

**FACT SHEET #84: COMPENSABILITY OF TIME SPENT  
UNDERGOING COVID-19 HEA**

More specifically employees must be paid for time spent going to, waiting for, and receiving medical attention required by the employer or on the employer's premises during normal working hours. Therefore, if an employer requires an employee to obtain a COVID-19 vaccine dose, undergo a COVID-19 test, or engage in a COVID-19 related health screening or temperature check during the employee's normal working hours, the time that the employee spends engaged in the activity is compensable. Employees must be paid for such time during normal working hours, regardless of where the activity occurs. This is true regardless of whether the employer is subject to the OSHA Vaccination and Testing ETS.

**Example:** Employer has a mandatory COVID-19 vaccination policy for all employees. Employee spends two hours obtaining their first dose of the COVID-19 vaccine during normal working hours. Employer is required to pay Employee for time needed to receive the mandatory vaccine dose during normal working hours.

**Example:** Employer requires Employee to have a temperature check onsite to screen for people who might have COVID-19 after Employee has started work for the day. Employer must pay for the time needed to undergo the temperature check related to COVID-19 during normal working hours.

## **Activities That Occur Outside of Normal Working Hours**

Under the FLSA, employers are required to pay employees for all hours worked, including for time outside of normal working hours if the task that the employee is required to perform is necessary for the work they are paid to do. As a general matter, time spent engaged in employer-required activities that are necessary for an employee to safely and effectively perform their job are “integral and indispensable” to their work and therefore must be paid. For example, if a health care professional is required to put on and take off personal protective equipment (PPE) prior to and after a work shift to protect that worker from COVID-19 exposure, such time spent putting on and taking off the PPE is compensable under the FLSA because it is necessary to the safe and effective performance of that worker’s job.

provide proof of regular testing and wear a face covering), the employer is not required to pay the employee for time spent undergoing regular COVID-19 testing.

When state law differs from the federal FLSA, an employer must comply with the standard most protective to employees. Links to your state labor department can be found at [www.dol.gov/agencies/whd/state/contacts](http://www.dol.gov/agencies/whd/state/contacts).

This publication is general information and is not to be considered in the same light as official statements of position contained in the regulations.

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