

FLSA-1410

September 19, 1975

This is in reply to your letter of September 3, 1975, regarding payment for overtime under section 7(j) of the Fair Labor Standards Act.

You state that the hospital is operating under section 7(j) and has an established, historical policy of starting the 14-day calculation period at 12:01 a.m. on Monday morning. You quote from section 778.601(d) of 29 CFR Part 778, that portion which states "...the first workday in the period, for purposes of this computation, begins at the same time as the 14-day period and ends 24 hours later. Each of the 13 consecutive 24-hour periods following constitutes an additional workday of the 14-day period...." Thus, if the hospital's 14-day period begins at 12:01 a.m. on a Monday morning and an employee works from 7 a.m. to 3:30 p.m., with one-half hour off for lunch, and, on the same day, works from 11:30 p.m. to 7 a.m. of the following day, he has worked 8 1/2 hours in one day under section 7(j) and would be entitled to overtime compensation for the half hour worked in excess of 8 hours per day. Accordingly, your understanding of the intent of section 778.601(d) is correct.

As you know, the 14-day period may begin at any hour of any day of the week; it need not commence at the beginning of a calendar day. Thus, in this case, the hospital has elected to begin the 14-day period and the "day" at 12:01 a.m. on Monday morning.

Sincerely,

Warren D. Landis
Acting Administrator
Wage and Hour Division