

**FLSA-392**

April 20, 1978

This is in reply to your letter of March 17, 1978, regarding an employer's obligation under the Fair Labor Standards Act to reimburse employees for the cost of, and time spent in, obtaining health certificates required as a condition of employment in food handling and preparation occupations by State, local, or municipal laws, ordinances or regulations.

It is our position that the cost of obtaining a required health certificate card, where an individual is already employed and on duty, as a requisite for continued employment, is an expense that must be borne by the employer. With regard to time spent in obtaining such a card, we regard such time as compensable hours of work under the Act. It is immaterial whether the time spent is during the employee's normal working hours or during nonworking hours. The health card and the time spent in obtaining it are essential requirements of the job and thus primarily for the benefit of the employer.

However, we would not assert that the cost of the card or the time spent in obtaining it prior to employment or to a commitment to employ, are costs to be borne by a prospective employer.

Sincerely,

Xavier M. Vela  
Administrator