

875—217.32(91D) “Other facilities.”

217.32(1) “Other facilities,” as used in this chapter, shall be something similar to board or lodging. The following items are deemed to be within the meaning of the term:

- a.* Meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees;
- b.* Meals, dormitory rooms, and tuition furnished by a college to its student employees;
- c.* Housing furnished for dwelling purposes;
- d.* General merchandise furnished without cost to the employee at company stores and commissaries (including articles of food, clothing, and household effects);
- e.* Fuel (including coal, kerosene, firewood, and lumber slabs), electricity, water, and gas furnished for the noncommercial personal use of the employee; and
- f.* Transportation furnished employees between their homes and work where the travel time does not constitute compensable hours worked and the transportation is not an incident of and necessary to the employment.

217.32(2) Shares of capital stock in an employer company, representing only a contingent proprietary right to participate in profits and losses or in the assets of the company at some future dissolution date, are not “facilities.”

217.32(3) The cost of furnishing “facilities” which are primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages. Items in addition to those set forth in rule 217.3(91D) which are primarily for the benefit or convenience of the employer and are not therefore to be considered “facilities” include:

- a.* Safety caps, explosives, and miners’ lamps (in the mining industry);
- b.* Electric power (used for commercial production in the interest of the employer);
- c.* Company police and guard protection;
- d.* Taxes and insurance on the employer’s buildings which are not used for lodgings furnished to the employee;
- e.* Dues to chambers of commerce and other organizations used, for example, to repay subsidies given to the employer to locate a factory in a particular community;
- f.* Transportation charges where the transportation is an incident of and necessary to the employment (as in the case of maintenance-of-way employees of a railroad);
- g.* Charges for rental of uniforms where the nature of the business requires the employee to wear a uniform; and
- h.* Medical services and hospitalization which the employer is bound to furnish under workers’ compensation acts, or similar law.

217.32(4) Meals are always regarded as primarily for the benefit and convenience of the employee.

SOURCE: 29 CFR 531.32.