

## **FLSA-68**

October 31, 1974

This is in reply to your letter of October 8, 1974, concerning the application of the amended Fair Labor Standards Act to community health centers.

Community health centers which are a part of a county, city, or State government would be considered a "public agency", and since May 1, 1974, covered by the provisions of the Fair Labor Standards Act. Enclosed is a pamphlet which explains briefly the Act's application to employees of local government agencies.

The Act's minimum wage and overtime pay provisions would be applicable to clerical and other employees in such a center unless otherwise exempt. The exemption provided in the Act for bona fide executive, administrative, and professional employees is explained in the enclosed WH Publication No. 1363 and in the copy of the Regulations, Part 541, which defines and delimits those terms.

The schedule of hours within a work week is a prerogative of management. Although, the workweek (as explained in the pamphlet on Overtime Compensation on page 2) is a fixed period of 7 consecutive days, the schedule of hours within the workweek may vary according to the needs of the agency.

Also enclosed is a copy of WH Publication No. 1344 discussing Hours Worked which may be helpful. The various community health centers may obtain copies of these publications and additional information from our Regional and Area Offices which are located in most of the major cities throughout the country.

Community health centers which are not part of a local government, but are operated by private, nonprofit organizations might not be covered by the Act, depending upon the facts in the particular situation. Advice on the Act's application should be sought by such organizations from the local office of the Wage and Hour Division.

If further information is required, we will be pleased to be of whatever assistance possible.

Sincerely,

Warren D. Landis  
Deputy Administrator  
Wage and Hour Division

Enclosures