



## ADMINISTRATIVE POLICY

### STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

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<b>TITLE:</b>	<b>HOURS WORKED</b>	<b>NUMBER:</b>	<b>ES.C.2</b>
<b>CHAPTERS:</b>	<a href="#">RCW 49.12</a> <a href="#">RCW 49.46</a> <a href="#">WAC 296-126</a> <a href="#">WAC 296-128</a>	<b>ISSUED:</b>	<b>1/2/2002</b>
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		<b>SEE ALSO:</b>	<a href="#">ES.A.1</a> , <a href="#">ES.A.3</a> , <a href="#">ES.A.8.1</a> , <a href="#">ES.B.1</a> , <a href="#">ES.C.1</a> , and <a href="#">ES.C.6.2</a>

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This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Employment Standards should be consulted.

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### 1. What are “hours worked”?

“Hours worked,” means all hours during which the employee is authorized or required, known or reasonably believed by the employer to be on duty on the employer’s premises or at a prescribed work place. See [WAC 296-126-002\(8\)](#); [WAC 296-128-600\(9\)](#); see also Administrative Policy [ES.C.1](#). An analysis of “hours worked” must be determined on a case-by-case basis, depending on the facts.

The definition of “hours worked” is satisfied if all three of these elements are met:

- 1- *An employee is authorized or required by the employer.* Is the time spent by the employee requested, suffered, permitted, allowed, or otherwise sanctioned by the employer for the employee to complete work on the employer’s behalf?
- 2- *To be on duty.* Does the employer restrict the employee’s personal activities and/or control the employee’s time?
- 3- *On the employer’s premises or at a prescribed workplace.* Is the employee on an employer’s worksite or otherwise at a location where work is performed for the employer?

If all three elements are satisfied then the time is considered hours worked under state law. Under certain circumstances, it may be difficult to determine if all factors apply. The remaining sections of this policy illustrate the application of these factors in a variety of situations.

## **2. When is time “hours worked” and what are an employer’s responsibilities to compensate its employees for “hours worked”?**

Employers must pay employees for all “hours worked.” “Hours worked” means all work requested, suffered, permitted, or allowed while on duty on the employer’s premises or at a prescribed workplace, and includes travel time, training and meeting time, wait time, on-call time, preparatory and concluding time, and may include meal periods. “Hours worked” includes all time worked regardless of whether it is a full hour or less. “Hours worked” includes, for example, a situation where an employee may voluntarily continue to work at the end of the shift. The employee may desire to finish an assigned task or may wish to correct errors, prepare time reports or other records. The reason or pay basis is immaterial. If the employer knows or has reason to believe that the employee is continuing to work, such time is compensable working time.

An employer may not avoid or negate payment of regular or overtime wages by issuing a rule or policy that such time will not be paid or must be approved in advance. However, an employer may have a policy requiring prior approval and may discipline an employee for working overtime without prior approval so long as the discipline does not include not paying the worker for the overtime performed. If the work is performed, it must be paid. It is the employer’s responsibility to ensure that employees do not perform work that the employer does not want performed.

When time is “hours worked,” the employer must comply with the applicable compensation required by state and local wage laws for that time. The Minimum Wage Act requires employers to pay employees at least the minimum wage for all hours worked. [RCW 49.46.020](#). Employers may also be responsible for a higher hourly wage rate provided by agreement or under a local ordinance and must pay overtime rates to eligible employees for any “hours worked” in excess of 40 hours in a workweek. [RCW 49.52.050](#); [RCW 49.46.130](#). In addition to wages, all covered employees must accrue paid sick leave on all hours worked at a rate of at least one hour of paid sick leave for every forty hours worked. [RCW 49.46.020\(4\)](#); [RCW 49.46.210\(1\)\(a\)](#); [WAC 296-128-620\(1\)](#). For information about how non-agricultural commission or piece-rate workers are treated under the law, see Administrative Policy [ES.A.3](#), “Minimum Hourly Wage.” For information about how agricultural commission or piece-rate workers are treated under the law, see Administrative Policy [ES.C.6.2](#), “Agricultural Labor Standards.”

## **3. What is travel time and when is it considered “hours worked”?**

Travel time is time spent by an employee travelling for a work-related purpose. Whether time spent travelling for work constitutes paid work time depends on whether the travel time is considered “hours worked.” If the travel or commute time is considered “hours worked” under [RCW 49.46.020](#) and [WAC 296-126-002\(8\)](#), then it is compensable and the employee must be paid for this time. These statutory and regulatory requirements cannot be waived through a collective bargaining agreement or other agreement.

