

5200.0121 SLEEPING TIME AND CERTAIN OTHER ACTIVITIES.

Subpart 1. **Less than 24-hour duty.** An employee who is required to be on duty for less than 24 hours is working even though the employee is permitted to sleep or engage in other personal activities when not busy except as provided in Minnesota Statutes, section 177.23, subdivision 11.

Subp. 2. **Duty of 24 hours or more.** If an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted sleeping period. If a sleeping period is of more than eight hours, only eight hours may be excluded. Where no expressed or implied agreement to the contrary is present, the lunch periods and up to eight hours of sleeping time constitute hours worked.

If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted so that the employee cannot get a minimum of five hours of sleep, the entire period must be counted as hours worked.

Subp. 3. **Employees residing on employer's premises or working at home.** An employee who resides on the employer's premises on a permanent basis or for extended periods of time is not considered as working all the time the employee is on the premises. Ordinarily, an employee may enjoy periods of complete freedom from all duties, during which the employee may engage in normal private pursuits. These free periods are not considered hours worked.

Statutory Authority: *MS s 177.28; 181A.12*

History: *11 SR 1740*

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