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



JUN 9 1977

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This is in reply to your letter of November 29, 1976, as to the exempt status under section 13(a)(1) of the Fair Labor Standards Act of employee-managers who operate and manage outlying gasoline service stations of your client, [REDACTED].

So long as the manager "customarily and regularly" directs the work of two or more full-time employees or the equivalent and the method of compensation, salary plus commission, yields a guarantee of at least the weekly salary requirement (\$155 per week), the station managers would appear to meet the basic tests of the "executive" exemption found in section 541.1 of Regulations, Part 541, including the percentage exception proviso under 541.1(e) "for an employee who is in sole charge of an independent establishment or a physically separated branch establishment...", as explained in section 541.113.

Accordingly, it is our opinion that if these managers employed under the described circumstances meet the primary duty requirements of Regulations, Part 541.1(a), and as further discussed in sections 541.102 and 541.103, they would qualify for exemption as "executive" employees under section 13(a)(1) of the Act.

Sincerely,

[REDACTED]

Administrator

Enclosure