

FLSA-289

July 18, 1951

This is in reply to your letter of June 18, 1951, in which you ask whether all time spent away from the home terminal by interstate truck drivers must be counted in determining the total number of hours worked by these employees or whether only actual number of hours worked is considered. Your inquiry apparently has reference to the Fair Labor Standards Act.

Since you refer specifically to the computation of minimum wages for these employees I assume that you are aware of the exemption from the Act's overtime provisions which is available for drivers of interstate motor carriers under section 13(b)(1) of the Act. However I am enclosing for your information a copy of the interpretative bulletin on this exemption.

The Divisions have not issued an interpretative bulletin dealing with hours worked by truck drivers, as such. However, an interpretative bulletin on hours worked by employees generally is now being revised and a copy will be mailed you when it is available for distribution.

In general, all time spent by truck drivers and relief drivers in driving, or riding on, their employer's trucks or in loading, unloading or performing other work for the employer is hours worked. However employees' hours of work are not considered to include certain periods which they are permitted to use for their own purposes, and during which they are relieved of all duties for the employer. For example, bona fide meal periods, and periods spent in sleeping in a sleeping berth or other sleeping accommodations furnished or paid for by the employer need not be counted as hours worked, where such periods are of sufficient length to be used effectively by the employee for the intended purpose, and the employee is actually relieved of all duties and responsibilities, including such duties as watching or guarding the truck.

Without specific facts concerning the activities of the employees in question, I am unable to tell you how the hours worked principles apply in this case. For this reason, it is suggested that you get in touch with the Divisions' Field Office located at 205 West Grace Street, Richmond, Virginia, and set forth all the duties of the employees in question. We will be glad to review the case in light of the additional facts and will assist you in every way possible. In accordance with your request there is being sent to you under separate cover the regulations and interpretations which are currently available for distribution.

Very truly yours,

Wm. R. McComb

Administrator