

FLSA-96

April 20, 1976

This is in reply to your letter of March 30, 1976, concerning the application of the Fair Labor Standards Act to church employees.

The Fair Labor Standards Act, the Federal minimum wage and overtime pay law, applies to employees individually engaged in or producing goods for interstate commerce and to employees in certain enterprises. Employees of a church may be individually covered under the Act if their duties involve interstate commerce or the production of goods for interstate commerce. Those employees who regularly order or receive goods from outside the State, handle or produce goods for shipment to other States, keep records relating to such interstate transactions and use the telephone, telegraph, and mails for interstate communication are individually covered. Such employees must be paid a minimum wage of at least \$2.30 an hour and overtime premium pay for all hours worked in excess of 40 in a workweek. In this regard, individual coverage is usually not asserted to employees who only occasionally or sporadically devote negligible amounts of time to writing interstate letters and reports or otherwise handle interstate mail or make bookkeeping or other entries related to interstate transactions.

We hope this satisfactorily responds to your inquiry; however, if you should have any further questions please do not hesitate to let us know.

Sincerely,

William Hoffman, Director
Division of Minimum Wage
and Hour Standards