

21BJ PD 301.211

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Wage and Hour Division
WASHINGTON, D.C. 20210



JAN 21, 1977

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This is in reply to your letter of October 19, 1976, asking whether a retail hardware store and a funeral home located several miles away, both owned by one individual, constitute "related activities" within the meaning of section 3(r) of the Fair Labor Standards Act.

Additional information obtained in a telephone conversation indicates your client has operated the hardware store for approximately 20 years and became owner of the funeral home some 10 years ago. The funeral home does not appear to be an outgrowth of his previous business operations. They do not serve the same clientele, and there is no other apparent relationship between the two establishments.

While it seems clear that there is common control in this case, whether these are related activities for a common business purpose seems doubtful under these circumstances. The enterprise status of two businesses depends not only on whether the activities are related in the sense that they are "the same or similar", however, but also on whether they are related to a common business purpose for which they are performed through unified operation or common control.

We hope that the above is of assistance to your office in this matter.

Sincerely,

by Warren D. Landis
Deputy Administrator
Wage and Hour Division

Ronald J. James
Administrator

Enclosure

WH-402

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