
29 C.F.R. § 780.723

Exempt and nonexempt employment.

Under section 13(b)(14), where an employee, for part of his workweek, is employed “by” an “exempt” establishment (one commonly recognized as a country elevator which has five employees or less employed in the establishment in such operations in that workweek) and the employee is, in his employment by the establishment, employed “within the area of production” as defined by the regulations, but in the remainder of the workweek is employed by his employer in an establishment or in activities not within this or another exemption provided by the Act, in the course of which he performs any work to which the Act applies, the employee is, not exempt for any part of that workweek (see *Mitchell v. Hunt*, 263 F. 2d 913; *Waiialua v. Maneja*, 77 F. Supp. 480; *Walling v. Peacock Corp.*, 58 F. Supp. 880; *McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n*, 181 F. 2d 697).

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