

## **FLSA-1061**

October 20, 1980

This is in reply to your letter of September 23, 1980, concerning the application of section 7(j) of the Fair Labor Standards Act to employees of a number of hospitals your company represents in the Seattle, Washington area. You state that the hospital employees have been on the 14-day system for a number of years, and all the requisites of section 7(j) of the Act have been met. You ask whether the employees or the bargaining agent can now unilaterally refuse to continue to work under this method.

There is nothing in the Act that would prevent employees or their bargaining agent from refusing to work under the terms specified in section 7(j) of the Act. It is our opinion that if they express their unwillingness to accept the specified method of overtime compensation contained in section 7(j) and continue to voice their objection, the requisite predicates for the application of section 7(j) will be lacking, even though the employees or the bargaining agent had originally agreed to this method of paying overtime compensation.

If you have any further questions on this matter or any other section of the Fair Labor Standards Act, you may find it more convenient to get in touch with our Area Office at the Century Building, Suite 510, 1520 Third Avenue, Seattle, Washington 98101 (telephone: 206-442-4482). That office will be pleased to offer every possible assistance.

Sincerely,

Herbert J. Cohen  
Assistant Administrator  
Wage and Hour Division

Henry T. White, Jr.  
Deputy Administrator

Enclosures