

PD letters

* LISTING OF OPINION LETTERS *

Feb. 1970 to May 1984

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|---------------|---------------------------|--|
| WH-1 | 2-16-70 | FLSA EPA | | |
| WH-2 | 2-24-70 | FLSA EPA | | |
| WH-3 | 2-12-70 | SCA | | |
| WH-4 | 2-12-70 | SCA | | |
| WH-5 | 2-25-70 | CWHSSA | | |
| WH-6 | 2-25-70 | FLSA | section 13(a)(3)(B) | Qualification of nonprofit corporation for minimum wage and overtime pay exemption, FLSA section 13(a)(3)(B). |
| WH-7 | 3-3-70 | SCA CWHSSA | | |
| WH-8 | 3-13-70 | ADEA | | |
| WH-9 | 3-11-70 | PCA | | |
| WH-10 | 3-16-70 | FLSA EPA | | |
| WH-11 | 3-18-70 | FLSA | section 13(a)(2) | Application of FLSA section 13(a)(2) to employees in hotels & motels involved in laundering and dry cleaning. |
| WH-12 | 3-18-70 | CCPA | section 303(a) | Consideration of granting partial exemptions where state garnishment law allows individual to retain larger share of earnings than provided by section 303(a) of Federal wage garnishment law. |
| WH-13 | 3-16-70 | CCPA | section 303(a), Title III | The passing of section 427,010 of the Kentucky Revised Statutes which would provide restriction of garnishment similar to those provided in section 303(a), Title III. |

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|-----------|---------|--------------|--|---|
| WH-14 | 3-16-70 | CCPA | Title III, | Whether union dues, initiation fees, the employees share of health and welfare premiums and repayments of credit union loans are deductions required by law to be withheld under Title III, Restriction of Garnishment, CCPA. |
| WH-15 | 6-12-69 | CCPA | section 304(a) | Whether employee under section 304(a) may be discharged by reason of the fact his earnings are subjected to garnishment. |
| WH-16 | 3-12-70 | FLSA | sections 3(d),3(e), and 3(g) | Under sections 3(d), 3(e) and 3(g), who is regarded as employer of people hired to care for and maintain trust property, so that minimum wage and overtime provisions could be applied. |
| WH-17 | 2-6-69 | CCPA | Title III | Application of provisions of Title III, Restrictions on Garnishment of the CCPA. |
| WH-18 | 4-10-70 | FLSA | section 13(a)(1), | Whether manager in body shop of a retail automobile dealership is exempt as an executive employee under section 13(a)(1) FLSA. |
| WH-19 | 2-24-70 | CCPA FLSA | Title III, CCPA and 6(a)(1) FLSA | The multiple of the Federal minimum hourly wage as it relates to the application of Title III, Restriction on Garnishment of the CCPA and section 6(a)(1) of FLSA. |
| WH-20 | 3-31-70 | FLSA | | Whether employer-employee relationship exists, under FLSA, with respect to student trainees. |
| WH-21 | 4-1-70 | FLSA | section 13(a)(1) | Deductions from salaries of employees otherwise exempt under section 13(a)(1). |
| WH-22 | 4-2-70 | FLSA | section 13(a)(1) | Exemption status of flight instructors under section 13(a)(1). |
| WH-23 | 4-8-70 | FLSA | section 3(f) | Whether certain firms engaged in providing citrus grove services for grove owners are "farmers", section 3(f). |

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| WH-24 | 3-26-70 | SCA | | |
| WH-25 | 4-15-70 | FLSA | section 13(b)(8) | Whether establishments serving both transient and permanent guests qualify for exemption from overtime pay requirements under section 13(b)(8). |
| WH-26 | 4-6-70 | PCA | | |
| WH-27 | 4-15-70 | SWA CWH PCA | | |
| WH-28 | 4-9-70 | FLSA | section 13(b)(10) | Reconsideration of opinion defining "partsman" under section 13(b)(10). |
| WH-29 | 4-16-70 | ADEA | | |
| WH-30 | 5-1-70 | ADEA | | |
| WH-31 | 4-28-70 | CCPA | section 304, Title III | Concerns the application of section 304, Title III, Restriction on Garnishment of the CCPA, dealing with discharge for a first time garnishment. |
| WH-32 | 5-18-70 | CCPA | section 302(c), Title III | Whether an assignment of wages may be considered a "garnishment" within the meaning of section 302(c), Title III. |
| WH-33 | 5-14-70 | FLSA/ EPA | | |
| WH-34 | 5-25-70 | CCPA | section 303(a), Title III | Determining the amount of disposable earnings which may be subjected to garnishment under section 303(a), Title III. |
| WH-35 | 5-20-70 | CCPA | Title III, section 303(a) | Determining how North Dakota Century Code 32-09-02 conforms to the provisions of Title III, Restriction on Garnishment, section 303(a). |

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| WH-36 | 5-25-70 | ADEA | | |
| WH-37 | 6-4-70 | FLSA | section 13(d) | Determining whether exemption in section 13(d) applies to persons under 14 years of age. |
| WH-38 | 6-5-70 | CCPA | section 304, Title III | Whether State employees can be discharged under section 304, Title III, Restriction on Garnishment, of the CCPA for more than one garnishment. |
| WH-39 | 6-5-70 | FLSA | section 13(b)(1) | Qualification for overtime exemption under section 13(b)(1) for employees engaged in transporting petroleum products. |
| WH-40 | 6-11-70 | FLSA | section 7(i) | Whether a firm not engaged in retail or service may establish a commission payment plan under section 7(i). |
| WH-41 | 6-14-70 | CCPA | section 303(b), Title III | That section 303(b) of Title III provides that the restriction on garnishment does not apply in the case of debt due for any State or Federal tax. |
| WH-42 | 6-12-70 | CCPA | section 304(a) | Whether an employee can be discharged if his garnishment is released to be imposed again later, section 304(a). |
| WH-43 | 6-12-70 | FLSA/ EPA | | |
| WH-44 | 6-4-70 | ADEA | | |
| WH-45 | 6-30-70 | FLSA | sections 3(r) and 3(s)(1) | Whether a real estate firm under contract with a bank to manage a building would be regarded as part of the bank's enterprise within sections 3(r) and 3(s)(1). |
| WH-46 | 6-30-70 | FLSA | section 13(a)(1) | Interpretation of exemption status under section 13(a)(1) of the positions of systems programmer and programmer analyst. |

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| WH-47 | 6-24-70 | CCPA | | Concerns the provision of the Wage Garnishment law which prohibits discharge because of garnishment. |
| WH-48 | 6-25-70 | CCPA | Title III | Concerns the application of Title III of the CCPA and its effective date. |
| WH-49 | 6-24-70 | CCPA | section 870.53, Regulations, Part 870 | Concerns exemption from garnishment under section 870.53, Regulations, Part 870. |
| WH-50 | 7-6-70 | CCPA | section 304(a) | If an employer is making deductions for a pending garnishment and a second garnishment is applied, the employer may not discharge the employee until the second garnishment becomes effective, section 304(a). |
| WH-51 | 7-6-70 | CCPA | section 304 Title III | Whether it is considered a violation of section 304, Title III if an employer discharges an employee for violating company standards of conduct where one of the violations is garnishment of wages, |
| WH-52 | 7-6-70 | CCPA | section 304(a) section 303(b)(1) | Concerns discharge of employee under section 304(a) for a number of garnishment orders from the same company in order to effect collection. It also concerns section 303(b)(1) regarding what constitutes support. |
| WH-53 | 7-6-70 | CCPA | section 307(1) Title III | Whether section 307(1) of Title III is applicable between the Federal Garnishment law and the Ohio Garnishment laws. |
| WH-54 | 7-9-70 | CCPA | section 304(a) section 303(b) | Concerns an opinion letter relating to section 304(a) of the CCPA, whether exemptions to section 303 prescribed in subsection (b) apply to section 304. |
| WH-55 | 8-3-70 | FLSA CCPA | section 6(b) of FLSA, sections 303(a)(2) and 302(b), Title III | Concerns the application of section 6(b) of FLSA to section 303(a)(2) of Title III. Also concerns section 302(b), disposable earning of State hospital employees. |

