

FLSA-672

August 14, 1984

This is in response to your August 3 letter addressed to Administrator William M. Otter, concerning your employment by *** as a body repairman. You indicate that you work 44 hours per week but are not paid overtime compensation.

We have considered the information in your letter under the Fair Labor Standards Act (FLSA), the Federal law of most general application concerning wages and hours of work. This law requires that all covered and nonexempt employees be paid at least the minimum wage of \$3.35 an hour for all hours worked and overtime pay of not less than one and one-half times regular rates of pay for all hour worked over 40 in a workweek. The enclosed "Handy reference Guide to the Fair Labor Standards Act" briefly outlines the major FLSA provisions.

As may be noted on the second page of the "Guide", the overtime provisions of FLSA do not apply to any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trucks, or farm implements, if the employee is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers. Under this exemption the term "mechanic" generally describes an automobile, truck or farm implement in order to place it in proper operating condition by making any necessary adjustment or repairs. The term "mechanic" under this exemption includes employees doing mechanical work such as body or fender mechanics and wrecker mechanics. Therefore, if more than half of the sales of *** comprises sales of the above-named vehicles or implements to ultimate purchasers, your employment in the capacity of body repairman would be exempt from the overtime provisions of FLSA and the firm would not required to pay overtime compensation.

We trust that this is responsive to your concerns. If we can be of further service please let us know.

Sincerely,

Stephanie R. Glyder, Chief
Branch of FLSA Enforcement

Enclosure