

FLSA-367

July 20, 1984

This is in further reply to your letter of June 19 requesting an opinion concerning the application of the Fair Labor Standards Act (FLSA) to certain employment practices of the *** Company.

FLSA, which is administered and enforced by the Wage and Hour Division, is the Federal law of most general application concerning wages and hours of work. This law requires that all covered and nonexempt employees be paid at least \$3.35 per hour for all hours worked and overtime pay of one and one-half times their regular rates of pay for all hours worked over 40 in a workweek.

In your letter, you state that employees of the *** Company are required to wear safety glasses while on the job. In telephone conversations with a member of my staff on July 10 and July 18, you indicated that the company has instituted this requirement in order to comply with applicable Government regulations. The safety glasses, as well as any replacements, for all employees are paid for by the *** Company.

Standard, nonprescription safety glasses are fitted and issued to employees at the plant during their normal working hours. In the past, the company also arranged for employees who required prescription lenses to select their frames and have their glasses fitted at the plant during normal working hours. However, you indicate that the company has changed the practice as it applies to employees who require prescription glasses.

Individuals who need prescription ground lenses must first obtain a prescription from an optometrist. This is done outside their normal working hours. Then, these individuals must go to a designated optician on their day off in order to select frames and have the lenses ground to the specific prescription. Employees whose glasses require special fitting may need to make another visit to the optician for this purpose. You wish to know if the time spent by employees in the above-mentioned activities is compensable as hours worked under FLSA.

The situation you have described is analogous to that involving an employee who receives medical attention at the direction of the employer. Under these circumstances the time spent in receiving medical attention during the employee's regular working time on a work day constitutes hours worked and is compensable. This is further explained in section 785.43 of 29 CFR Part 785 (copy enclosed).

Therefore, in the case to which you refer, it is our opinion that only the time spent by the employees in obtaining prescription ground safety glasses during their normal working hours on a work day would be considered hours worked under FLSA. Such time outside normal working hours or on their day off is not hours worked for purposes of the Act.

We trust the above is responsive to your inquiry. If we may be of any further assistance, please let us know.

Sincerely,

William M. Otter
Administrator

Enclosure