


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

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21 AB 104 211


2 AUG 1974

This is in reply to your letter of April 29, 1974, concerning the application of the Fair Labor Standards Act, as recently amended, to employees of the District of Columbia.

In regard to your first question as to whether the District Government was brought under the Act by the 1974 Fair Labor Standards Amendments, it is our opinion that the extension of coverage to employees of a public agency does make the Act applicable to employees of the District Government.

Your second question is whether the Act in its application to District of Columbia employees is subject to the administration of the Department of Labor, as are State and local governments, or whether its application would be subject to the administrative authority of the Civil Service Commission under Section 4(f) of the Act as amended. Because of the explicit definitions in the Act, District of Columbia employees are "State" employees under the jurisdiction of the Department of Labor. The 1974 amendments amended sections 3(d) and 3(e) of the Act so as to include within the protection of the Act employees employed by "a public agency." Section 3(e)(2) defines "public agency" to include individuals "employed by the Government of the United States," individuals "employed by the United States Postal Service or the Postal Rate Commission," and individuals "employed by a State, political subdivision of a State or an interstate governmental agency." Section 3(c) of the Act defines "State" to include the District of Columbia. Accordingly, the Labor Department has jurisdiction in cases involving the application of the Act to employees of the District of Columbia, just as it has in cases involving employees of other States.

Section 4(f), which was added to the Act by the 1974 amendments, gives the Civil Service Commission the right to administer the Act as "to any individual employed by the United States (other than an individual employed by the Library of Congress, United States Postal Service, Postal Rate Commission, or the Tennessee Valley Authority)." The employees "employed by the United States" concerning whom the Civil Service Commission has jurisdiction are enumerated in Section 3(e)(2)(A) of the Act. Section 4(f) does not affect the Labor Department's jurisdiction to administer the Act as to State employees as defined in Section 3(e)(2)(C). The Age Discrimination in Employment Act and Title VII of the Civil Rights Act contain differently phrased provisions which are not applicable to the Fair Labor Standards Act.

Sincerely,

Signed

Betty Southard Murphy
Administrator
Wage and Hour Division