Getting Paid for Not Working

Depending upon your job, you may be entitled to receive pay even for times when you are not working. Under federal law, your employer may be required to pay you, as an employee, for time that you are not working. Employees, in general, are required to pay their workers for time that is spent under the employer’s control and for the benefit of the employer. These wages could be paid for things like time you spend on-call, time spent traveling for business, and even time you spend sleeping! However, wages will generally not be paid for time spent commuting to and from work, or for time spent daydreaming.

The following are a few situations in which employers may have to pay employees wages for time when the employees are not working.

Employees Wages for Sleep Time

If you work at a job or in a business that requires employees to work 24-hour shifts at a worksite, there are certain situations in which you may be entitled to be paid for time spent asleep. Some of these industries include full-time caregivers, guards, and ambulance drivers. These employees are normally given time during their shift in which to sleep. Generally, the employee and the employer will agree upon a set period of time of 8 hours that occurs regularly in which to sleep. The federal Department of Labor’s Wages and Hour Division provides that any employee that works for less than 24 hours in a shift will be compensated for the entire shift, even if some of that time is spent asleep. This means that if you are scheduled for a 23-hour shift and you generally sleep for 5 hours during this shift, you will receive wages for the time you spent sleeping.

The federal government has also addressed shifts that last for 24 hours or more. For these shifts, the employer and employee may agree upon an 8-hour time period in which the employee can sleep, and the employer should provide adequate sleeping facilities. These 8 hours will generally not be paid as the employee is not under the control of the employer. However, if the employee’s duties call the employee away from sleep, that time spent working will be paid. In addition, if the employee cannot get more than 5 hours of sleep during the scheduled 8-hour break, the entire 8-hour sleep time period will be paid in wages.

Here is an example to clarify this position. Suppose Frank works as a security guard for a construction site. He regularly works 23-hour shifts and takes three naps during the day. Because Frank is scheduled to work a 23-hour shift, he will be paid for the entire 23 hours he is at the construction site.

Now suppose that Frank is scheduled to work 3 days on, 3 days off. During the 72 hours Frank is on shift, his employer furnishes a cot and agrees that Frank will sleep for 8 hours each day starting at 12 am and running until 8 am. Frank gets his full night of sleep for the first two 24-hour shifts, but is constantly running around for his employer during the last night of his shift and gets only 4 hours of sleep. For the first two days, Frank will receive wages for 16 hours per shift. However, for the last 24-hour leg of his shift, Frank will be paid for the entire 24 hours because he could not get more than 5 hours of sleep.

Employees Wages for On-Call Time

Employees may be entitled to be paid for time spent at their job while on-call and waiting for an assignment if they are required to stay on the employer’s premises. These wages should be paid regardless of whether the employee actually worked or not.

For employees that are required to be on-call in a different location than their employer’s premises, employees must be paid for any time spent where they have little to no control over their activities or time. Restrictions that may be placed on employees that get paid for on-call time not at their employer’s premises include:
• Being prohibited from drinking alcohol;
• Having to remain within 3 minutes, or a certain distance, of your job location; or
• Being prohibited from working for other employers during the waiting time.

For example, if you are employed as a limo driver and regularly are told to go wait at the local airport to pick up high-paying customers, you would probably get paid for time spent sitting around at the airport waiting for flights to come in. You must remain close to the airport and you are not allowed to drink any alcohol while on the job. Even if you only spend 15 minutes out of every hour driving clients around, your employer will probably be required to pay you for each hour you were on the clock.

**Employees Wages for Training and Education**

In most situations, if your employer sends you to a seminar, lecture or other learning/training session, you will be required to receive wages for the time spent there, as well as the time you spent traveling to and from the location.

**Employees Wages for Travel Time**

Even though you may be reimbursed for your costs of commuting to a different than normal job location, you will generally not be paid an hourly wage for the time you spend commuting to any job location. However, if you job requires you to go out on calls or to various job locations during the workday, your employer will probably be required to pay you for this travel time. In addition, if an emergency arises at your workplace that requires you to come in during times you are not normally at work, you may be able to collect wages for the time spent traveling. Lastly, if your employer requires you to take employer-sponsored transportation from a central location with other employees, you may be entitled to be paid for this travel time.

**Employee Wages for Meal and Rest Breaks**

Some states make it law that employers provide employees with meal and rest breaks throughout the day depending on the length of the shift. These laws generally set the number and time length of these breaks, and will also provide whether these breaks should be paid. In states that require such breaks but do not require the breaks to be paid, any employee on such a break must be entirely free from all work obligations. If such an employee is required to continue doing their job or perform other tasks for his employer during his break, then the break must be paid.

You can find out more about what hours your employer is required to pay you for by visiting the [Department of Labor’s Website](#).
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