§ 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.

[32 FR 15426, Nov. 4, 1967]

Subpart E—Taxicab Operators

§ 786.200 Enforcement policy concerning performance of nonexempt work.

The Division has taken the position that the exemption provided by section 13(b)(17) 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]

PART 788—FORESTRY OR LOGGING OPERATIONS IN WHICH NOT MORE THAN EIGHT EMPLOYEES ARE EMPLOYED

§ 788.1 Statutory provisions.

§ 788.2 Matters not discussed in this part.

§ 788.3 Purpose of this part.

§ 788.4 Significance of official interpretations.

§ 788.5 Reliance on official interpretations.

§ 788.6 Scope of the section 13(a)(13) exemption.

§ 788.7 "Planting or tending trees."

§ 788.8 "Cruising, surveying, or felling timber."

§ 788.9 "Preparing * * * logs."

§ 788.10 "Preparing * * * other forestry products."

§ 788.11 "Transporting [such] products to the mill, processing plant, railroad, or other transportation terminal."

§ 788.12 Limitation of exemption to specific operations in which "number of employees * * * does not exceed eight."

§ 788.13 Counting the eight employees.

§ 788.14 Number employed in other than specified operations.

§ 788.15 Multiple crews.

§ 788.16 Employment relationship.

§ 788.17 Employees employed in both exempt and nonexempt work.

§ 788.18 Preparing other forestry products.