

U. S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
Washington, D. C. 20210

DEC 3 1970

25 BA 504
21 AD 808
21 BA 202.31

This is in reply to your letter of November 18, 1970. You inquire as to whether the opinion set forth in our letter of November 13, 1970, would be considered an administrative regulation, order, ruling, etc., and, thus, provide a good faith defense for your client within the meaning of section 10 of the Portal-to-Portal Act of 1947.

Our letter of November 13, 1970, (as to the application of the Fair Labor Standards Act to particular facts outlined in your letter of September 10, 1970) is considered an administrative ruling within the meaning of section 10 of the Portal-to-Portal Act of 1947. (See section 790.17(d) of the enclosed bulletin.) As pointed out in our letter, however, this interpretation will hold only under the limited conditions outlined in your letter of September 10.

Sincerely,

ROBERT D. MORAN
Robert D. Moran
Administrator

Enclosure

WH-99

(7)