

Labor Cases, par. 64,340. Thus, only employees of a railroad, water carrier, or freight forwarder outside of the scope of part I of the Interstate Commerce Act and of the 13(b)(2) exemption are affected by the above on and after the date of the amendment.) Both before and after the amendments referred to, it has been the Division's position that the 13(b)(1) exemption is applicable to drivers, drivers' helpers, loaders, and mechanics employed in pickup and delivery service to line-haul motor carrier depots or under contract with forwarding companies, since the Interstate Commerce Commission had determined that its regulatory power under section 204 of the Motor Carrier Act extended to such employees.

(d) The determinations of the Interstate Commerce Commission discussed in paragraphs (a), (b), and (c) of this section have not been amended or revoked by the Secretary of Transportation. These determinations will continue to guide the Administrator of the Wage and Hour Division in his enforcement of section 13(b)(1) of the Fair Labor Standards Act.

[36 FR 21778, Nov. 13, 1971, as amended at 37 FR 23638, Nov. 7, 1972]

PART 783—APPLICATION OF THE FAIR LABOR STANDARDS ACT TO EMPLOYEES EMPLOYED AS SEAMEN

INTRODUCTORY

- Sec.
- 783.0 Purpose of this part.
- 783.1 General scope of the Act.
- 783.2 Matters discussed in this part.
- 783.3 Significance of official interpretations.
- 783.4 Basic support for interpretations.
- 783.5 Interpretations made, continued, and superseded by this part.

SOME BASIC DEFINITIONS

- 783.6 Definitions of terms used in the Act.
- 783.7 "Employer", "employee", and "employ".
- 783.8 "Person".
- 783.9 "Enterprise".
- 783.10 "Establishment".
- 783.11 "Enterprise engaged in commerce or in the production of goods for commerce".
- 783.12 "Commerce".
- 783.13 "Production".
- 783.14 "Goods".

- 783.15 "State".
- 783.16 "Wage".
- 783.17 "American vessel".

APPLICATION IN GENERAL OF THE ACT'S PROVISIONS

- 783.18 Commerce activities of employees.
- 783.19 Commerce activities of enterprises in which employee is employed.
- 783.20 Exemptions from the Act's provisions.
- 783.21 Guiding principles for applying coverage and exemption provisions.
- 783.22 Pay standards for employees subject to "old" coverage of the Act.
- 783.23 Pay standards for "newly covered" employees.

THE STATUTORY PROVISIONS REGARDING SEAMEN

- 783.24 The section 13(a)(14) exemption.
- 783.25 The section 13(b)(6) exemption.
- 783.26 The section 6(b)(2) minimum wage requirement.
- 783.27 Scope of the provisions regarding "seamen".

LEGISLATIVE HISTORY AND JUDICIAL CONSTRUCTION OF THE EXEMPTIONS

- 783.28 General legislative history.
- 783.29 Adoption of the exemption in the original 1938 Act.
- 783.30 The 1961 Amendments.

WHO IS "EMPLOYED AS A SEAMAN"

- 783.31 Criteria for employment "as a seaman".
- 783.32 "Seaman" includes crew members.
- 783.33 Employment "as a seaman" depends on the work actually performed.
- 783.34 Employees aboard vessels who are not "seamen".
- 783.35 Employees serving as "watchmen" aboard vessels in port.
- 783.36 Barge tenders.
- 783.37 Enforcement policy for nonseaman's work.

WHAT IS AN "AMERICAN VESSEL"

- 783.38 Statutory definition of "American vessel".
- 783.39 "Vessel" includes all means of water transportation.
- 783.40 "Documented" vessel.
- 783.41 "Numbered" vessel.
- 783.42 Vessels neither "documented" nor "numbered".

COMPUTATION OF WAGES AND HOURS

- 783.43 Computation of seaman's minimum wage.
- 783.44 Board and lodging as wages.
- 783.45 Deductions from wages.
- 783.46 Hours worked.
- 783.47 Off-duty periods.

§ 783.0

APPLICATION OF THE EXEMPTIONS

783.48 Factors determining application of exemptions.

783.49 Workweek unit in applying the exemptions.

783.50 Work exempt under another section of the Act.

783.51 Seamen on a fishing vessel.

AUTHORITY: Secs. 1-19, 52 Stat. 1060, as amended; 29 U.S.C. 201-219.

SOURCE: 27 FR 8309, Aug. 21, 1962, unless otherwise noted.

INTRODUCTORY

§ 783.0 Purpose of this part.

This part 783 is the official interpretation of the Department of Labor with respect to the meaning and application of sections 6(b)(2), 13(a)(14), and 13(b)(6) of the Fair Labor Standards Act, as amended, which govern the application of the minimum wage and overtime pay requirements of the Act to employees employed as seamen. Prior to the Fair Labor Standards Amendments of 1961, which became effective on September 3, 1961, all employees employed as seamen were exempt from both the minimum wage and overtime pay provisions of the Act. The 1961 amendments have narrowed this exemption so as to extend the minimum wage provisions of the Act to employees employed as seamen on American vessels. Employees employed as seamen on vessels other than American vessels continue to be exempt from both the minimum wage and the overtime pay requirements of the Act. It is the purpose of this part to make available in one place the interpretations of the law relating to employees employed as seamen which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act.

§ 783.1 General scope of the Act.

The Fair Labor Standards Act, as amended, is a Federal statute of general application which establishes minimum wage, overtime pay, and child labor requirements that apply as provided in the Act. All employees, whose employment has the relationship to interstate or foreign commerce which the Act specifies, are subject to the prescribed labor standards unless spe-

29 CFR Ch. V (7-1-04 Edition)

cifically exempt from them. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act. Such employers are also required to comply with specified recordkeeping requirements contained in part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 783.2 Matters discussed in this part.

This part 783 discusses the meaning and application of the exemptions provided in sections 13(a)(14) and 13(b)(6) of the Act. The provisions of section 6(b)(2) of the Act, which relate to the calculation of minimum wages and the hours worked by seamen on American vessels, are also discussed in this part. Other provisions of the Act are discussed only to make clear their relevance to these provisions and are not considered in detail in this part. Interpretations and regulations also published elsewhere in this title deal in some detail with such subjects as the general coverage of the Act (part 776 of this chapter), methods of payment of wages (part 531 of this chapter), hours worked (part 785 of this chapter), recordkeeping requirements (part 516 of this chapter), and qualifications for exempt executive, administrative, and professional employees (part 541 of this chapter). Reference should also be made to subpart G of part 570 of this chapter which contains the official interpretations of the child labor provisions of the Act. Copies of any of these documents may be obtained from any office of the Wage and Hour Division.

§ 783.3 Significance of official interpretations.

This part contains the official interpretations of the Department of Labor pertaining to the provisions of section 6(b)(2) and the exemptions provided in sections 13(a)(14) and 13(b)(6) of the Act. It is intended that the positions stated concerning the Act will serve as "a practical guide to employers and