which, if it continued throughout the workweek, would qualify for exemption
under another section or sections of
the Act, the exemptions may be com-
bined (see Remington v. Shaw (W.D.
Mich.) 2 WH Cases 262). The employee,
however, qualifies for exemption only
to the extent of the exemption which is
more limited in scope (see Mitchell v.
Hunt, 263 F. 2d 913). For example, if
part of the work is exempt from both
minimum wage and overtime com-
ensation under one section of the Act
and the rest is exempt only from the
overtime pay provisions under another
section, the employee is exempt that
week from the overtime provisions, but
not from the minimum wage require-
ments. In this connection, attention is
directed to another exemption in the
Act which relates to work in grain ele-
vators, which may apply in appropriate
circumstances, either in combination
with section 13(b)(14) or to employees
for whom the requirements of section
13(b)(14) cannot be met. This other ex-
emption is that provided by section
7(c). Section 7(c), which is discussed in
part 526 of this chapter, provides a lim-
ited overtime exemption for employees
employed in the seasonal industry of
storing grain in country grain ele-
vators, public terminal and sub-ter-
minal elevators, wheat flour mills,
nonelevator bulk storing establish-
ments and flat warehouses, § 526.10(b)(14) of this chapter.

Subpart I—Employment in Ginning
of Cotton and Processing of
Sugar Beets, Sugar-Beet Mo-
lasses, Sugarcane, or Maple
Sap into Sugar or Syrup; Ex-
emption From Overtime Pay
Requirements Under Section
13(b)(15)

INTRODUCTORY

§ 780.800 Scope and significance of inter-
pretative bulletin.

Subpart A of this part 780 and this
subpart I constitute the official inter-
pretative bulletin of the Department of
Labor with respect to the meaning and
application of section 13(b)(15) of the
Fair Labor Standards Act of 1938, as
amended. This section provides an ex-
ception from the overtime pay provi-
sions of the Act for two industries (a)
for employees engaged in ginning of
cotton for market in any place of em-
ployment located in a county where
cotton is grown in commercial quan-
tities and (b) for employees engaged in
the processing of sugar beets, sugar-
beet molasses, sugarcane or maple sap,
into sugar (other than refined sugar) or
syrup. The limited overtime exemp-
tions provided for cotton ginning and
for sugar processing under sections 7(c)
and 7(d) (see part 526 of this chapter)
are not discussed in this subpart.

§ 780.801 Statutory provisions.

Section 13(b)(15) of the Fair Labor
Standards Act exempts from the over-
time requirements of section 7:

Any employee engaged in ginning of cotton
for market, in any place of employment lo-
cated in a county where cotton is grown in
commercial quantities, or in the processing
of sugar beets, sugar-beet molasses, sugarcane,
or maple sap, into sugar (other than re-

defined sugar) or syrup.

Section 13(b)(15) supplants two exemp-
tions that were contained in the Act
prior to the Fair Labor Standards
Amendments of 1966. The first is
former section 13(a)(18), having iden-
tical language, which provided a com-
plete exemption for those employed in
the ginning of cotton. The second is
the former section 7(c) which provided
an overtime exemption for the employ-
ees of an employer engaged in sugar
processing operations resulting in
unrefined sugar or syrup.

§ 780.802 What determines application
of the exemption.

It is apparent from the language of
section 13(b)(15) that the application of
this exemption depends upon the na-
ture and purpose of the work performed
by the individual employee for whom
exemption is sought, and in the case of
ginning of cotton on the location of the
place of employment where the work is
done and other factors as well. It does
not depend upon the character of the
business of the employer. A determina-
tion of whether an employee is exempt
therefore requires an examination of
that employee’s duties. Some employ-
ees of the employer may be exempt
while others may not.