

FLSA-350

April 6, 1978

This is in reply to your letter of February 9, 1978, concerning the odd-job employment program for minors 14 to 18 years old in ***.

This employment program which is sponsored by *** the company enables youngsters to find part time employment. The kinds of jobs include yardwork, housecleaning, babysitting, cleaning garages, basements, attics, and swimming pools. Over 50% of the job requests come from senior citizens.

Domestic service workers (i.e., employees performing work of a household nature in or about a home or residence) are covered by the Fair Labor Standards Act's monetary requirements as a result of the amendments to the Act in 1974.

The term "domestic service" employee is not defined in the Act. The legislative history, however, makes it clear that the meaning to be given relates to services of a household nature in or about a private home of the person by whom the worker is employed. Generally, domestic service as intended by Congress includes such services as those performed by cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handy men, and gardeners. Acting as a companion for the elderly or infirm and casual baby sitting are not included in the services covered by the Act's minimum wage or overtime provisions.

From the above, you will note, the type of services to be performed in this program by these youngsters would appear to come within the term "domestic service". However, the legislative history also indicates that it was the intent of Congress to include within the coverage of the Act only those employees whose "vocation" is domestic service. Based on the facts available, it is not clear to us whether or not the youths who would be performing this work would be doing so as a vocation. Some, and perhaps most of the youths, presumably would perform this work as a vocation.

Therefore, to the extent that this program might affect the employment opportunities of those who are engaged in domestic service as a vocation, the youths engaged in such activity in or about private homes are covered by the Fair Labor Standards Act.

Sincerely,

Lamar Johnson
Acting Deputy Administrator
Wage and Hour Division

Xavier M. Vela
Administrator

Enclosure