The same general definition of hours worked described in Section 1 above applies to travel time. See [WAC 296-126-002\(8\)](#) (“Hours worked” means all hours when an employee is authorized or required by the employer to be on duty on the employer’s premises or at a prescribed workplace). This means that when evaluating whether travel time is compensable, each element of the “hours worked” definition must be evaluated.

To reiterate, the three elements in the definition of “hours worked” are:

- 1- An employee is authorized or required by the employer,
- 2- To be on duty,
- 3- On the employer’s premises or at a prescribed workplace.

If any of the three elements is not satisfied, then the time spent travelling is not considered “hours worked.” Ordinary commute time does not typically satisfy the conditions to be considered hours worked, but there are exceptions. Please see Section 4 of this policy for further guidance.

#### **4. When is travel time in a company-provided vehicle considered hours worked?**

Whether time spent driving or riding in a company-provided vehicle constitutes paid work time depends on whether the time is considered “hours worked” under the three-part analysis described above.

Time spent driving or riding in a company-provided vehicle during an employee’s ordinary commute, from home to the first job site of the day, or from the last job site of the day to home, is not considered hours worked if the employee is not on duty and performs no work while driving or riding in the company-provided vehicle.

Time spent driving a company-provided vehicle from the employer’s place of business to the job site is considered hours worked. Time spent riding in a company-provided vehicle from the employer’s place of business to the job site is not considered hours worked when an employee voluntarily reports to the employer’s location merely to obtain a ride as a passenger for the employee’s convenience, is not on duty, and performs no work. Time spent driving or riding as a passenger from job site to job site is considered hours worked.

**Note:** A similar analysis applies when determining whether travel time in a personal vehicle is considered hours worked. A personal vehicle may also be an employer’s premises or a prescribed workplace and all relevant facts must be considered when making a determination. However, the time spent in a personal vehicle is less likely to be considered to be the employer’s premises or a prescribed workplace as compared to the circumstances when an employee uses a company-provided vehicle.

#### **Factors to consider in determining if an employee is “on duty” when driving a company-provided vehicle between home and work.**

To determine if the employee is on duty, the extent to which the employer restricts the employee’s personal activities and controls the employee’s time must be evaluated. This includes an analysis of the frequency and extent of such restrictions and control. The following is a non-exclusive list of factors to consider when making a determination if an employee is “on duty.” All factors must be considered and weighed in combination with each other. The mere presence or absence of any single factor is not determinative.

1. The extent to which the employee is free to make personal stops and engage in personal activities during the drive time between home and the first or last job site of the day, or whether the vehicle may only be used for company business.
2. The extent to which the employee is required to respond to work-related calls or to be redirected while en route.
3. Whether the employee is required to maintain contact with the employer.
4. The extent to which the employee receives assignments at home and must spend time writing down the assignments and mapping the route to reach the first job site before beginning the drive.

**Factors to consider in determining if an employee is “on the employer’s premises or at a prescribed work place” when driving a company-provided vehicle between home and work.**

To determine if a company-provided vehicle constitutes a “prescribed work place,” an employer must evaluate whether driving the particular vehicle is an integral part of the work performed by the employee. The following is a non-exclusive list of factors to consider when making a determination if an employee is “on the employer’s premises or at a prescribed work place.” All factors must be considered and weighed in combination with each other. The mere presence or absence of any single factor is not determinative.

1. Whether the nature of the business requires the employee to drive a particular vehicle provided by the employer to carry necessary non-personal tools and equipment to the work site.
2. The extent to which the company-provided vehicle serves as a location where the employer authorizes or requires the employee to complete business-required paperwork or load materials or equipment.
3. The extent to which the employer requires the employee to ensure that the vehicle is kept clean, organized, safe, and serviced.

**The following are two examples of how this policy may be used to determine whether or not drive time between home and the first or last job site of the day in a company-provided vehicle is compensable. These examples are illustrative and are not intended to create additional factors or address other scenarios where the facts differ from those below.**

**EXAMPLE 4-1:** The employee drives between home and the first or last job site of the day in a company-provided vehicle:

- As a matter of accepted company practice, the employee is prohibited from any personal use of the vehicle, which must be used exclusively for business purposes; and
- The employer regularly requires the employee to perform services for the employer during the drive time, including being redirected to a different location; and

- The employee regularly transports necessary non-personal tools and equipment in the vehicle between home and the first or last job site of the day; and
- The employee receives daily job site assignments at home in a manner that requires the employee to spend more than a negligible amount of time writing down the assignments and mapping travel routes for driving to the locations.

