

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

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11 JUL 1973

This will reply to your letter of May 8, 1973, concerning the exemption status of service advisers under Section 13(b)(10) of the Fair Labor Standards Act.

The official position of the Wage and Hour Division is that service salesmen are not exempt, under Section 13(b)(10), from the Act's overtime pay requirements. Accordingly, such employees are entitled to not less than one and one-half their regular rate of pay for all hours worked in excess of 40 in any workweek, unless otherwise exempt as meeting the definition in 29 CFR 541 as executive or administrative employees.

Sincerely,

/s/ Ben P. Robertson

Ben P. Robertson  
Acting Administrator  
Wage and Hour Division