



# Hours of Service Training

## Adjacent Off-Duty Time Included as Part of the Sleeper Berth Period

This bulletin explains how enforcement staff should apply 49 CFR 395.1(g)(1)(ii) when one rest period includes off duty time that is adjacent to at least 7 hours in the sleeper berth.

49 CFR 395.1(g) allows drivers to take their required 10 hours off-duty in two periods.

**Rest Period 1**

7+ hours sleeper

One period must include **at least 7 consecutive hours** in the sleeper berth. Off duty time adjacent to the 7+ hours in the sleeper berth is part of the qualifying rest period and is excluded from the 14-hour calculation when the rest period is paired with a second qualifying period.

**Rest Period 2**

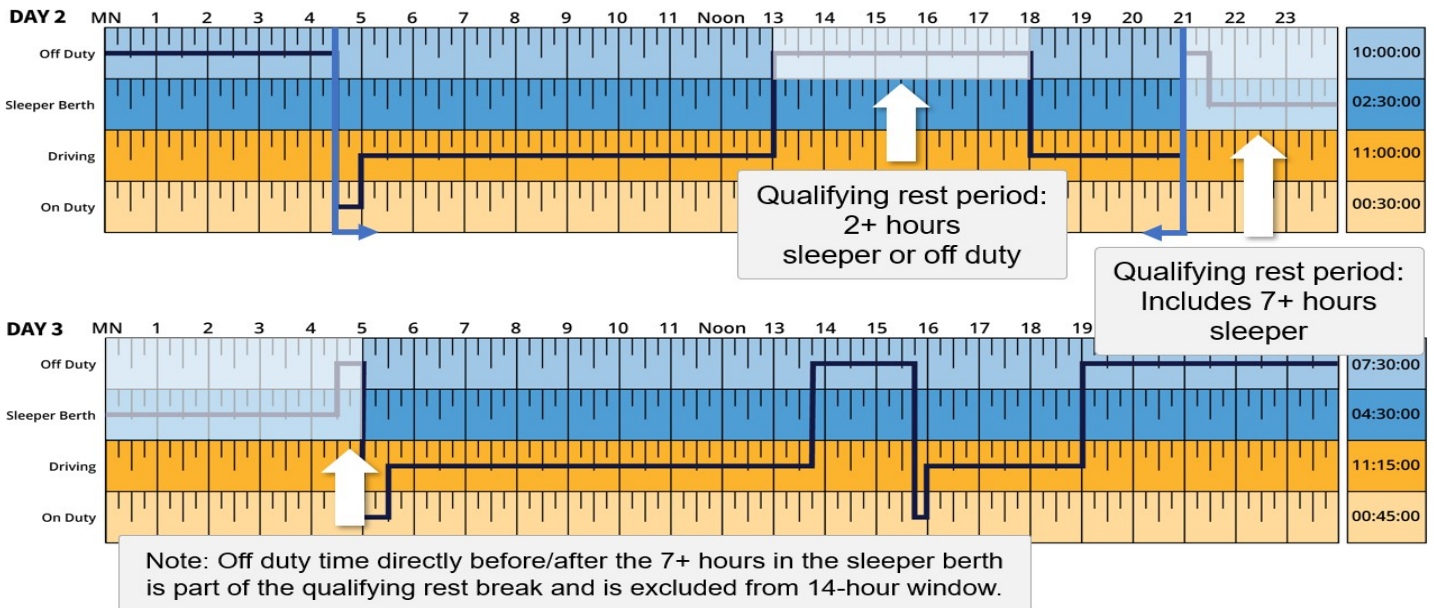
2+ hours sleeper or off duty

The other period must be **at least 2 consecutive hours** and may be off duty time, sleeper berth time, or a combination of off duty and sleeper berth time. The entire rest period is excluded from the 14-hour calculation.

### Example

In this example, the rest breaks that would be paired to calculate the 14-hour driving window are the 5-hour off duty period from 1300 to 1800 on Day 2 and the 8-hour off duty and sleeper berth period from 2100 on Day 2 to 0500 on Day 3.

The first period meets the requirement of at least 2 consecutive hours off duty and/or in the sleeper berth. This second period includes at least 7 consecutive hours spent in the sleeper berth, as well as adjacent off-duty time. The off-duty time directly before and after the sleeper berth time is part of the qualifying rest period. The entirety of both periods is excluded from 14-hour calculation.





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As a reminder, the two periods can be taken in any sequence and there are no upper limits on the lengths of each period.

This guidance is effective immediately. Enforcement should use the revised guidance provided in the attached training bulletin. These changes were reflected in calculation of hours of service in eRODS and the Educational Tool for Hours of Service (ETHOS) as of September 9, 2021.

## **Are you using the latest version of eRODS?**

Make sure you are using the most up-to-date version of eRODS to access this update. eRODS will prompt you to install updates when available. Launch eRODS and log in to the ELD Web Service to receive the prompt and click **OK** to start updating eRODS.

You can always check for eRODS updates by clicking **Check for eRODS Update** on the eRODS home screen or under the FMCSA menu (log in to the ELD Web Service to enable this feature).

**Do not download and install the public version of eRODS.** If you need to download the correct version, use the instructions below (log in with your FMCSA Portal credentials):

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