

FLSA-544

April 16, 1974

This is in further reference to your letter of February 13, 1974, concerning the status of certain vending machine mechanics under section 13(b)(1) of the Fair Labor Standards Act.

The employees about whom you inquired fall into two classes: (1) music machine mechanics who maintain juke boxes and carry with them music records and other parts which originated in other States and (2) cigarette machine mechanics who carry matches which have originated in other States.

We have been advised by the United States Department of Transportation that, in general, they would not regard either of these two classes of employees as being within their jurisdiction except when they operate commercial motor vehicles from one State to another. In addition, they indicated that they have presumed that the commodities transported by both the music machine mechanics and the cigarette vending machine mechanics were drawn from the general inventory of their respective employers. In such circumstances, the interstate transportation of these commodities would be regarded as completed when they reached the employers' general inventories. Subsequent movements would not be considered as a continuation of the initial, interstate transportation.

Based on the above information and interpretation, the overtime exemption contained in section 13(b)(1) of the Fair Labor Standards Act would not be applicable to the vending machine mechanics described in your letter.

Sincerely,

Warren D. Landis
Acting Administrator
Wage and Hour Division