Here, the facts establish that the drive time between home and the first or last job site of the day in a company-provided vehicle is compensable.

**EXAMPLE 4-2:** The employee drives between home and the first or last job site of the day in a company-provided vehicle:

- The employer does not strictly control the employee’s ability to use the vehicle for personal purposes. The employee, as a matter of accepted company practice, is able to use the vehicle for personal stops or errands while driving between home and the job site; and
- The employee is not required to perform any services for the employer during the drive, including responding to work-related calls or redirection; and
- The employee does not perform any services for the employer during the drive, including work-related calls or redirection.

Here, the drive time between home and the first or last job site of the day in a company-provided vehicle is not compensable.

## 5. When is out-of-town travel “hours worked”?

For out-of-town travel, Washington law is more favorable than federal law. Federal law excludes certain travel time under the Portal to Portal Act and federal regulations. See 29 U.S.C. § 254; 29 C.F.R. § 785. The Washington Minimum Wage Act does not include such provisions. See *Anderson v. Dep’t of Social & Health Servs.*, 115 Wn. App. 452, 457, 63 P.3d 134 (2003). In Washington, all travel time related to work is compensable regardless of the number of hours or when the travel takes place. It also includes any time necessary to get to an airport, train station, or other transit center necessary to complete the out-of-town travel. For information on federal travel time requirements, contact the U.S. Department of Labor at their toll free # 1-866-487-9243 or on their [website](#).

Compensable out-of-town travel takes place for the employer’s benefit and is requested to meet the needs of a particular assignment. Such travel time is an integral part of the principal activity that the employee was hired to perform (i.e. it is an integral component of the work assignment or job task). This is true regardless of whether the employee engages in additional work during the journey or whether the employer owns or controls the employee’s means of transport. Because the travel itself is a duty of the work assignment, so long as the employer approves the means of travel, the employee is authorized to be on duty at a prescribed workplace throughout the active travel time and therefore the time meets all three elements of the hours worked rule. See [WAC 296-126-002](#).

Once an employee arrives at the employee's lodgings, the employee is no longer "on duty" and that time is not compensable as "hours worked" so long as the worker is free to engage in personal activities.

**EXAMPLE 5-1:** An employee is required to travel to a training seminar in distant city. The employee leaves for the training directly from the employee's home and goes to the airport and parks there. The employee flies directly to the training city, picks up a rental car, and drives the rental car directly to the hotel. When the employee arrives at the hotel, the employee is free to leave the hotel to go on a walk or otherwise engage in personal activities while staying at the hotel. The employee attends all the required sections of the training seminars daily, but is free each evening to engage in personal activities. The employee performs no work outside of the required training. After the employee completes the training, the employee drives directly home after driving the rental car back to airport, catching a flight home, and picking up the employee's car at a long-term parking lot.

What time is compensable in this scenario?

- The time from when the employee leaves home until the employee arrives at the hotel in the other city is compensable time. This time is compensable because the travel is a duty of the work assignment, so long as the employer approves the means of travel, the employee is authorized to be on duty at a prescribed workplace throughout the active travel time and therefore the time meets all three elements of the hours worked rule.
- Once the employee arrives at the employee's lodgings and is free to engage in personal activities, the employee is no longer "on duty" and that time is not compensable as "hours worked." While any free time the employee engages in once the employee has arrived at the hotel is not compensable, any time in the training itself is compensable, except for certain training as described in section 6. Free time at the hotel is not compensable because the employee is no longer "on duty" and that time is not compensable as "hours worked" so long as the worker is free to engage in personal activities.
- When the employee returns home, the time from when the employee leaves the hotel (or training facility) in the remote city, until the employee arrives home, is also compensable. This time is compensable because the travel is a duty of the work assignment, so long as the employer approves the means of travel, the employee is authorized to be on duty at a prescribed workplace throughout the active travel time and therefore the time meets all three elements of the hours worked rule.

