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This is in response to your letters concerning the application of the Fair Labor Standards Act (FLSA) to police officers. You ask whether the FLSA requires an employer to provide lunch periods to police officers. You also ask whether an employer may reschedule days off in order to avoid overtime compensation.

As indicated in the enclosed Handy Reference Guide, the FLSA does not require an employer to provide meal or rest periods, or other types of employment benefits as described on page 2 of the Guide. These and similar matters are for agreement between the employer and the employees or their authorized representatives. The FLSA simply requires that all covered and nonexempt employees be paid in accordance with its minimum wage and overtime requirements for all hours actually worked.

Likewise, there is nothing in the FLSA which prohibits an employer from rescheduling days off within a work period (or workweek) even if such rescheduling would avoid overtime compensation. Section 29 CFR 553.224 does not prevent an employer from rescheduling days off within the applicable work period. In this regard, see the example of "balancing" hours for an entire work period described in 29 CFR 553.231(b). In other words, the FLSA does not confer to employees the right to be scheduled to work overtime.

We trust that the above is responsive to your inquiries.

Sincerely,

Daniel F. Sweeney
Deputy Assistant Administrator

Enclosure