

EMPLOYEES MUST BE PAID FOR SHORT REST PERIODS

Employees coming under the provisions of the Fair Labor Standards Act must be paid for short rest periods, according to announcement today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor.

A "short" rest period, as construed in instructions sent to all field representatives of the Division by Colonel Fleming, will include periods up to and including 20 minutes. When rest periods customarily taken by employees are longer, final decision on whether or not the employee will be paid for it will rest with the Regional Director.

The following considerations will guide the Regional Director in making his decision: the freedom of the employee to leave the premises and go where he pleases during the intermission; the duration of the intermission--whether sufficient to permit the employee reasonable freedom of action and a real opportunity for relaxation; whether the intermission is clearly not an attempt to evade or circumvent the provisions of the Fair Labor Standards Act. In all cases where the Regional Director decides that an intermission shall not be counted as "hours worked", he has been instructed to report the results of his investigation and the reasons for his action to the Administrator.

For enforcement purposes, computation of hours worked under the new rule generally will apply only since April 1, 1940. Where time spent in rest periods prior to that date has been deducted from hours worked, ordinarily, the deductions will be allowed to stand, Colonel Fleming said.

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