**EXAMPLE 5-2:** An employee is required to travel to a nearby city for an annual training presented by the employer to a state-wide group of employees. The employee is required to report to work to pick up a work vehicle before traveling out of town. When the employee arrives at the hotel, the employee is free to leave the hotel to go on a walk or otherwise engage in personal activities while at the lodging. During the evenings, the employee spends several hours catching up on work emails. The employee attends all the required sections of the training seminars. After the employee completes the training, the employee returns to the office to drop-off the employer's vehicle and then drives home using a personal vehicle.

What time is compensable in this scenario?

- The drive between work and home at the beginning and end of the travel is considered normal commute time and is not compensable. This time is not compensable because the employee was required to report to work before travelling out of town.
- The time spent on the journey to the other city after employee leaves their work until the employee arrives at their hotel in the other city is compensable. Likewise, the time spent traveling back to the office from the training site is compensable. This time is compensable because the travel is a duty of the work assignment, so long as the employer approves the means of travel, the employee is authorized to be on duty at a prescribed workplace throughout the active travel time and therefore the time meets all three elements of the hours worked rule.
- Any free time the employee engages in once the employee has arrived at the hotel is not compensable, but any time in the training itself is compensable, except for certain training as described in section 6. Free time at the hotel is not compensable because the employee is no longer “on duty” and that time is not compensable as “hours worked” so long as the worker is free to engage in personal activities.
- The time spent checking emails in the evenings is compensable time. This time is compensable because the employee is performing work.

**EXAMPLE 5-3:** An employee voluntarily travels out-of-town to another city for non-work related purposes. While in the other city, the employee visits a satellite office maintained by the employer in the city to perform some remote work because it easier to do so, but the employee is free to perform the work off-site.

What time is compensable in this scenario?

- Since the employee’s travel in this situation was for non-work purposes, the travel was not performed for the employer’s benefit. Therefore, the travel time to and from the other city is not compensable.
- The time spent traveling from the employee’s lodgings to the work-site is not compensable, because the employee chose to perform work while on a personal trip by going to an employer’s satellite office. This travel time is equivalent to normal commute time. So, only the time the employee spent actually working on-site at the satellite office is compensable.

## **6. What constitutes training and meeting time and when is it considered “hours worked”?**

Training and meeting time means all time spent by employees attending lectures, meetings, training periods, and similar activities required by the employer. Time spent by an employee during such training and meeting time is considered hours worked.

Time spent by employees in these activities need *not* be counted as hours worked if all of the following tests are met:

### **6.1 Attendance is voluntary; and**

**6.2** The employee performs no productive work during the meeting or lecture;  
and

**6.3** The meeting takes place outside of regular working hours; and

**6.4** The meeting or lecture is not directly related to the employee's current work,  
as distinguished from teaching the employee another job or a new, or additional,  
skill outside of skills necessary to perform job.

The factors for training time above follow from the three elements of the definition of “hours worked.” If all of the conditions above are not met, then the employee is “authorized or required to be on duty at the employer’s premises or prescribed workplace” because the employer is controlling the employee’s time, or the employee is otherwise on-duty because the employee is performing productive work. On the other hand, when training attendance is voluntary, the employee performs no productive work, the training takes place outside of regular working hours, and the training is unrelated to the employee’s current work, then the employee is not authorized or required to be on duty by the employer.

If an employer requires an employee to participate, or otherwise leads the employee to believe that the present working conditions, or the continuance of the employee’s employment, may be adversely impacted by non-attendance, the time spent will be considered hours worked. The employer in these circumstances is controlling the employee’s time and must pay for it.

When a public entity, rather than an employer, requires the training, then an abbreviated version of the test above applies. Time spent in training programs mandated by federal, state, or local regulation, but *not* by the employer, need not be paid if the first three provisions are met; that is, if attendance is voluntary, the employee performs no productive work during the training time, and the training takes place outside of normal working hours.

When federal, state, or local laws require a certificate or license of the employee for the position held, time spent in training to obtain the certificate or license, or certain continuous education requirements, are not considered hours worked.

**EXAMPLE 6-1:** State regulations may require that certain employees successfully complete a course in Cardio-Pulmonary Resuscitation (CPR). The state regulations may require that in order to be employed in such a position the employee must be registered with the state or have successfully completed a written examination, approved by the state, and further fulfilled certain continuous education requirements.

What time is compensable in this scenario?

- If the employee seeks and obtains this training outside of regular working hours and performs no productive work during the training, the time spent in training is not considered hours worked.
- If the employer requires all employees to attend a specific training to satisfy regulatory requirements, all employees attending the training must be paid for the hours spent in the training course.



