

TITLE 44
LABOR

CHAPTER 12
HOURS WORKED ACT

44-1201. DECLARATION OF STATE POLICY. As a guide to the interpretation and application of this act the public policy of this state is declared to be as follows: The financial and economic stability of the state of Idaho and its citizens is threatened by the filing of, and threats to file, lawsuits to recover for nonproductive labor performed during the war, which is a serious menace to the health, morals, and welfare of the people of this state and is a sufficient basis for invoking the police power of the state; that it is contrary to the public policy of the state of Idaho for persons now to sue for attorneys' fees, liquidated damages, and alleged overtime for nonproductive work performed during the war; that it is the policy of this state that when persons have once agreed to what constitutes compensable time spent in employment and employers have paid the same and employees have accepted payment on the basis of the agreement, that such agreement, payments and acceptance should be accepted as final; that the prospect of large sums being recovered as attorneys' fees, liquidated damages, and unpaid overtime from employers who would then have claims against the state for income tax refunds, and the possible bankruptcy of many persons, firms and corporations, who, otherwise would pay to the state large sums as income and other excise taxes, threatens our social security payments, our educational expansion program, and endangers teachers salaries, workmen's compensation benefits, unemployment compensation benefits, and all the activities of the state, and would create a serious condition of unemployment, all to the irreparable damage and injury to all of our people; that this situation is so serious that the power inherent in the state to protect itself through its police power should be and hereby is invoked to limit and define what has and shall constitute hours worked in all suits and actions for attorneys' fees, liquidated damages, back wages, overtime pay, penalties and/or damages where wages and salaries have been paid and accepted.

[44-1201, added 1947, ch. 267, sec. 1, p. 789.]

44-1202. HOURS OF WORK AND COMPENSABLE TIME -- DETERMINATION. In any and all suits, actions and court proceedings, whether now pending or hereafter instituted, for attorneys' fees, liquidated damages, back or unpaid wages, salaries or compensation for work or labor performed in Idaho, where wages or salaries have been paid to any employee for a pay period, and such employee claims additional salary, wages, overtime compensation, penalties, liquidated damages or attorneys' fees because of work done and services performed during his employment for the pay period covered by such payment, the following is and shall be the definition of "hours worked," and of time put in for which attorneys' fees, liquidated damages, back or unpaid wages, salaries, or compensation may be recovered:

In determining "hours worked" or compensable time for which recovery may be had in such actions for attorneys' fees, liquidated damages, back or unpaid wages, salaries or compensation, the following rules shall be applied:

(1) Wherever the custom or practice of a business, industry, plant, mine, factory or place of work has established the amount of noncompensable

time to be spent by an employee in travelling to and from the place of work, in preparing for productive work, in changing clothes before and after a shift, taking showers, securing and returning tools and equipment, in no event shall time so spent be deemed, held or considered to be time or hours worked;

(2) Wherever time spent traveling to or from the place of work, and the preliminary preparation for productive work, and time spent after a regular shift in preparing to leave the place of work, has been taken into consideration in fixing the rate of pay, it shall not be deemed, held or considered to be time or hours worked;

(3) In no event shall any of the following be deemed, held or considered as time or hours worked:

- (a) Time spent before beginning of shift in checking in;
- (b) Time spent in going to or returning from lunch;
- (c) Time spent in change room, taking showers, changing clothes, securing tools and equipment;
- (d) Time spent before actual shift starts in receiving instructions;
- (e) Time spent on employers' property after end of shift;
- (f) Time spent after end of shift in returning tools and equipment, receiving or giving orders, and making reports;
- (g) Time spent in traveling to or from the place of work;
- (h) Time spent in waiting in line for payment of wages or salaries;
- (i) Time spent in any incidental activities before or after work, which may involve activities which are excluded from compensable work time by industry practice, custom or agreement.

[44-1202, added 1947, ch. 267, sec. 2, p. 789.]

44-1203. COMPENSABLE PAY PROVISIONS UNAFFECTED. Nothing contained in this act shall be construed as preventing the recovery of any wages, salaries, overtime compensation, liquidated damages or attorneys' fees, where salaries or wages have not been paid for a pay period, nor as preventing an employer and an employee from agreeing in writing as to what shall constitute hours worked or time spent for which compensation shall be paid, and on which overtime compensation shall be paid.

[44-1203, added 1947, ch. 267, sec. 3, p. 789.]

44-1204. SHORT TITLE. This act may be referred to as the "Idaho Hours Worked Act."

[44-1204, added 1947, ch. 267, sec. 4, p. 789.]