

Wage and Hour Division, Labor

§ 794.3

- 794.121 Exclusion of excise taxes.
- 794.122 Ascertainment of “annual” gross sales volume.
- 794.123 Method of computing annual volume of sales.
- 794.124 Computations on a fiscal year basis.
- 794.125 Grace period of 1 month for compliance.
- 794.126 Computations for a new business.

SALES MADE WITHIN THE STATE

- 794.127 Exemption conditioned on making 75 percent of sales within the State.
- 794.128 Sales made to out-of-State customers.
- 794.129 Sales “made within the State” not limited to noncovered activity.

SALES MADE TO OTHER BULK DISTRIBUTORS

- 794.130 Not more than 25 percent of sales may be to customers engaged in bulk distribution of petroleum products for resale.
- 794.131 “Customer * * * engaged in bulk distribution.”
- 794.132 “Petroleum products.”
- 794.133 “Bulk” distribution.
- 794.134 Distribution “for resale.”

APPLICATION OF EXEMPTION TO EMPLOYEES

- 794.135 Employees who are exempt.
- 794.136 Employees whose activities may qualify them for exemption.
- 794.137 Effect of activities other than “wholesale or bulk distribution of petroleum products.”
- 794.138 Workweek unit in applying the exemption.
- 794.139 Exempt and nonexempt activities in the workweek.
- 794.140 Compensation requirements for a workweek under section 7(b)(3).
- 794.141 Workweeks when hours worked do not exceed 12 in any day or 56 in the week; compensation requirements.
- 794.142 Special compensation when overtime in excess of 12 daily or 56 weekly hours is worked in the workweek.
- 794.143 Work exempt under another section of the Act.

RECORDS TO BE KEPT BY EMPLOYERS

- 794.144 Records to be maintained.

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

SOURCE: 35 FR 16510, Oct. 22, 1970, unless otherwise noted.

Subpart A—General

§ 794.1 General scope of the Act.

The Fair Labor Standards Act, as amended, hereinafter referred to as the Act, is a Federal statute of general ap-

plication which establishes minimum wage, overtime pay, equal 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 specifically exempted 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.

§ 794.2 Purpose of this part.

This part 794 constitutes the official interpretation of the Department of Labor with respect to the meaning and application of section 7(b)(3) of the Act. This section provides a limited partial exemption from the overtime provisions of section 7 of the Act (but not from the minimum wage, child labor, equal pay, or recordkeeping provisions) with respect to employees of an independently owned and controlled local enterprise engaged in the wholesale or bulk distribution of petroleum products, if the enterprise meets certain specified conditions. This exemption was added to the Act by the 1966 Amendments, which repealed a complete overtime exemption previously available for employees of such enterprises (section 13(b)(10) of the Act as amended in 1961). It is the purpose of this part to make available in one place the interpretations of the law governing this exemption which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act.

§ 794.3 Matters discussed in this part.

This part primarily discusses the meaning and application of the section 7(b)(3) exemption. The meaning and application of other provisions of the