



May 19, 2001

FLSA2001-16

Dear *Name**,

This is in reply to your request for an opinion regarding revision 643 of the Field Operations Handbook issued December 15, 2000.

You are requesting an opinion as to whether the unauthorized extension of an authorized break by an employee who has been previously advised of the three conditions of 31a01(c) results in the loss of the entire period of the break from compensable time rather than just the amount of time by which the break has been extended without authorization.

Only the length of the unauthorized extension of an authorized break will not be considered hours worked when the three conditions are met, not the entire break.

This opinion is based exclusively on the facts and circumstances described in your request and is given on the basis of your representation, explicit or implied, that, you have provided a full and fair description of all the facts and circumstances which would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your request might require a different conclusion than the one expressed herein.

Sincerely,

Thomas M. Markey
Acting Administrator

*Note: * The actual name(s) was removed to preserve privacy.*