

## FLSA-14

June 5, 1978

This is in reply to your letter dated April 30, 1978, asking what wage you must pay a part-time dental assistant.

We have considered your comments under the Fair Labor Standards Act which is the Federal law of most general application concerning wages and hours of work. The major provisions of this law are highlighted in the enclosed "Handy Reference Guide".

As explained on page 2 of the Guide, all covered and nonexempt employees are required to be paid not less than the minimum wage for each hour of work (currently \$2.65 an hour) and not less than one and one-half times their regular rate of pay for all hours worked in excess of 40 in a workweek. This law does not make any distinction between full-time and part-time employees.

Individual coverage under the Act is usually not asserted to employees of an essentially local business, such as a dentist's office, who only occasionally or sporadically devote negligible amounts of time to writing interstate letters and reports, or otherwise handle interstate mail or make interstate bookkeeping or other entries related to interstate transactions.

On the other hand, if the office has an annual gross volume of sales made or business done or \$250,000 or more and has some employees handling, selling, or otherwise working on goods that have been moved in commerce, all employees are covered on an enterprise basis and must be paid (unless specifically exempt) at least the statutory minimum wage and overtime pay as discussed above.

If you should have any further questions concerning the application of this law, you may wish to contact our Field Station located at \*\*\*.

That office will be pleased to assist you in any way possible. We suggest that you write or telephone prior to visiting that office since it is staffed by personnel whose duties frequently require them to be away from the office.

Sincerely,

William G. Blackburn  
Chief, Branch of Wage and Hour Standards

Enclosure