

For Release Wednesday  
March 25, 1942

R-1762

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
165 W. 46th St.  
New York, N. Y.

*Executive*

#### ADMINISTRATOR CLARIFIES EXEMPTION PROVISIONS FOR MOTOR CARRIER EMPLOYEES

Mechanics, loaders, and drivers' helpers are included with drivers as the employees of common and contract carriers engaged in transportation in interstate commerce whom the Wage and Hour Division, U. S. Department of Labor, considers exempt from the overtime provisions of the Fair Labor Standards Act.

This was announced today by L. Metcalfe Walling, Administrator, in releasing a revised edition of the Division's Interpretative Bulletin No. 9 dealing with the application of the Wage-Hour Law to employees of motor carriers.

In the previous edition of the Interpretative Bulletin, the opinion was expressed that only the drivers were subject to exemption from overtime. The Interstate Commerce Commission has made a finding that mechanics, loaders, and drivers' helpers also affect safety of operation, thus subjecting these employees to hour regulations of the ICC.

Mr. Walling emphasized, however, that the overtime exemption does not apply to mechanics, loaders, and drivers' helpers employed by private carriers. These employees, if covered by the Act must not only be paid in accordance with the law's minimum wage requirements, but must also receive the overtime rate of time and one-half their regular hourly rate of pay for work in excess of 40 hours per week.

Drivers of private carriers engaged in transportation in interstate commerce are considered exempt from the overtime provisions, since their hours, like those of drivers of common and contract carriers engaged in transportation in interstate commerce, are regulated by the Interstate Commerce Commission.

The minimum wage requirements of the law apply at all times to all four types of employees. Recent wage orders established for the passenger motor carrier industry and the property motor carrier industry call for a 40-cent per hour minimum wage rate in both industries.

The revised bulletin is unchanged in other respects, but contains a more complete statement of the Division's previously expressed opinion that an employee who might otherwise be considered exempt is in fact nonexempt in any workweek in which he performs a substantial amount of nonexempt work. The bulletin defines the phrase "a substantial amount of nonexempt work" as meaning nonexempt work in excess of 20 percent of the total number of hours worked by the employee in the workweek involved.