



County Technical Assistance Service

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Sleep Time under § 7(k)

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Sleep Time under § 7(k)

Reference Number: CTAS-977

For firefighters and law enforcement personnel using the § 7(k) rules, there is one sleep time rule for employees on duty for 24 hours or less, and another for those who work a shift of more than 24 hours. If an employee's shift is 24 hours or less, all of the time is considered work time and there is no sleep time exclusion; allowing employees to sleep when they are not busy does not render the time to be non-compensable sleep time, nor does the furnishing of facilities to sleep, as long as an employee is still on duty.

When an employee's shift is longer than 24 hours, up to eight hours of sleeping time can be excluded from compensable working time if:

1. An expressed or implied agreement excluding sleeping time exists; and
2. Adequate sleeping facilities for an uninterrupted night's sleep are provided; and
3. At least five hours of sleep is possible during scheduled sleep periods; and
4. Interruptions to perform duties are considered hours worked.

If the employee does not get at least five hours of sleep time during the scheduled sleeping period, the entire time is hours worked. The five hours of sleep time need not be five continuous, uninterrupted hours of sleep. However, if interruptions during the sleep period are so frequent as to prevent reasonable periods of sleep totaling at least five hours, the entire period would be considered hours worked. No more than eight hours of sleeping time may be excluded from hours worked in any 24-hour period. There must be an advance agreement with the employee, and sleeping facilities must be furnished. The regulations applicable to § 7(k) employees appear at 29 C.F.R. § 553.222, and refer to the regulations at 29 C.F.R. § 785.22.

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