Standards Act of 1938, as amended, of the Walsh-Healey Act, or of the Davis-Bacon Act, in determining the time for which an employer employs an employee with respect to walking, riding, traveling, or other preliminary or postliminary activities described in paragraph (a) of this section, there shall be counted all that time, but only that time, during which the employee engages in any such activity which is compensable within the meaning of paragraphs (b) and (c) of this section.

PART 786—MISCELLANEOUS EXEMPTIONS

Subpart A—Carriers by Air

Sec.
786.1 Enforcement policy concerning performance of nonexempt work.

Subpart B [Reserved]

Subpart C—Switchboard Operator Exemption

786.100 Enforcement policy concerning performance of nonexempt work.

Subpart D—Employers Subject to Part 1 of Interstate Commerce Act

786.150 Enforcement policy concerning performance of nonexempt work.

Subpart E—Taxicab Operators

786.200 Enforcement policy concerning performance of nonexempt work.

Subpart F—Newspaper Publishing

786.250 Enforcement policy.

AUTHORITY: 52 Stat. 1060, as amended; 29 U.S.C. 201–219.

Subpart A—Carriers by Air

§ 786.1 Enforcement policy concerning performance of nonexempt work.

The Division has taken the position that the exemption provided by section 13(b)(3) of the Fair Labor Standards Act of 1938, as amended, will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employed during the workweek.

[21 FR 5056, July 7, 1956]

Subpart B [Reserved]

Subpart C—Switchboard Operator Exemption

§ 786.100 Enforcement policy concerning performance of nonexempt work.

The Division has taken the position that the exemption provided by section 13(a)(10) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

[32 FR 15426, Nov. 4, 1967]

Subpart D—Employers Subject to Part 1 of Interstate Commerce Act

§ 786.150 Enforcement policy concerning performance of nonexempt work.

The Division has taken the position that the exemption provided by section 13(b)(2) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

[13 FR 1377, Mar. 17, 1948]