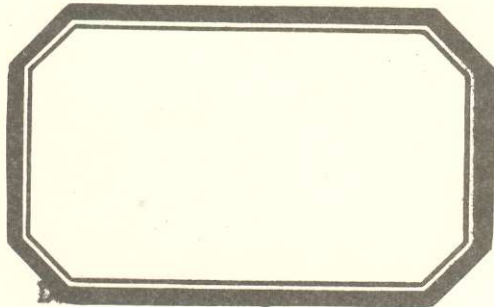


Wage and Hour and Public Contracts Divisions
Washington 25

Services SOL

20210



25 BA 407.8

FEB 17 1964

This is in further reference to your letter of January 8, 1964, concerning truck drivers resting in the truck's sleeping berth.

As indicated in section 785.22 of the bulletin on Hours Worked, previously sent to you, bona fide meal periods and bona fide sleeping periods may be excluded from hours worked where truck drivers and helpers are on trips away from home for a period of 24 hours or more. The bona fide sleeping period is limited to a maximum of 8 hours in computing hours worked. If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. Unless the employee can get at least 5 hours of sleep during the scheduled sleeping period, the entire time must be counted as working time. If the trip is less than 24 hours, all time on duty on the truck is hours worked even though some of the time is spent in the sleeping berth.

In effect this adds limitations concerning the duration of the trip and of the sleeping time to the statement contained in Wage and Hour Release No. H-1933 dated February 15, 1943, that a driver who slept in the sleeping cab of a truck while the truck was being driven by a relief driver was not working. In the previous letter of January 6, 1964, it was pointed out to you that this release has been superseded by the material in the Hours Worked bulletin.

With regard to your question concerning a back wage claim, you are referred to section 10 of the Portal-to-Portal Act of 1947, contained on page 21 of the enclosed copy of the Fair Labor Standards Act.

If you have any further questions about this matter, you may wish to communicate with the Divisions' Regional Office, Room 300, 1365 Peachtree Street, N. E., Atlanta 9, Georgia, or the Field Office at 30 Tampa Street, Tampa 2, Florida.

Sincerely yours,

of Clarence T. Lundquist

Administrator

Enclosure