

FLSA-809

September 17, 1974

We regret the delay in replying to your letter of July 5, 1974, addressed to Secretary of Labor Brennan, concerning the application of the recent amended minimum wage law to a youth training program operated by the *** Parks and Recreation Department ***. You state that this training program employs youths 14 to 16 years of age during the summer months at a pay scale ranging from \$.50 to \$1.00 an hour, and specifically ask that these types of training programs be exempt from the new minimum wage law.

The 1974 Amendments to the Fair Labor Standards Act, the Federal minimum wage law, extended its coverage to employees of State, local, and interstate governmental agencies. Nonexempt employees of public agencies must be paid at least \$1.90 an hour, effective May 1, 1974 (\$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), and overtime premium pay after 40 hours worked in a workweek.

The Act in section 13(a)(3) provides a complete exemption from its minimum wage and overtime pay provisions for employees employed in an amusement or recreational establishment which (1) is not open more than 7 months in a year, or (2) its average receipts during any six months of the preceding calendar year did not exceed one-third of its receipts for the other six months.

Activities conducted during the summer months in a city's parks such as playground activities, arts and crafts, sports programs, and related activities which are in operation for not more than 7 months of the year may come within this exemption. Employees training to be playground counselors, arts and crafts instructors, and game leaders are the types of employees who may be exempt as long as they work solely in a park or parks in such recreational and amusement activities. The exemption is not applicable to central office employees of the park or recreation department or to maintenance crews who operate out of a central facility responsible for the maintenance and cleaning of all the city's parks.

In addition, you may wish to note that employment of 14 and 15 year old youths is limited to certain occupations outside school hours only and under specified conditions of work as set forth in Child Labor Regulations No. 3. See page 30 of the enclosed Child Labor Bulletin No. 101.

For a more definite determination with regard to the application of the Fair Labor Standards Act to your particular situation, it is suggested that you get in touch with our Area Office ***. That office is responsible for the enforcement of the Act in the *** and will be pleased to offer every possible assistance.

Sincerely,

Betty Southard Murphy
Administrator
Wage and Hour Division

Enclosure