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| WH-56 | 7-21-70 | FLSA | section 13(a)(3) | Whether a company's seasonal operations within a single national park may be considered an establishment so that its employees who perform central office or central warehousing functions for the park may be exempt under section 13(a)(3). |
| WH-57 | 7-21-70 | CCPA | section 304(a), Title III | Concerns section 304(a) of Title III when an employee is being discharged for only one garnishment, the current garnishment, where a considerable time has elapsed between garnishment. |
| WH-58 | 7-22-70 | CCPA | Title III | Concerns whether Federal employees are subject to garnishment. |
| WH-59 | 7-27-70 | FLSA / EPA | | |
| WH-60 | 7-27-70 | CCPA | section 302(c), Title III | What effect the interposition of the Snidach decision as a defense, by the debtor, would have upon the application of garnishment restrictions. Section 302(c), Title III. |
| WH-61 | 7-27-70 | FLSA | section 3(m) | The application of section 3(m) to a union contract clause relating to the furnishing of meals. |
| WH-62 | 8-3-70 | CCPA | Regulations, Part 870 Title III | Requesting application for exemption under Subpart C or Regulations, Part 870 under section 303(a) of Title III. |

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| WH-63 | 8-12-70 | FLSA EPA | | |
| WH-64 | 8-10-70 | CCPA | section 303(a) section 305 Title III | Request for exemption from section 303(a) pursuant to section 305 of Title III, for trustee processes issued under the laws of New Hampshire. |
| WH-65 | 8-11-70 | FLSA | section 13(a)(1) | Under section 13(a)(1) whether Senior Employment Consultants engaged in the placement of executive, administrative and professional personnel qualify for exemption under section 541.2 of Regulations, Part 541. |
| WH-66 | 8-12-70 | CCPA | section 304(a) | Concerns discharge of employees under section 304(a) for receiving 3 garnishments in any consecutive 24 months, or 5 garnishments in any consecutive 60 month period. |
| WH-67 | 8-14-70 | CCPA | section 302(b) | The term "disposable earnings" as defined in section 302(b). Also Federal Income Tax is excluded when determining garnishment. Lastly, section 303 is applied only if lower than the State garnishment provision. |
| WH-68 | 8-13-70 | FLSA/ EPA | | |
| WH-69 | 8-25-70 | FLSA/ EPA | | |
| WH-70 | 8-27-70 | FLSA/ EPA | | |
| WH-71 | 8-25-70 | CCPA | section 302(b) section 303(a) | The application of Title III, deductions made for wage assignments in section 302(b). The meaning of recent New York laws raising the weekly minimum salary subject to income execution and its relationship to section 303(a). Also whether U.S. Savings bonds are considered deductions. |
| WH-72 | 9-4-70 | CCPA | section 304(a) | Two situations in a State where the law on discharge because of garnishment provides no more protection to the employee than section 304(a). |
| WH-73 | 9-4-70 | FLSA | section 13(a)(1) section 541.3, Regulations. Part 541 | Minimum wage and overtime pay exemptions under section 13(a)(1) for flower designers qualifying as professional employees under section 541.3 of Regulations, Part 541. |

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| WH-74 | 9-9-70 | FLSA | sections 785.27 through 785.33 Interpretative Bulletin, Part 785 | Sections 785.27 through 785.33 of Interpretative Bulletin, Part 785, whether training program for telephone operators constitutes hours worked. |
| WH-75 | 8-17-70 | FLSA | section 7(e)(4) | Employers' exclusion from regular rate of pay under section 7(e)(4), concerning a profit sharing retirement plan. |
| WH-76 | 9-14-70 | CCPA | Title III section 305 | Administration of Title III when a particular section violates both Title III and State law in a state which has more stringent garnishment restrictions than Title III, but which has not received an exemption under section 305. |
| WH-77 | 9-14-70 | CCPA | section 302(c) | Attachment of wages for taxes due by the Internal Revenue Service under section 302(c). |
| WH-78 | 9-15-70 | FLSA | section 7(g)(2) | The payment of overtime for laboratory technicians "on call" in a hospital pursuant to section 7(g)(2). |
| WH-79 | 9-24-70 | CCPA | section 304(a) | The suspension of workers as a result of a garnishment under section 304(a). |
| WH-80 | 9-23-70 | CCPA | section 303 | The garnishment of income for persons paid on commission basis every 8 weeks. Whether the Federal Wage Garnishment Law affects garnishments before July 1, 1970. Whether there is a legal liability if the garnishee-employer gives the garnishment-creditor more than section 303 allows. |
| WH-81 | 9-28-70 | CCPA | section 303(c) | Whether it is the obligation of the person ordering the execution to determine what amount of the wage earner's salary can be garnished, the obligation of the Sheriff to determine this amount, or the obligation of the manufacturer who is garnished. Section 303(c). |
| WH-82 | 10-7-70 | FLSA | Part 779 | The Wage Order for the Retail Trade Industry in Puerto Rico is contrary to the Act as indicated by legislative history and Part 779 of the Rules and Regulations. |

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| WH-83 | 10-8-70 | CCPA | section 304(a) | Whether employee may be put on suspension for garnishment, and whether an employer may take into account garnishment proceedings prior to July 1, 1970. Section 304(a) |
| WH-84 | 10-12-70 | CCPA | section 304(a) | Section 304(a) on discharge of employee because of garnishment. Whether allowances for attorney's fees incurred by a garnishee may be taken out of the employee's wages. |
| WH-85 | 10-13-70 | CCPA | | The interpretation and application of Wisconsin law as to whether a garnishment under the State law may reach the earnings of the hold back period or only the check due to be paid in the week the garnishment is served. |
| WH-86 | 10-15-70 | CCPA | section 303(b)(1) Title III | The status of a "lump sum" alimony payment under the provisions of section 303(b)(1) of Title III. |
| WH-87 | 10-21-70 | CCPA | sections 303(a) and 303(c) | Whether an individual whose wages have been garnished may sign a waiver of his rights under section 303 of the Act. Are the court costs which are charged to the employee in garnishment proceedings subject to the law's restrictions. Sections 303(a) and 302(c). |
| WH-88 | 10-26-70 | CCPA | section 304(a) | Discharge for garnishment resulting from failure to pay child support, section 304(a). Whether garnishments executed before July 1, 1970 may be considered by employers for discharging. |
| WH-89 | 10-26-70 | CCPA | section 304(a) and 302(c) | Under section 304(a) of the CCPA, what is meant by "subjected to garnishment"? Does the prohibition against discharge apply to a case in which one garnishment proceeding was instituted prior to July 1, 1970, and the other was subsequent to such date? Can a creditor collect from an employer whatever amount the employer failed to withhold from wages and remit to the creditor?, section 302(c). |