- If the employee completes the training during work hours, the time spent in training is considered hours worked.

## 7. What determines an employment relationship with interns?

The federal courts and federal Department of Labor have used the “primary beneficiary test” to determine whether an intern is, in fact, an employee under the federal Fair Labor Standards Act (FLSA). *E.g., Glatt v. Fox Searchlight Pictures, Inc.*, 811 F.3d 528 (2nd Cir. 2016); *Benjamin v. B & H Educ., Inc.*, 877 F.3d 1139 (9th Cir. 2017). As the state and federal definition of “employment” are identical, the department looks to federal case law and guidance for whether interns are also exempt from Washington’s Minimum Wage Act. Under certain conditions, persons without any expressed or implied compensation agreement may work for their own advantage on the premises of another and are not necessarily employees. Whether interns are employees depends upon all of the circumstances surrounding their activities on the premises of the employer. Courts have identified the following seven factors when evaluating whether an intern is, in fact, an employee.

**7.1** The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.

**7.2** The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including clinical and other hands-on training provided by educational institutions.

**7.3** The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.

**7.4** The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.

**7.5** The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.

**7.6** The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.

**7.7** The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

No single factor above is determinative. Rather, the test examines who is the “primary beneficiary” of the relationship between an intern or trainee and the employer. All relevant factors must be considered together to make a determination on the intern or trainee status of an individual. If analysis of these circumstances shows that the intern or trainee is an employee, then the employee is entitled to all the protections of the Minimum Wage Act. Likewise, if the intern or trainee is not an employee then none of the Minimum Wage Act protections apply.

## **8. What constitutes paid or unpaid work for students in a school-to-work program?**

Students may be placed in a school-to-work program on a paid or unpaid basis. The department will not require payment of minimum wage, provided all of the following criteria are met. If all five requirements are not met, the business will not be relieved of its obligation to pay minimum wage, or provide paid sick leave, as required by the Minimum Wage Act.

**8.1** The training program is a bona fide program certified and monitored by the school district or the Office of the Superintendent of Public Instruction; and

**8.2** A training plan exists that establishes a link to the academic work, e.g., a detailed outline of the competencies to be demonstrated to achieve specific outcomes and gain specific skills. The worksite effectively becomes an extension of the classroom activity and credit is given to the student as part of the course; and

**8.3** The school has a designated district person as an agent/instructor for the worksite activity and monitors the program; and

**8.4** The worksite activity is observational, work shadowing, or demonstrational, with no substantive production or benefit to the business. The business has an investment in the program and actually incurs a burden for the training and supervision of the student that offsets any productive work performed by the student. Students may not displace regular workers or cause regular workers to work fewer hours as a result of any functions performed by the student, and

**8.5** The student is not entitled to a job at the completion of the learning experience. The parent, student, and business all understand the student is not entitled to wages for the time spent in the learning experience.

If a minor student is placed in a paid position, all requirements of the Minimum Wage Act, the Industrial Welfare Act, and minor work regulations must be met. Minor students placed in a paid position with public agencies are subject to the Industrial Welfare Act.

Public agencies are not subject to the state minor work regulations, but they are subject to payment of the applicable state minimum wage.

Note: Public agencies employing persons under age 18 are subject to the federal child labor regulations and should contact the United States Department of Labor for specific information on hours and prohibited occupations.

## 9. What constitutes “on-call” time and when is it considered “hours worked”?

Whether or not employees are “working” during on-call time depends upon whether they are required to remain on or so close to the employer’s premises that they cannot use the time effectively for their own purposes.

Employees who are not required to remain on the employer’s premises but are merely required to leave word with their supervisors where they may be reached are not working while on-call. If the employer places restrictions on where and when the employee may travel while “on call” this may change the character of that “on call” status to being engaged in the performance of active duty. The particular facts must be evaluated on a case-by-case basis.

Employees may also be required to be on-call during paid rest breaks under certain circumstances. If the employee is called to duty, the rest period transforms the on-call period to an intermittent rest period and the employee must receive the remainder of their 10-minute break during the same four-hour work period. The time spent on-call during a rest period is considered “hours worked” regardless of whether the employee is called to duty or not. See Section 13 below; Administrative Policy [ES.C.6.1](#).

