

FLSA-85

August 30, 1974

We regret the delay in responding to your communication of May 13, 1974, with which you enclosed a letter from ***. *** inquired as to the application of the amended Fair Labor Standards Act to a cleaning woman he employs to clean his law office.

The Fair Labor Standards Act applies to employees individually engaged in or producing goods for interstate commerce and to employees of certain enterprises. The term "goods" as used in the Act means articles or subjects of commerce of any character and includes written reports, fiscal and other statements and accounts, correspondence, lawyers' briefs and other documents. Employees of a producer of goods who are covered by the Act include employees maintaining, servicing, repairing, or improving the buildings used in producing goods. Janitors and charwomen would come within this category. Therefore, a cleaning woman employed in a law firm where goods, as described above, are produced on a regular and recurring basis would be covered by the Act and entitled to the minimum wage of \$2.00 an hour (since May 1, 1974, the effective date of the 1974 amendments to the Act) and overtime pay at time and one-half of her regular rate for time worked in excess of 40 hours in a workweek.

The minimum wage applicable to such individually covered employees goes to \$2.10 an hour beginning January 1, 1975, and to \$2.30 an hour on January 1, 1976.

Employees of a lawyer's office with an essentially local clientele, however, would not be subject to the Act's monetary provisions unless the firm had an annual dollar volume of business of not less than \$250,000. Employees in such a firm would fall within the enterprise provisions of the Act wherein the applicable minimum wage would be \$1.90 an hour (\$2.00 an hour beginning January 1, 1975; \$2.20 an hour beginning January 1, 1976; and \$2.30 an hour beginning January 1, 1977). The minimum wage set out in the second paragraph above would apply if the firm had an annual dollar volume of business in excess of \$1,000,000.

At present copies of the amended Act are not available. If Mr. *** has any further questions concerning the application of the Act, you may suggest that he get in touch with the Area Office of the Department's Wage and Hour Division at ***. That office will be pleased to assist him in any way possible.

Sincerely,

Benjamin L. Brown
Deputy Under Secretary
for Legislative Affairs

Enclosure