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| WH-90 | 10-30-70 | CCPA | section 303(a) | Applying for exemption from the provision of section 303(a) of Title III issued under the laws of Kansas. |
| WH-91 | 11-6-70 | FLSA | section 541.113 of Regulations, Part 541 section 13(a)(1) | Whether installation supervisors qualify for the "sole charge" exception in section 541.113 of Regulations, Part 541, in order to qualify for the complete exemption from the minimum wage and overtime pay requirements provided under section 13(a)(1). |
| WH-92 | 11-10-70 | FLSA | section 3(m) sections 531.32; 531.36; 531.37; Regulations Part 531 | Whether certain transportation costs would be part of wages under section 3(m) as stated in section 531.32; 531.36; 531.37; of Regulations, Part 531. |
| WH-93 | 11-13-70 | FLSA | section 541.118(a)(1). Regulations, Part 541 | Whether a deduction in salary resulting from a reduced workweek would be contrary to section 541.118(a)(1) of Regulations, Part 541; thereby denying the exemption to executive, administrative and professional employees during such workweeks. Whether an exemption lost, due to the reduced workweek, was retroactive or prospective application. |
| WH-94 | 11-20-70 | CCPA | | The application of garnishment restrictions for employees paid on periods other than a week. |
| WH-95 | 12-9-70 | CCPA | section 303(a) | Whether proper credits for tips, meals, and lodging are included in the computation of an employee's earnings under Federal Wage Garnishment Law, Section 303(a). |
| WH-96 | 11-30-70 | FLSA | section 13(b)(11) section 7(a) | Petition for exemption under section 13(b)(11) for union drivers whose workweek does not meet applicable hours needed under section 7(a) of FLSA. |
| WH-97 | 12-3-70 | CCPA | section 303(a) | Applying exemption from the provisions of section 303(a) of Title III; denied. |
| WH-98 | 12-3-70 | CCPA | section 303(a) | Application for exemption from the provisions of section 303(a) of Title III; denied. |

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| WH-99 | 12-3-70 | Portal Act | | Providing good faith defense. |
| WH-100 | 12-16-70 | CCPA | sections 303(6)(1) and 303(a) | How the Federal law applies to a garnishment order issued to someone paying child support. Sections 303(6)(1) and 303(a). |
| WH-101 | 12-7-70 | FLSA | section 3(s) | Whether the commerce requirement under section 3(s) is met by a garbage disposal firm with two employees. |
| WH-102 | 12-11-70 | CCPA | section 303(a) | Requests for exemption from the provisions of section 303(a), Title III. Denied. |
| WH-103 | 12-18-70 | CCPA | sections 303(b)(2) and 303(a) | Whether a voluntary petition in bankruptcy is involved or whether there has been a petition filed under Chapter XIII of the Bankruptcy Act. Sections 303(b)(2) & 303(a). |
| WH-104 | 12-18-70 | CCPA | section 302(b) | Whether amounts pursuant to a court order for the support of an employee's family are to be considered as "amounts required by law to be withheld" within section 302(b). |
| WH-105 | 12-29-70 | ADEA | | |
| WH-106 | 1-6-71 | ADEA | | |
| WH-107 | 12-23-70 | CCPA | section 304 | Whether tax liens for State and Federal taxes are considered garnishments for purposes of the discharge provision under section 304. |
| WH-108 | 12-23-70 | FLSA | section 13(b)(18), sections 779.386, 779.387 of Int. Bulletin, Part 779 | Whether a vending location, which has an employee on duty every day in a manufacturing plant in order to service the machines, would be considered a separate establishment. Section 13(b)(18) would not apply. Whether or not any of the exemptions for retail or service employees would apply to sections 779.386 and 779.387 Interpretative Bulletin, Part 779. |

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| WH-109 | 1-6-71 | FLSA | 541.1 and 541.2 of 29 CFR Part 541 | Exemption from overtime because of executive and administrative duties as found in Part 541.1 and 541.2 of 29 CFR Part 541. |
| WH-110 | 1-7-71 | CCPA | section 303(a), 303(a)(2) 29 CFR Part 870 | Whether person working two jobs with total disposable income from both equaling \$67.50 could be garnished. Section 303(a), 303(a)(2) and 870.10(b). |
| WH-111 | 1-8-71 | CCPA | section 303(b) | Payments pursuant to section 303(b) may not be deducted for purposes of determining an individual's disposable earnings. |
| WH-112 | 1-20-71 | CCPA | section 303(a) | Clarification of section 303(a) concerning disposable earnings to be deducted for garnishment. |
| WH-113 | 1-19-71 | ADEA | | |
| WH-114 | 1-26-71 | FLSA | section 13(b)(8) | Whether a hotel with 55% of its income coming from nontransients could qualify for the overtime exemption contained in section 13(b)(8). |
| WH-115 | 1-15-71 | FLSA | section 13(a)(1), 29 CFR Part 541.5 | Whether bank employees who sell bank services, e.g., checking accounts, savings accounts, loans, bonds, and credit cards, can be exempt as outside salesmen under section 13(a)(1), and as defined in 29 CFR Part 541.5. |
| WH-116 | 1-19-71 | CCPA | | Whether discharge because of garnishment where there was an interval of more than one year between two garnishments could be enforced. |
| WH-117 | 1-25-71 | FLSA | section 3(r) | Whether the Pro Shop at a country club could be considered a separate enterprise for purposes of FLSA. Section 3(r). |
| WH-118 | 1-27-71 | FLSA | sections 7(c) and 7(d) | Application of sections 7(c) and 7(d) to maintenance workers in the fresh fruit and vegetable industry. |
| WH-119 | 1-20-71 | ADEA | | |

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| WH-120 | 2-4-71 | FLSA | section 3(m) | Can the reasonable cost of board, lodging, and other facilities furnished to students be included in determining the wages paid to such employees under section 3(m). May a school try to keep the cost for lower middle socio-economic classes down by including the organization's deficit funding as part of the minimum wage paid to students for such work as dishwashing, housekeeping, and lawn work. |
| WH-121 | 2-5-71 | CCPA | section 303(a) Title III | Request for exemption from provisions of section 303(a) of Title III. Denied. |
| WH-122 | 2-3-71 | FLSA/ EPA | | |
| WH-123 | 4-9-71 | FLSA | section 13(a)(3)(B) | Application for exemption from minimum wage and overtime pay provisions as contained in section 13(a)(3)(B) for souvenir selling business and proposed bus tour operations. |
| WH-124 | 4-8-71 | CCPA | section 303(a) | Preparation of legislation for exemption from the provisions of section 303(a) of Title III. |
| WH-125 | 8-26-71 | CCPA | section 305 section 303(a) | The general procedural matters in granting of exemption to states under section 305 and exemption from the provision of section 303(a) under the laws of the State of Kentucky. |
| WH-126 | 4-14-71 | FLSA | section 541.7 29 CFR Part 541 | The exemption as professionals under section 541.3, 29 CFR Part 541 for post-doctoral research associates. |
| WH-127 | 4-28-71 | FLSA | Int. Bulletin Part 785 | If time spent by employees in pursuit of outside education and training is considered as hours worked in accordance with Interpretative Bulletin, Part 785. |
| WH-128 | 5-6-71 | CAR | | |
| WH-129 | 5-4-71 | FLSA | section 541.2, 29 CFR Part 541 | Request for permission under the Copeland Act Regulations to make payroll deductions from the wages of its employees for a Christmas Club. Whether the method of payment to an assistant store manager and an operations manager meet the requirements of the "unset salary" test under section 541.2 of 29 CFR Part 541. |

