
29 C.F.R. § 790.9

“Compensable * * * by an express provision of a written or nonwritten contract.”

- (a) Where an employee engages in a “preliminary” or “postliminary” activity of the kind described in section 4(a) of the Portal Act and this activity is “compensable * * * by an express provision of a written or nonwritten contract” applicable to the employment, section 4 does not operate to relieve the employer of liability or punishment under the Fair Labor Standards Act with respect to such activity, ^[1] and does not relieve the employer of any obligation he would otherwise have under that Act to include time spent in such activity in computing hours worked. ^[2]
- (b) The word “compensable,” is used in subsections (b), (c), and (d) of section 4 without qualification. ^[3] It is apparent from these provisions that “compensable” as used in the statute, means compensable in any amount. ^[4]

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