

875—220.31(91D) Substitution—federal Fair Labor Standards Act, 29 U.S.C. 207(p)(3).

220.31(1) Individuals employed in any occupation by the same public agency may agree, solely at their option and with the approval of the public agency, to substitute for one another during scheduled work hours in performance of work in the same capacity. Where one employee substitutes for another, each employee will be credited as if the employee had worked the normal work schedule for that shift.

220.31(2) An employee's decision to substitute will be considered to have been made at the employee's sole option when it has been made *(a)* without fear of reprisal or promise of reward by the employer, and *(b)* exclusively for the employee's own convenience.

SOURCE: 29 CFR 553.31.