

FLSA-260

April 4, 1974

This is in further reference to your letter of February 13, 1974, concerning the application of the overtime exemption contained in section 13(b)(1) of the Fair Labor Standards Act to certain "resident service representatives" employed by a medical service organization you represent.

Briefly, the situation involves the pick up and transportation by these employees of urine and blood samples from various doctors' offices to an airport where they are flown by private aircraft to a diagnosis center in a city in another state for analysis.

We have been advised by the United States Department of Transportation that such employees are subject to their authority to establish maximum hours of service and qualifications under section 204 of the Motor Carrier Act, 1935. Therefore, it is our opinion that your client's drivers are exempt from the overtime requirements of the Fair Labor Standards Act under section 13(b)(1).

Sincerely,

Warren D. Landis
Acting Administrator
Wage and Hour Division