

## **Quick Quiz: "On Call" Time Under The FLSA**

January 19, 2012 by [John E. Thompson](#)

Alan is a Help Desk Associate for The Big Corporation. He is subject to the federal Fair Labor Standards Act's minimum-wage, overtime, and timekeeping requirements.

Alan normally works from 8 a.m. until 4 p.m., Tuesday through Saturday. Once each calendar month, Alan is on-call between 5 p.m. and 11 p.m. each day for a seven-day period.

He has to call-in within 30 minutes after receiving an e-mail on his cellphone. While he is on-call, he cannot drink alcoholic beverages, and he cannot leave the metropolitan area in which he lives. Typically, Alan receives two or three messages in a seven-day on-call period and spends about an hour dealing with each problem that prompted the e-mails he received. He accurately records all of the time he spends handling those problems, and his employer pays him properly under the FLSA for this worktime.

But what about the remaining time for which Alan is on-call? Is it likely that his idle time between calls will be deemed to be FLSA "hours worked"?