

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WASHINGTON, D.C. 20210



20

JAN 27 1971

23 CE 302.2
23 CE 404.3

This is in response to your letter of November 23, 1970, concerning the application of sections 7(c) and 7(d) of the Fair Labor Standards Act to maintenance workers in the fresh fruit and vegetable industry.

You cite a situation where a company operates a central repair shop to service a number of its packing plants. The maintenance workers make repairs to portable equipment in the central repair shop and to stationary equipment in the outlying packing plants. All repair work is performed on equipment used in exempt operations. You ask if the central repair shop would be entitled to its own 20 weeks of exemption or if the maintenance workers would be exempt only during the weeks in which the packing plants claim exemption.

In a case where maintenance workers serve several packing plants operated by the same employer and are located in a separate establishment, the employer may select 20 workweeks of exemption for that establishment. Thus, repairmen who are exclusively engaged in exempt operations may qualify for the section 7(c) and 7(d) exemptions whether they are working in the central shop or repairing equipment in the packing plants, without regard to whether the plants they serve are claiming the exemptions.

Sincerely,

Robert D. Moran
Administrator

WH-118

(6)