

Wage and Hour Division, Labor

§ 553.3

- 553.211 Law enforcement activities.
- 553.212 Twenty percent limitation on non-exempt work.
- 553.213 Public agency employees engaged in both fire protection and law enforcement activities.
- 553.214 Trainees.
- 553.215 Ambulance and rescue service employees.
- 553.216 Other exemptions.

TOUR OF DUTY AND COMPENSABLE HOURS OF WORK RULES

- 553.220 "Tour of duty" defined.
- 553.221 Compensable hours of work.
- 553.222 Sleep time.
- 553.223 Meal time.
- 553.224 "Work period" defined.
- 553.225 Early relief.
- 553.226 Training time.
- 553.227 Outside employment.

OVERTIME COMPENSATION RULES

- 553.230 Maximum hours standards for work periods of 7 to 28 days—section 7(k).
- 553.231 Compensatory time off.
- 553.232 Overtime pay requirements.
- 553.233 "Regular rate" defined.

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SOURCE: 52 FR 2032, Jan. 16, 1987, unless otherwise noted.

Subpart A—General

INTRODUCTION

§ 553.1 Definitions.

(a) *Act* or *FLSA* means the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201–219).

(b) *1985 Amendments* means the Fair Labor Standards Amendments of 1985 (Pub. L. 99–150).

(c) *Public agency* means a State, a political subdivision of a State or an interstate governmental agency.

(d) *State* means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or any other Territory or possession of the United States (29 U.S.C. 203(c) and 213(f)).

§ 553.2 Purpose and scope.

(a) The 1985 Amendments to the Fair Labor Standards Act (FLSA) changed certain provisions of the Act as they apply to employees of State and local public agencies. The purpose of part 553

is to set forth the regulations to carry out the provisions of these Amendments, as well as other FLSA provisions previously in existence relating to such public agency employees.

(b) The regulations in this part are divided into three subparts. Subpart A interprets and applies the special FLSA provisions that are generally applicable to all covered and nonexempt employees of State and local governments. Subpart A also contains provisions concerning certain individuals (*i.e.*, elected officials, their appointees, and legislative branch employees) who are excluded from the definition of "employee" and thus from FLSA coverage. This subpart also interprets and applies sections 7(o), and 7(p)(2), 7(p)(3), and 11(c) of the Act regarding compensatory time off, occasional or sporadic part-time employment, and the performance of substitute work by public agency employees, respectively.

(c) Subpart B of this part deals with "volunteer" services performed by individuals for public agencies. Subpart C applies various FLSA provisions as they relate to fire protection and law enforcement employees of public agencies.

§ 553.3 Coverage—general.

(a)(1) In 1966, Congress amended the FLSA to extend coverage to State and local government employees engaged in the operation of hospitals, nursing homes, schools, and mass transit systems.

(2) In 1972, the Education Amendments further extended coverage to employees of public preschools.

(3) In 1974, the FLSA Amendments extended coverage to virtually all of the remaining State and local government employees who were not covered as a result of the 1966 and 1972 legislation.

(b) Certain definitions already in the Act were modified by the 1974 Amendments. The definition of the term "employer" was changed to include public agencies and that of "employee" was amended to include individuals employed by public agencies. The definition of "enterprise" contained in section 3(r) of the Act was modified to