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| WH-130 | 5-10-71 | FLSA | section 13(a)(2) section 13(b)(8) | Whether the employees at the central office commissary, warehouse or repair shop of a vending machine company are exempt under section 13(a)(2) or 13(b)(8). |
| WH-131 | 5-11-71 | CCPA | subpart C of 29 CFR Part 870 | Legislation submitted to amend Illinois garnishment laws to apply for an exemption pursuant to subpart C of 29 CFR Part 870. |
| WH-132 | 5-21-71 | FLSA | section 541.1 of 29 CFR Part 541 | Request that section 541.1 of 29 CFR Part 541 be amended to extend the sole charge exception to managers of a leased department in a retail store. |
| WH-133 | 5-25-71 | FLSA | 29 CFR Part 541 | The special exception for certain flight personnel who have been deemed to be "employees employed in a bona fide executive, administrative or professional capacity" provided certain conditions are met, 29 CFR, Part 541. |
| WH-134 | 5-25-71 | CCPA | section 305 Title III | Applying for exemption from garnishments issued under State laws under the provisions of section 305" Title III. |
| WH-135 | 5-27-71 | FLSA | section 7(i)(1) | Whether retail employer's proposed method of compensation satisfies the requirements of section 7(i)(1) with respect to salesmen paid salary by commission. |
| WH-136 | 5-28-71 | ADEA | | |
| WH-137 | 6-24-71 | ADEA | | |
| WH-138 | 6-29-71 | ADEA | | |
| WH-139 | 6-29-71 | ADEA | | |
| WH-140 | 7-1-71 | FLSA EPA | | |

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| WH-141 | 6-8-71 | FLSA | section 3(d) | Whether section 3(d) applies to employees of the U.S. Postal Service. |
| WH-142 | 7-6-71 | FLSA | section 7(g)(2) | How overtime is to be computed under section 7(g)(2). |
| WH-143 | 7-12-71 | CCPA | section 303(a) | Whether the amount of earnings withheld for payment of a debt may exceed the restriction imposed by section 303(a). |
| WH-144 | 7-30-71 | FLSA | | Is it permissible to employ a person in an exempt capacity at one rate and then employ the same person in a nonexempt capacity on another separate and distinct job at another rate of pay? |
| WH-145 | 9-2-71 | FLSA | sections 3(r) and 3(s) | Whether franchised branches of a corporation are part of the larger enterprise under sections 3(r) and 3(s) of FLSA. |
| WH-146 | 10-26-71 | CCPA | | The garnishment of earnings from a bank acting as agent to an employee who deposits employees' wages directly into a bank account. |
| WH-147 | 11-17-71 | FLSA | section 13(a)(2) | The application of section 13(a)(2) to a business providing temporary help in the home and health care field through offices owned and operated by franchises or through offices owned by the company. |
| WH-148 | 11-23-71 | FLSA | section 3(s) | Whether an initiation fee must be included in annual gross volume of sales made or business done by a salesman. Section 3(s). |
| WH-149 | 11-2 -71 | FLSA | section 13(b)(1) | Whether overtime exemption provided in section 13(b)(1) would apply to employees of a company that owns and operates vending machines. |
| WH-150 | 11-20-71 | FLSA | 29 CFR Part 778 | Computation of overtime pay for employee receiving a straight salary for hours worked plus additional commissions and for employee receiving two different rates of pay, 29 CFR Part 778. |

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| WH-151 | 12-16-71 | FLSA | section 13(b)(9) | Application of the overtime pay exemption under section 13(b)(9) for employees of radio or television stations. |
| WH-152 | 12-16-71 | FLSA | 29 CFR Part 778.308 thru 778.310 | Whether a premium in the form of a lump sum which is paid for work performed during overtime hours qualifies as an overtime premium, 29 CFR Part 778.308 thru 778.310. |
| WH-153 | 12-21-71 | FLSA | section 3(a)(1) | Exemption status of a rental agent and a community manager under section 3(a)(1). |
| WH-154 | 12-21-71 | FLSA | sections 7(e)(4) and 7(e)(3)(b) | Whether proposed benefit and profit-sharing plan would qualify for approval under section 7(e)(4) or qualify as a single program as a profit-sharing plan under section 7(e)(3)(b) and a benefit plan under section 7(e)(4). |
| WH-155 | 12-27-71 | FLSA | sections 13(a)(2), 13(b)(8), 13(b)(18) | Application of complete minimum wage and overtime pay exemption under section 13(a)(2) and overtime pay exemptions under sections 13(b)(8) and 13(b)(18) for employees of restaurants and certain employees engaged in the preparation and handling of food. |
| WH-156 | 1-18-72 | FLSA | section 13(b)(3) | Application of overtime pay exemption provided in section 13(b)(3) to certain commuter airline pilots, and air taxi/charter pilots. |
| WH-157 | 2-22-72 | FLSA | section 13(a)(1) | Whether deductions for holidays on which no work is performed would alter status of instructors as professional employees or status of executive and administrative personnel, Section 13(a)(1). |
| WH-158 | 4-7-72 | FLSA | section 13(a)(2) | Administrative interpretation in regard to recognizing separate establishments as retail establishments, and, therefore, exempt under section 13(a)(2). |
| WH-159 | 4-7-72 | FLSA | section 13(b)(1) | Opinion on application of section 13(b)(1) to employees engaged in interstate transportation by truck of food products from employers' warehouse to customers' restaurant. |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|------|------------------------|--|
| WH-160 | 4-20-72 | FLSA | | Whether certain provisions of the Act apply in cases where there is a split of authority among circuit courts. |
| WH-161 | 4-20-72 | FLSA | 29 CFR Part 785.27 | If company must compensate employees for time spent in classroom instruction which is part of a formal training program, 29 CFR Part 785.27. |
| WH-162 | 5-3-72 | SCA | | |
| WH-163 | 5-4-72 | FLSA | section 13(a)(2) | Whether accounting firm is exempt from section 13(a)(2) as being a retail or service establishment. |
| WH-164 | 5-9-72 | FLSA | section 7(e)(3)(b) | Whether a profit-sharing plan is bona fide within the meaning of section 7(e)(3)(b). |
| WH-165 | 5-9-72 | FLSA | section 7(e)(3)(b) | Whether a profit-sharing plan is bona fide within the meaning of section 7(e)(3)(b). |
| WH-166 | 6-8-72 | FLSA | section 13(a)(3) | Exemption for a recreation or amusement establishment under section 13(a)(3) for company engaged in the business of operating pool facilities in two states under contracts with owners or managers of apartment buildings and motels. |
| WH-167 | 6-12-72 | FLSA | section 7(i) | If conditions of section 7(i) are satisfied if an employer arbitrarily adds sufficient money to an employee's actual hourly earnings to satisfy minimum wage. |
| WH-168 | 7-7-72 | FLSA | | Whether the operation of a convenience food store with gasoline pumps constitutes a single establishment. |
| WH-169 | 7-13-72 | FLSA | | If contributions to a Guaranteed Annual Income Plan would affect the regular rate of pay. |
| WH-170 | 8-2-72 | FLSA | sections 7(c) and 7(d) | The application of sections 7(c) and 7(d) to a food processor and canner working with products exempt from 20% rule for foreign ingredients. |
| WH-171 | 8-3-72 | CCPA | section 303(a) | The garnishment of earnings placed in a bank by the employer under section 303(a). |
| WH-172 | 8-9-72 | CCPA | section 303 | Concerning laws of garnishment and legislation needed for remedy, section 303. |

| NUMBER | DATE | LAW | SECTION |
|--------|----------|------|----------------------------------|
| WH-173 | 9-7-72 | FLSA | |
| WH-174 | 8-20-72 | FLSA | |
| WH-175 | 9-20-72 | FLSA | |
| WH-176 | 9-21-72 | FLSA | sections 3(r)(1) 3(s)(4) |
| WH-177 | 8-2-72 | CCPA | section 303(a) |
| WH-178 | 9-20-72 | FLSA | section 7 29 CFR Part 778.210 |
| WH_179 | 10-10-72 | FLSA | section 7(j) |
| WH-180 | 10-30-72 | FLSA | section 3(r) |
| WH-181 | 10-30-72 | CCPA | section 303(a) |
| WH-182 | 10-31-72 | PCA | |
| WH-183 | 11-15-72 | CCPA | Title III |

ISSUE

To obtain more information concerning the employer-employee relationship involved in the organization and operation of a school.

