

FLSA-100

January 5, 1978

This is in response to your letter of December 22, 1977, concerning the application of the Fair Labor Standards Act (the Federal Wage Hour Law) to golf shop operations.

The Fair Labor Standards Act applies (1) to employees who in their own work perform activities which constitute engagement in interstate commerce or who produce goods for interstate commerce (including any process or occupation which is closely related to and directly essential to such production); and (2) to employees who are employed in an enterprise engaged in interstate commerce or in the production of goods for interstate commerce. The application of the Act to private clubs (which would include the golf operations) is explained in the enclosed pamphlet. The annual dollar volume test for private clubs is currently \$250,000 and continues to hold at these figure. The \$275,000 figure you mention in your letter refers only to retail or service enterprises (which would include a course open to the general public) and not to private clubs which are open only to a select membership.

A golf course open to the general public which is operated on a seasonal basis, as explained in the enclosed information sheet, is exempt from the Act's monetary requirements regardless of its volume.

The question of a golf professional at a covered, nonexempt public facility depends upon whether he is an independent contractor or an employee, and if an employee whether he meets the test for exemption as an executive employee. Enclosed are two pamphlets which discuss these situations.

A public golf course (being recognized as a retail or service establishment within the meaning of the Act) may hire full time students at a special minimum wage upon obtaining a certificate from a regional office of the Wage and Hour Division. Information on this provision of the Act may be obtained from our Regional Offices in Boston, New York, Philadelphia, Atlanta, Chicago, Kansas City, Dallas, Denver, San Francisco, and Seattle.

By a public facility we mean one which is owned and operated by a private individual or corporation. A facility owned and operated by a state or local government does not come within the Act's minimum wage and overtime pay requirements.

I hope this information is helpful to you.

Sincerely,

James L. Suntum, Chief
Branch of Coverage and Exemptions

Enclosures