## 10. What constitutes “waiting time” and when is it considered “hours worked”?

In certain circumstances employees report for work but due to lack of customers or production, the employer may require them to wait on the premises until there is sufficient work to be performed. “Waiting time” is all time that employees are required or authorized to report at a designated time, and to remain on the premises or at a designated work site until they may begin their shift. During this time, the employees are considered to be engaged to wait, and all hours will be considered hours worked.

When a shutdown or other work stoppage occurs due to technical problems, such time spent waiting to return to work will be considered hours worked *unless* the employees are completely relieved from duty and can use the time effectively for their own purposes. For example, if employees are told in advance they may leave the job and do not have to commence work until a certain specified time, such time will not be considered hours worked. If the employees are told they must “stand by” until work commences, such time must be paid.

**EXAMPLE 10-1:** A truck driver is tasked with making freight deliveries to the employer’s warehouse. After the driver arrives with the load, the driver must wait for warehouse staff to unload the delivered goods.

- If the driver must standby and wait near the truck for an indeterminate period of time for the truck’s unloading to finish, the driver is likely “engaged to wait” and the time spent waiting would therefore be hours worked.
- If the driver is instead advised that the truck will be unloaded by a specific time, and the driver is fully relieved of all duties during this time and permitted to effectively use the time for employee’s own purposes, then the driver is likely “waiting to be engaged” and the time would therefore not be hours worked.

**EXAMPLE 10-2:** A customer service representative works remotely from home and depends on access to the employer’s network applications in order to perform work. When the employer’s

network applications experience technical difficulties, the employee is expected to standby until the employer either reestablishes the network applications or dismisses the employee for the day.

The time the customer service representative spends waiting is considered hours worked because the downtime period is of indeterminate duration, the employee is not relieved from duty, and the employee is not able to effectively use this time for the employee's own purposes.

#### **11. Is there a requirement for “show-up” pay?**

Under state law, an employer is not required by law to give advance notice to change an employee's shift or the shift's duration, so there is no legal requirement for show-up pay. That is, when employees report to work for their regularly scheduled shift but the employer has no work to be performed, and the employees are released to leave the employer's premises or designated work site, the employer is not required to pay wages if no work has been performed. Local jurisdictions, such as the [City of Seattle](#), may have other employee protections or requirements related to scheduling changes, show-up pay, or related topics.

#### **12. Is paid leave taken to cover an absence under state paid sick leave laws, or other leave provided by an employer, “hours worked”?**

No. Hours when an employee uses paid sick leave, or other leave provided by an employer, are not considered hours worked. Accordingly, an employer is not required to count those hours towards paid sick leave accrual requirements or overtime eligibility requirements under state law. See [WAC 296-128-620](#); Administrative Policy [ES.B.1](#); Administrative Policy [ES.A.8.1](#).

#### **13. Are rest periods considered “hours worked”?**

Yes, rest periods are considered hours worked and must be compensated because they are “on an employer's time.” See [WAC 296-126-092](#); Administrative Policy [ES.C.6.1](#); *Washington State Nurses Ass'n v. Sacred Heart Medical Center*, 175 Wn.2d 822, 287 P.3d 516 (2012).

#### **14. Are meal periods considered “hours worked”?**

Meal periods are considered hours of work when the employer requires employees to remain on duty on the premises or at a prescribed work site and requires the employee to act in the interest of the employer. In such cases, the meal period time counts toward the total number of hours worked and is compensable. See Administrative Policy [ES.C.6.1](#) for more guidance on when meal periods must be paid.

#### **15. What constitutes preparatory and concluding activities and when is this time considered “hours worked”?**

Preparatory and concluding activities are those activities that are considered integral or necessary to the performance of the job. Those duties performed in readiness and/or completion of the job are hours worked. When an employee does not have control over when and where such activities may be performed, such activities are hours worked.

Examples of preparatory and concluding activities that are hours worked include:

**15.1** Employees in a chemical plant who cannot perform their principal activities without putting on certain clothes, or changing clothes, on the employer's

premises at the beginning and end of the workday. Changing clothes would be an integral part of the employee's principal activity.

**15.2** Counting money in the till (cash register) before and after the shift, and other related paperwork.

**15.3** Preparation of equipment for the day's operation, i.e., greasing, fueling, warming up vehicles; cleaning vehicles or equipment; loading, and similar activities.

**15.4** Time spent participating in mandatory security or health screenings at entry or exit of a work facility.