Whether employees of a company working on assignments in various establishments are considered to be jointly employed by the company and the employer whose work they do in the establishment.

Whether the employees at a horse ranch are considered to be employed in agriculture.

Application for permission under sections 3(r)(1) and 3(s)(4) to employ a teenager as an aide in an extended care facility for kindergarten children for less than the required minimum wage.

Proposed California legislation and if it would provide restrictions on garnishments substantially similar to those in section 303(a).

Whether payment to brake and wheel mechanics is pursuant to 29 CFR Part 778.210 and constitutes compliance with section 7.

Whether a corporate office clerical staff who performs the following service: public relations, payroll, accounting, administrative services, engineering, architecture and planning, etc., are eligible for a day "work period" under section 7(j).

Employer makes inquiry as to a crew of 10 individuals who do remodeling in various hospitals.

Whether service station with a franchised tire distribution center (physically attached) is a single enterprise within the meaning of section 3(r).

Proposed legislation for an exemption from the provisions of section 303(a).

Concerns Minnesota law permitting garnishments in excess of the amount permitted by Title III.

| WH-NUMBER | DATE | LAW | CITATIO. | ISSUE INVOLVED. |
|-----------|----------|------|-----------------------------|--|
| WH-184 | 11-10-72 | CCPA | 15 U.S.C. 1674(b) | Initiation of action under 15 u.s.c. 1674(h) concerning the enforcement of restrictions on discharge from employment by reason of garnishment. |
| WH-185 | 12-7-72 | FLSA | | If employer-employee relationship exists between the school and students who engage in office work in the school system as part of curriculum. |
| WH-186 | 12-22-72 | PCA | | |
| WH-187 | 12-26-82 | CCPA | | Arbitration ruling finding that no authority was presented regarding consideration given to garnishments executed before July 1, 1970. |
| WH-188 | 12-27-72 | FLSA | | Volunteer workers such as nuns, priests, lay brothers, ministers, deacons, and other members of religious orders who serve pursuant to their religious obligations are not employees. |
| WH-189 | 12-27-72 | FLSA | | Request for permission to make payroll deductions for repayment of loans made to employees and for the purchase of hard hats and construction materials. |
| WH-190 | 1-8-73 | FLSA | section 7(e)(4) | Requesting that contributions and payments made pursuant to the subject plan qualify for exclusion from the participating employees' regular rates of pay pursuant to section 7(e)(4): |
| WH-191 | 1-8-73 | FLSA | sections 7(c) and 13(b)(15) | The application of sections 7(c) and 13(b)(15) for partial overtime exemption paid on a calendar year basis. |
| WH-192 | 1-8-73 | PCA | | |
| WH-193 | 1-12-73 | PCA | | |
| WH-194 | 12-21-72 | CCPA | section 304(a) | How long an employer's liability might continue under the provisions of the Act which restrict discharge from employment because of garnishment. Section 304(a). |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|--------------|--|--|
| WH-195 | 1-18-73 | FLSA | section 7(e)(2) | Application of section 7(e)(2) for construction workers paid travel time and if it must be included when figuring overtime rates. |
| WH-196 | 1-18-73 | FLSA/ EPA | | |
| WH-197 | 2-1-73 | CCPA | section 302(a) | The restrictions on the amount of an individual's disposable earnings which may be subjected to garnishment, Section 302(a) |
| WH-198 | 2-1-73 | CCPA | | Garnishment legislation for compatibility between California State laws and Title III. |
| WH-199 | 12-7-72 | FLSA | sections 13(a)(2) 13(b)(18) 13(b)(8) | The applicability of sections 13(a)(2), 13(b)(8), and 13(b)(18) for workers in food service facilities in truck stops. |
| WH-200 | 2-6-73 | DB | | |
| WH-201 | 2-28-78 | DB | | |
| WH-202 | 3-1-73 | DB | | |
| WH-203 | 3-6-73 | SCA | | |
| WH-204 | 3-7-73 | FLSA | sections 3(f), 13(b)(2), 7(c) and 7(d) | Application of overtime provisions to employees of a mushroom growing processing and canning plant. Sections 3(f), 13(b)(12), 7(c) and 7(d). |
| WH-205 | 3-8-73 | FLSA | section 13(b)(1) | The application of section 13(b)(1) to delivery employees of a soft drink bottler and distributor. |
| WH-206 | 3-8-73 | DB | | |

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| MH-207 | 3-15-73 | PCA | | |
| MH-208 | 3-26-73 | FLSA | | Requesting opinion on proposed wage plan for 4 day 12 hour a day, workweek paying time and a half overtime for 8 hours. |
| MH-209 | 3-30-73 | CCPA | section 304 | Application of discharge prescription of Title III section 304 to suspensions. |
| MH-210 | 4-17-73 | FLSA | sections 548.1 and 548.2 of 29 CFR Part 548 section 7(g) | Joint application for authorization of a basic rate pursuant to 29 CFR Part 548. Both applications made under sections 548.1 and 548.2 of the regulations and section 7(g). |
| MH-211 | 4-18-73 | FLSA | sections 3(r)(1) and 3(s)(4) | Whether a day care center for children and mentally handicapped would qualify as an enterprise and thus have to pay minimum wage, Sections 3(r)(1) and 3(s)(4). |
| MH-212 | 4-20-73 | FLSA | sections 7(c) and 7(d) | If employees in the field grown cut and potted flower seasonal industry are subject to partial exemption from the overtime pay requirements provided by sections 7(c) and 7(d). |
| MH-213 | 4-25-73 | PCA | | |

