

## §776.30

until authoritative court decision in the future hold otherwise, the construction of such new highways and expressways will be regarded as covered.

### §776.30 Construction performed on temporarily idle facilities.

The Act applies to work on a covered interstate instrumentality or production facility even though performed during periods of temporary non-use or idleness.<sup>52</sup> The courts have held the Act applicable to performance of construction work upon a covered facility even though the use of the facility was temporarily interrupted or discontinued.<sup>53</sup> It is equally clear that the repair or maintenance of a covered facility (including its machinery, tools, dies, and other equipment) though performed during the inactive or dead season, is subject to the Acts.<sup>54</sup>

## PART 778—OVERTIME COMPENSATION

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certiorari denied 345 U.S. 915; and *Bennett v. V. P. Loftis Co.*, 167 F. (2d) 286.

<sup>52</sup> *Walton v. Southern Package Corp.*, 320 U.S. 540; *Slover v. Wathen & Co.*, 140 F. (2d) 258 (C.A. 4); *Bodden v. McCormick Shipping Corp.*, 188 F. (2d) 733; and *Russell Co. v. McComb*, 187 F. (2d) 524 (C.A. 5).

<sup>53</sup> *Pedersen v. J. F. Fitzgerald Construction Co.*, ante; *Bennett v. V. P. Loftis*, ante; *Walling v. McCrady Const. Co.*, ante; and *Bodden v. McCormick Shipping Corp.*, 188 F. (2d) 733.

<sup>54</sup> *Maneja v. Waialua Agricultural Co.*, 349 U.S. 254; *Bowie v. Gonzalez*, 117 F. (2d) 11; *Weaver v. Pittsburgh Steamship Co.*, 153 F. (2d) 597, certiorari denied 328 U.S. 858; *Walling v. Keensburg Steamship Co.*, 462 F. (2d) 405.

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AUTHORITY: 52 Stat. 1060, as amended; 29 U.S.C. 201 *et seq.*

SOURCE: 33 FR 986, Jan. 26, 1968, unless otherwise noted.

## Subpart A—General Considerations

### § 778.0 Introductory statement.

The Fair Labor Standards Act, as amended, hereinafter referred to as the Act, is a Federal statute of general application which establishes minimum wage, overtime pay, child labor, and equal pay requirements that apply as provided in the Act. All employees whose employment has the relationship to interstate or foreign commerce which the Act specifies are subject to the prescribed labor standards unless specifically exempted from them. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act. Such employers are also required to comply with specified recordkeeping requirements contained in part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

### § 778.1 Purpose of interpretative bulletin.

This part 778 constitutes the official interpretation of the Department of Labor with respect to the meaning and application of the maximum hours and overtime pay requirements contained in section 7 of the Act. It is the purpose of this bulletin to make available in one place the interpretations of these provisions which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. These official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorg. Pl. 6 of 1950, 64 Stat.