Wage and Hour Division, Labor

§ 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.


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 employee 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