

FLSA-551

July 3, 1974

This is in reply to your letter of May 16, 1974, concerning the application of the amended Fair Labor Standards Act to the employees of *** .

Enclosed is a pamphlet which explains the application of the Act to employees of a governmental agency. In regard to your specific question as to whether the municipal government of the Town of *** is classified as a seasonal industry, the answer is in the negative.

However, the exemption provided in section 13(a)(3) for amusement parks and recreational areas is applicable in the case of the amusement and recreational areas directly related to the operation of the beach and boardwalk as such a facility. Therefore, the life guards on the beach, the train drivers of the motorized train along the boardwalk, and the comfort station attendants at those stations operated solely for the convenience of the persons patronizing the beach would come within this exemption. Those employees solely employed in the cleaning of the beach as long as they are not engaged in any work related to the cleaning of the city's streets or other parks would also come within this exemption from the Act's minimum wage and overtime pay provisions.

Sincerely,

Acting Administrator
Wage and Hour Division