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|--------|---------|-------|--|---|
| WH-214 | 4-27-73 | PCA | | request for limited exention to section 5.8(a) of 29 CFR Part 5, so that firm could continue payroll deductions for outstanding loans to employees. |
| WH-215 | 4-30-73 | FLSA | Section 7(b)(3) | Coropations involved in bulk distribution of propane gas requesting exemption pursuant to section 7(b)(3). |
| WH-216 | 4-30-73 | FLSA | 3(r)(1) and 3(s)(4) described in WH publication 1328 | Whether home for elderly ladies is a residential care establishment within the meaning of sections 3(r)(1) and 3(s)(4) described in WH Publication 1328. |
| WH-217 | 5-3-73 | FLCRA | P.L. 88-582 | request for approval of an accident policy meeting the requirements of Public Law 88-582 (FLCRA 1963). |
| WH-218 | 5-15-73 | FLSA | Sections 7(a) and 13(b)(11) 29 CFR Part 551.2(c) | request for interim finding pursuant to section 13(b)(11) and 29 CFR Part 551.2(c) to the effect that the delivery payment plan is applicable to the drivers and drivers' helpers who make local deliveries and has the purpose and effect of reducing the hours worked of such employees to, or below, the maximum workweek applicable under section 7(a). |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|--------------|--|---|
| WH-219 | 5-18-73 | PCA | | |
| WH-220 | 5-25-73 | FLSA | | If all 'on call' pay must be considered a higher rate of pay to be used to affect the employees' rate for overtime pay purpose. |
| WH-221 | 6-4-73 | FLSA | Sections 3(f), 13(a)(6) and 13(b)12 29 CFR Part 780.303 and 780.403 | That employees of an agricultural aviation firm be considered as agricultural employees as defined in section 3(f) subpart B of 29 CFR 780. Sections 780.303 and 780.403 of Part 780 and sections 13(a)(6) and 13(b)(12). |
| WH-222 | 6-6-73 | FLSA | | If minimum overtime guarantee for "on call" work may be excluded in computing the employees' regular rate of pay for overtime pay computation purposes and credited towards and statutory overtime pay due. |
| WH-223 | 1-15-73 | FLSA/ EPA | | |
| WH-224 | 4-26-73 | FLSA/ EPA | | |
| WH-225 | 4-30-73 | FLSA/ EPA | | |
| WH-226 | 6-7-73 | FLSA | Section 13(b)(9) | The application of section 13(b)(9) to radio and television stations. |
| WH-227 | 6-8-73 | FLSA | WH-212, sections 7(c) and 7(d) of Part 526 | Concerns typographical error in WH-212 -- the exemption from sections 7(c) and 7(d) of Part 526 for workers in the grown cut and potted flower seasonal industry. |
| WH-228 | 6-19-73 | FLSA | Section 13(a)(2) | Section 13(a)(2) exemption for persons engaged in landscaping. |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|------|---|---|
| WH-229 | 6-29-73 | FLSA | | Whether certain trainees are considered employees within the meaning of FLSA. Whether work done by resident institutions is considered as being performed pursuant to an employment relationship between the patient and the institution. |
| WH-230 | 7-10-73 | FLSA | | Whether the time spent by an employee as a kindergarden teacher and all the time spent cleaning and maintaining the school is covered work and must be compensated for. |
| WH-231 | 7-11-73 | FLSA | Section 13(b)(10) | Exemption of service advisors under section 13(b)(10). |
| WH-232 | 6-13-73 | PCA | | |
| WH-233 | 7-16-73 | FLSA | Section 7(g)(3) | Request for approval of application under section 7(g)(3) for calculating payment of wages for employees in the solvent and waste treatment operations. |
| WH-234 | 7-23-73 | FLSA | Section 13(b)(10) | Exemption of service advisors under section 13(b)(10). |
| WH-235 | 7-31-73 | FLSA | Section 13(a)(1) | Section 13(a)(1) concerning the application of the outside salesman exemption to employees engaged in selling lots (developed camp sites) to recreation vehicle owners. |
| WH-236 | 8-6-73 | FLSA | Section 7(a) | Request for opinion on proposed wage plan under which employees would work 75 hours in nine days over a two week period. Section 7(a). |
| WH-237 | 9-18-73 | FLSA | 29 CFR Part 785.47 | Public utilities pay computation plan based on tenths of an hour, Interpretative Bulletin 785; Section 785.47. |
| WH-238 | 9-20-73 | CCPA | Sections 571.47 and 571.48 of Chapter 571 of the Minnesota Code | Concerns amendment to Minnesota garnishment law to ensure that garnishments executed pursuant to 571.47 and 571.48 of Chapter 571 of the Minnesota Code do not exceed amount permitted by Title III. |
| WH-239 | 10-1-73 | FLSA | 29 CFR Part 531.35 through 531.37 and 29 CFR Part 778.307. | Deductions made from employees' wages for cash shortages as discussed in 29 CFR Part 531.35 through 531.37 and in 29 CFR Part 778.307. |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|----------|------------------|-------------------|---|
| WH-240 | 10-1-73 | CCPA | Section 303(a) | Request for reconsideration of position on granting an exemption from the provisions of section 303(a). |
| WH-241 | 11-26-73 | FLSA | Section 7(e)(4) | Would contributions and payments made pursuant to the subject plan qualify for exclusion from the participating employees' regular rate of pay pursuant to section 7(e)(4). |
| WH-242 | 11-26-73 | FLSA | Section 13(a)(1) | Whether certain crew chiefs employed by a minting contractor are executive exempt from the minimum wage and overtime pay requirements under section 13(a)(1). |
| WH-243 | 11-27-73 | FLSA | Section 13(a)(2) | Application of section 13(a)(2) to establishments performing exterminating and pest control work. |
| WH-244 | 11-27-73 | FLSA | Section 13(b)(10) | Request for opinion on the application of the minimum wage requirements to automobile salesmen who are exempt from the overtime provisions by virtue of section 13(b)(10). |
| WH-245 | 11-28-73 | FLSA/ SCA/PCA | | Whether persons incarcerated in a state penal institution are covered and/or exempt from the provisions of FLSA, PCA and SCA. |
| WH-246 | 11-26-73 | FLSA/ EPA | | |
| WH-247 | 11-29-73 | FLSA | | Requests review and comments on the work rights section of the Association of Medical Superintendents of Mental Hospital's proposed Platform on Patient's Rights. |
| WH-248 | 11-30-73 | ADEA | | |
| WH-249 | 11-30-73 | FLSA | Section 13(a)(1) | Whether patient service dieticians employed at a hospital are exempt under section 13(a)(1) from its minimum wage and overtime pay requirements. |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|----------|--------------|--|--|
| WH-250 | 12-4-73 | FLSA | | Request for an opinion on the possible employment relationship between the <u>Association for Retarded Children</u> and certain retarded persons. |
| WH-251 | 12-26-73 | FLSA | 29 CFR Part 531.52 section 3(m) | Whether employers may make deductions for walkouts, check errors, and uniform costs from waitresses making \$3.60 an hour (\$2.80 in tips) 29 CFR Part 531.52 and section 3(m). |
| WH-252 | 1-28-74 | FLSA | 29 CFR Part 785.26 | Requesting opinion on whether time spent in clothes changing on the employer's premises each day before and after other employees' work shift is regarded as working time. 29 CFR Part 785.26. |
| WH-253 | 2-22-74 | FLSA | 29 CFR Part 778.210 | Requesting an opinion that an employers' contributions and payments pursuant to a subject plan, are excludable from the regular rate under FLSA as a percentage bonus. 29 CFR Part 778.210. |
| WH-254 | 2-22-74 | FLSA | | Whether employees in an industrial glove manufacturing plant who were not getting paid minimum wage were employees or students. |
| WH-255 | 2-27-74 | FLCRA | Sections 5(b)(6) and 5(b)(10) of P.L. 98-582 | Denial of renewal of Certificate of Registration of farm labor contractor based upon sections 5(b)(6), and 5(b)(10) of Public Law 98,582. |
| WH-256 | 2-27-74 | FLSA | Section 3(s)(4) | Whether employees of a Community Health Center are considered employees of a hospital under section 3(s)(4). |
| WH-257 | 2-28-74 | FLSA/ EPA | | |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|------|--------------------------------|--|
| WH-258 | 3-4-74 | FLSA | Section 7(e)(2) | Whether payments by employer to an employee Optional Leave Plan and a Retirement Leave Plan are excludable from the regular rate of pay under section 7(e)(2). |
| WH-259 | 3-15-74 | CCPA | | Whether Federal employees' wages may be garnished. |
| WH-260 | 3-19-74 | FLSA | Section 13(b)(1) | Application of section 13(b)(1) to wholly intrastate drivers of bulk oil and petroleum. |
| WH-261 | 4-4-74 | FLSA | Section 13(b)(1) | Application of section 13(b)(1) to certain "resident service representatives" employed by a medical service organization. |
| WH-262 | 4-16-74 | FLSA | Section 13(b)(1) | The status of certain vending machine mechanics who transport interstate products according to section 13(b)(1). |
| WH-263 | 4-4-74 | FLSA | | If physical examination required by employer and taken on employee's time, constitutes hours worked. |
| WH-264 | 4-4-74 | FLSA | Section 13(a)(1) | Request opinion on the exempt status of an accountant as an "administrative" employee under section 13(a)(1) as defined and delimited by section 541.2 of 29 CFR Part 541. |
| WH-265 | 4-29-74 | FLSA | Sections 13(a)(2) and 13(a)(1) | Would section 13(a)(2) exemption be applicable to employees of a business engaged in the installation and maintenance of coin operated amusement machines if annual sales are less than \$250,000. Would the sole charge exception for percentage limitations for nonexempt work provided under sec.13(a)(1) "executive" exemption apply to a "location" manager food vending operation. |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|--------------|--|---|
| WH-266 | 5-10-74 | FLSA | 29 CFR Part 541.3 | If exemption criteria set forth in 29 CFR Part 541.3 are met by a paramedical employee designated as a physician assistant. |
| WH-267 | 5-17-74 | PCA | | |
| WH-268 | 5-17-74 | PCA | | |
| WH-269 | 5-20-74 | PCA | | |
| WH-270 | 6-4-74 | FLSA | Section 13(a)(15) | Concerns the application of section 13(a)(15) for companions for persons helpless in wheel chairs. |
| WH-271 | 6-5-74 | FLSA | Section 13(a)(1) | If service engineers employed by national distributor of scientific and medical instrumentation would be exempt from pay requirements as "professional" employees under section 13(a)(1). |
| WH-272 | 6-7-74 | FLSA | | Application of FLSA to domestic workers who receive a salary plus other compensation such as meals, room and board, and social security. |
| WH-273 | 6-7-74 | FLSA | Section 14(b) | Concerns the employment of full-time students under section 14(b) as amended in 1974. |
| WH-274 | 6-7-74 | FLSA/ SCA | Section 29 CFR 531.3(d) | The cost to an employee of furnishing and laundering uniforms, where they are required by the employer or the nature of the employment. Section 29 CFR 531.3(d)(2), 531.32(c) and 531.35. |
| WH-275 | 7-5-74 | FLSA | Sections 29 CFR 531.3(d)(2), 531.32(c) and 531.35 | Whether amended FLSA applies to a child care service provided in the home with another person helping during busiest hours. |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|--------------|------------------------------------|--|
| WH-276 | 7-3-74 | FLSA | Section 13(a)(3) | Application of amended FLSA to employees of amusement parks and recreational areas to the exemption provided in section 13(a)(3). |
| WH-277 | 7-10-74 | FLSA | Section 13(d) | Whether exemptions provided in section 13(d) would apply to newspaper employees who deliver newspapers to coin racks at various locations on city streets. |
| WH-278 | 7-29-74 | FLSA | Sections 7(c) and 7(d) | Number of weeks of exemption that may be claimed during calendar year 1974 under sections 7(c) and 7(d). |
| WH-279 | 8-2-74 | FLSA | Section 3(e)(2)(c) | Whether all employees in the legislative branch of a state government are excluded from the definition of "employee" in section 3(e)(2)(c). |
| WH-280 | 8-2-74 | FLSA | Sections 4(f), 3(d), 3(e) and 3(c) | Application of amended FLSA to employees of the District of Columbia. Sections 4(f), 3(d), 3(e) and 3(c). |
| WH-281 | 8-5-74 | FLSA | | Application to volunteers serving Foster Grandparent Program and Senior Companions Program under section 418. |
| WH-282 | 8-12-74 | FLSA | | Concerned with the application of amended FLSA to city employees who devote their off-duty time to city sponsored recreation programs. |
| WH-283 | 8-14-74 | FLSA | Sections 13(b)(1) and also 7(n) | If transit employees of a common carrier, who are part of a group where the employee is likely to be called upon in the ordinary course of his work to perform, are eligible for overtime exemption in section 13(b)(1) and also 7(n). |
| WH-284 | 8-19-74 | FLSA | | If time spent on jury duty would be considered compensable hours of work. |
| WH-285 | 8-12-74 | FLSA/ EPA | | |

