

JUL 21 1997

Dear

This is in response to your inquiry concerning the application of the overtime pay requirements under § 7(k) of the Fair Labor Standards Act (FLSA) to officers of the Police Department.

We have edited your questions to reflect our understanding of the issues presented:

Q.1. If a 28-day work period has been adopted under § 7(k) for police officers, how many hours may be worked in the 28-day work period before overtime compensation is due under the FLSA?

A.1. 171 hours. Overtime compensation is due for all hours worked in excess of 171 hours in a 28-day work period that has been designated by the employer at time and one-half the employees' regular rates of pay. When one 28-day work period ends, the next 28-day period commences.

Q.2. If a 14-day work period has been adopted, what is the corresponding FLSA threshold?

A.2. 86 hours. Overtime compensation is due for all hours worked in excess of 86 hours in a 14-day work period.

Q.3. During a period between June 1990 and October 1991 police officers were paid overtime after 80 hours worked. What is the implication of this practice?

A.3. While such overtime payment was not required under the FLSA, the law does not prohibit an employer from applying a more beneficial overtime standard to its employees.

Q.4. The City chose to pay employees for a 30-minute meal period, but did not count the meal period as "hours worked" for overtime purposes. Is this practice proper under the FLSA?

A.4. If the employees at issue were completely relieved from duty during the meal period, the meal periods would not have to be counted in determining "hours worked" for FLSA minimum wage and/or overtime compensation purposes, and the pay for such time may be excluded in calculating the employees' regular rates of pay.

If you have any further questions, please do not hesitate to contact this office.

Sincerely,

Daniel F. Sweeney
Office of Enforcement Policy
Fair Labor Standards Team