one reason or another, to wait for one or two hours before they can begin or resume work.

Situations 1, 2, 3, and 4, as presented in your letter, would be considered hours worked. This is true since, as explained in our letters to your organization of January 25 and February 9, 1979, the employees would not have a specified time when work was to begin and the time spent waiting to start work would not be of sufficient length to be used effectively for the employee's own purposes.

In situation 5, you set forth a set of facts in which the farmworkers are required to wait before they can resume work until another truck arrives to be loaded or more crates are delivered. This time would also be considered hours worked since the employees are engaged to wait. The employees would not have sufficient time to use this period of waiting for their own purposes since the length of time is unpredictable.

If you have any further questions, please feel free to contact this office at any time.

Sincerely,

Xavier M. Vela
Administrator

Enclosure