| WH-Number | Date | Law | Citation | Issue Involved |
|-----------|----------|------|--------------------------------|--|
| WH-286 | 8-27-74 | FLSA | | Whether employee working 20 hours a week and another working six, in a private nursing or family care home are subject to the minimum wage law. |
| WH-287 | 4-29-74 | AFSA | | |
| WH-288 | 9-10-74 | FLSA | sections 13(a)(2) and 13(a)(3) | Application of sections 13(a)(2) and 13(a)(3) to an indoor swimming pool operated by the town's park and recreation board. |
| WH-289 | 10-10-74 | ADEA | | |
| WH-290 | 9-18-74 | FLSA | | Application of FLSA to child care institutions. |
| WH-291 | 10-8-74 | FLSA | | If amended FLSA applies to a cleaning woman who works several hours a week in her home. |
| WH-292 | 10-8-74 | FLSA | 29 CFR Part 541.2 | The exempt status under 29 CFR Part 541.2 of Public Defenders and certain grades of Police Officers. |
| WH-293 | 10-16-84 | FLSA | 13(a)(2); 13(a)(3); 13(b)(8) | Application of amended FLSA to employees of the Young Men's Christian Association 13(a)(2); 13(a)(3); 13(b)(8). |
| WH-294 | 10-24-74 | FLSA | 13(a)(2); 3(s)(4) | Request that Wage and Hour Division establish criteria for distinguishing between child care establishments which are custodial and those which are developmental 13(a)(2); 3(s)(4). |
| WH-295 | 10-29-74 | FLSA | section 13(b)(20); 7(a); 7(k) | Application of FLSA to firefighters who are also employed in their off-duty hours by the city to read meters. sections 13(b)(20); 7(a); 7(k). |
| WH-296 | 10-31-74 | FLSA | section 13(a)(2) | Exemption from section 13(a)(2) for employees of a retail division of a company whose annual gross volume of sales exceeds one million dollars, but the retail division does not exceed \$250,000. |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|----------|------|------------------------|--|
| WH-297 | 11-11-74 | FLSA | | Application of FLSA to individual "babysitters" who are paid by the county welfare department for child-care service they provide in the parent's home. |
| WH-298 | 11-13-78 | FLSA | | Request for an opinion on the application of amended FLSA to the following situations: (1) to individuals who provide child-care services in their own homes under agreement with the Division of Family Services and (2) to foster parents who, under agreement with the division, raise a child in their own home. |
| WH-299 | 12-17-74 | FLSA | | Application to individuals providing child-care service to enrollees in the Work Incentive Program administered by a social service board. |
| WH-300 | 12-17-74 | FLSA | OMB Circular A-85 | Concerns the possible application of OMB Circular A-85 to regulations issued on the application of the FLSA to state and local government employees. |
| WH-301 | 12-19-74 | FLSA | Section 3(e)(2)(c)(11) | Requesting opinion as to whether official shorthand court reporters are excluded employees pursuant to section 3(e)(2)(c)(11). |
| WH-302 | 4-24-75 | ADEA | | |
| WH-303 | 1-20-75 | FLSA | Section 13(a)(1) | Request that the Wage and Hour Division extend its non-enforcement positions under the FLSA to helicopter pilots engaged in forest management and certain other flying activities. Section 13(a)(1). |
| WH-304 | 1-13-75 | FLSA | Section 14(b) | The employment of full time students under the provisions of section 14(b) as part time custodial workers for a convention center. |
| WH-305 | 1-15-75 | FLSA | | Regarding a proposed pay plan for dining room waiters in a restaurant in which instead of requiring tipping a 12 % charge is added to the bill. |
| WH-306 | 2-13-75 | FLSA | Section 13(b)(1) | Whether a driver of an ambulance transporting corpses in interstate commerce would be exempt from overtime compensation under section 13(b)(1). |

