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U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington

BULLETIN ON TRUCKING EMPLOYEES REVISED

All employees of common and contract motor carriers engaged in interstate or foreign commerce, except those drivers over whom the Interstate Commerce Commission has taken jurisdiction, are entitled to both the minimum wage and maximum hour benefits of the Fair Labor Standards Act, Col. Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, declared today in commenting on a recently issued revision of Interpretative Bulletin No. 9.

Dealing with the exemption of certain employees of motor carriers from the maximum hour provisions of the Act under Section 13(b)(1), the revised bulletin cites the recent ruling of the United States Supreme Court in the case of the United States, et al. v. The American Trucking Associations, Inc. The decision sustained the position of the Interstate Commerce Commission and the Wage and Hour Division that the Commission is limited in fixing maximum hours to only those employees of common and contract motor carriers whose activities affect the safety of operation. It is pointed out in the bulletin that up until now, the Commission has put only drivers in the category of those employees affecting the safety of operation.

Thus, all other employees of common and contract motor carriers engaged in interstate or foreign commerce are entitled to 30 cents an hour and time and one-half after 42 hours. The exempt drivers, while they are not entitled to overtime compensation, must nevertheless be paid the minimum of 30 cents an hour.

Drivers of private carriers engaged in interstate or foreign commerce will be exempt from the maximum hour provisions of the Fair Labor Standards Act starting August 1, 1940, when ICC regulations governing their maximum hours of service become effective, it is stated. As in the case of drivers for common and contract carriers, they are entitled to the minimum wage of 30 cents an hour.

The revised bulletin asserts that since the ICC expressly declined to take jurisdiction over drivers employed by wholesalers operating wholly within the state, drivers employed by such wholesalers do not come within the exemption. Attention is called to the fact that the exemption becomes operative in any work-week in which the drivers for such wholesalers engage in any transportation over which the Commission has asserted jurisdiction, such as transportation across state lines.

The revised bulletin lists the following as not being within the exemption:

Drivers transporting goods in and about a plant producing goods for commerce; chauffeurs or drivers of company cars or busses transporting officers or employes in the course of their employment in an establishment producing goods for interstate commerce, drivers who transport goods from a producer's plant to the plant of a processor who sells goods in interstate commerce, and drivers who transport goods from a factory to the plant of an independent contractor who performs operations on the goods and returns them by truck to the factory which further processes such goods.

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