

## § 785.1

- 785.34 Effect of section 4 of the Portal-to-Portal Act.
- 785.35 Home to work; ordinary situation.
- 785.36 Home to work in emergency situations.
- 785.37 Home to work on special one-day assignment in another city.
- 785.38 Travel that is all in the day's work.
- 785.39 Travel away from home community.
- 785.40 When private automobile is used in travel away from home community.
- 785.41 Work performed while traveling.

### ADJUSTING GRIEVANCES, MEDICAL ATTENTION, CIVIC AND CHARITABLE WORK, AND SUGGESTION SYSTEMS

- 785.42 Adjusting grievances.
- 785.43 Medical attention.
- 785.44 Civic and charitable work.
- 785.45 Suggestion systems.

#### Subpart D—Recording Working Time

- 785.46 Applicable regulations governing keeping of records.
- 785.47 Where records show insubstantial or insignificant periods of time.
- 785.48 Use of time clocks.

#### Subpart E—Miscellaneous Provisions

- 785.49 Applicable provisions of the Fair Labor Standards Act.
- 785.50 Section 4 of the Portal-to-Portal Act.

AUTHORITY: 52 Stat. 1060; 29 U.S.C. 201-219.

SOURCE: 26 FR 190, Jan. 11, 1961, unless otherwise noted.

### Subpart A—General Considerations

#### § 785.1 Introductory statement.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) requires that each employee, not specifically exempted, who is engaged in commerce, or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce, or in the production of goods for commerce receive a specified minimum wage. Section 7 of the Act (29 U.S.C. 207) provides that persons may not be employed for more than a stated number of hours a week without receiving at least one and one-half times their regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours worked. This part discusses the principles involved in determining what constitutes

## 29 CFR Ch. V (7-1-06 Edition)

working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be sent to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210, or to any area or Regional Office of the Division.

[35 FR 15289, Oct. 1, 1970]

#### § 785.2 Decisions on interpretations; use of interpretations.

The ultimate decisions on interpretations of the act are made by the courts. The Administrator must determine in the first instance the positions he will take in the enforcement of the Act. The regulations in this part seek to inform the public of such positions. It should thus provide a "practical guide for employers and employees as to how the office representing the public interest in its enforcement will seek to apply it." (*Skidmore v. Swift*, 323 U.S. 134, 138 (1944).)

#### § 785.3 Period of effectiveness of interpretations.

These interpretations will remain in effect until they are rescinded, modified or withdrawn. This will be done when and if the Administrator concludes upon reexamination, or in the light of judicial decision, that a particular interpretation, ruling or enforcement policy is incorrect or unwarranted. All other rulings, interpretations or enforcement policies inconsistent with any portion of this part are superseded by it. The Portal-to-Portal Bulletin (part 790 of this chapter) is still in effect except insofar as it may not be consistent with any portion hereof. The applicable statutory provisions are set forth in § 785.50.

#### § 785.4 Application to Walsh-Healey Public Contracts Act.

The principles set forth in this part are also followed by the Administrator of the Wage and Hour Division in determining hours worked by employees