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|--------|----------|---------|--|--|
| WH-307 | 2-14-75 | FLSA | Section 13(a)(3) | Application of section 13(a)(3) to a municipally operated indoor/outdoor swimming facility which is open nearly 12 months a year. |
| WH-308 | 12-19-74 | FLSA | | Identical to WH-301 |
| WH-309 | 2-18-75 | FLSA | Section 13(a)(3) | Reassessment of status under section 13(a)(3) for lifeguards who work seven months a year. |
| WH-310 | 2-18-75 | Section | 3(m) | Prototype employment agreement where all tips are turned over to employer at the end of the day, the employer agrees to pay employee \$2.00 for the first 48 hours worked each week; the employer further agrees to pay employees \$3.00 an hour for each hour over 48 whether the terms of this agreement are prohibited by section 3(m). |
| WH-311 | 2-26-75 | FLSA | Section 7(k); 29 CFR Part 553.3 through 553.6 | Regarding the treatment of City of Los Angeles Airport Safety Officers under section 7(k) pursuant to the principles stated in 29 CFR Part 553.3 through 553.6. |
| WH-312 | 5-27-75 | FLSA | Sections 13(a)(3) and 13(b)(8) | Application of sections 13(a)(3) and 13(b)(8) to employees employed by country clubs. |
| WH-313 | 3-3-75 | FLSA | | Whether 15 year olds performing in school-sponsored activity commemorating the nation's bicentennial are exempt from the child labor provisions of the Act. |
| WH-314 | 3-14-75 | SCA | | |
| WH-315 | 3-27-75 | FLSA | 29 CFR Part 552; sections 552.109; 552.6; 13(a) and (15) | Regarding minimum wage and overtime pay requirements for employment agencies which provide sitting services in hospitals, nursing homes, and private homes. 29 CFR Part 552 sections 552.109; 552.6; 13(a)(15). |

| WH-Number | Date | Law | Citation | Issue Involved |
|-----------|---------|--------------|--|--|
| WH-316 | 4-8-75 | SCA | | |
| WH-317 | 3-28-75 | FLSA | 29 CFR Part 529 | Application of 29 CFR Part 529 to working patients in institutions in the drug abuse program. |
| WH-318 | 4-17-75 | FLSA/ SCA | | Concerning employer liability for maintaining uniforms provided without cost to the employees. |
| WH-319 | 4-30-75 | FLSA | section 3(e)(2)(c) | Request a ruling to the effect that all employees of a city be covered by section 3(e)(2)(c) except for employees specifically exempted as Executive, Administrative, Professional, etc. |
| WH-320 | 4-28-75 | FLSA | section 7(k); 13(a) (1) 29 CFR Part 541 | Whether hours spent by an employee as Interim Director, Dept. of Parks and Recreation, must be counted for the purpose of determining whether the employee has worked in excess of 240 hours in a 28-day work period for the purposes of section 7(k). His primary employment is that of Lieutenant in the Fire Dept. sections 13(a)(1) and 29 CFR Part 541. |
| WH-321 | 4-30-75 | FLSA | section 3(m) | Request for reconsideration of opinion in letter of October 3, 1974 concerning section 3(m) which does not permit an employer having tipped employees to require that such employees turn over to him their tips in an amount equal to the statutory minimum which is then used to pay the employees. |
| WH-322 | 5-9-75 | FLSA | section 553.18 of 29 CFR Part 553 sections 7(k) and 13(b)(20) | Regarding the application of section 553.18 of 29 CFR Part 553 which is issued pursuant to sections 7(k) and 13(b)(20). Concerns "traded time" and applicability of FLSA to firefighters and law enforcement personnel. |
| WH-323 | 5-27-75 | FLSA | 29 CFR Part 70.42(e); section 3(m) | Request for information under Freedom of Information Act(29 CFR 70.42(e)). Also a request for an opinion under section 3(m). |
| WH-324 | 5-28-75 | FLSA | | Concerns the application of the FLSA to certain law enforcement officers. |

| NUMBER | DATE | LAW | SECTION | ISSUE |
|--------|---------|------|--|---|
| WH-325 | 6-2-75 | FLSA | 29 CFR Part 553.9(d) 29 CFR Part 791.2 | Whether joint employment relationship exists as to the employment of police officers employed by two or more employers. 29 CFR Part 553.9(c); 29 CFR Part 791.2. |
| WH-326 | 5-3-75 | PCA | | |
| WH-327 | 6-2-75 | FLSA | 29 CFR Part 553 | The application of FLSA to employees of public agency engaged in fire protection or law enforcement activities 29 CFR Part 553. |
| WH-328 | 5-28-75 | FLSA | | Application of FLSA to certain law enforcement officers who are living rent free in mobile homes provided by the school board in exchange for security duty to guard against vandalism. |
| WH-329 | 5-7-75 | FLSA | Sections 13(b)(8) and 13(b)(18) | The application of sections 13(b)(8) and 13(b)(18) to food service employees in private clubs, commercially operated golf courses and municipal golf courses. |
| WH-330 | 5-9-75 | FLSA | Sections 29 CFR Part 553.9(b) and 29 CFR, Part 791.2(b)(2) | Regarding "dual employment" based on firefighters also employed as emergency medical technicians by a county operated institution. 29 CFR 553.9(b) and 29 CFR 791.2(b)(2). |
| WH-331 | 5-16-75 | FLSA | | Whether there is a joint employment relationship between the police department and the private employer of an off-duty police officer. |
| WH-332 | 5-1-75 | FLSA | Section 7(e)(1); 29 CFR Part 778.211(c) | Whether payments made as a reward for service are excludable from the regular rate pursuant to section 7(e)(1) and if they must be considered as part of the regular rate of pay for purposes of computing overtime pay due under the Act (29 CFR Part 778.211(c)). |
| WH-333 | 5-15-75 | FLSA | Sections 3(x) and 3(s)(4), | Whether the Albuquerque-Bernalillo County Economic Opportunity Board is a private nonprofit corporation incorporated under the laws of New Mexico or is it a "public agency" under sections 3(x) and 3(s)(4). |

| WH-Number | Date | Law | Citation | Issue Involved |
|-----------|---------|------|---|--|
| WH-334 | 4-18-75 | FLSA | | Application to handicapped clients of the Maryland Division of Vocational Rehabilitation who are receiving training in state institutions. Request opinion of employment relationship. |
| WH-335 | 4-28-75 | FLSA | | Whether a city that pays employees to be part-time referees in a winter basketball league is responsible for paying overtime wages. |
| WH-336 | 4-28-75 | FLSA | section 13(d) | Exemption from monetary provisions for newspaper carriers when they engage in the application of new subscriptions. section 13(d) |
| WH-337 | 5-1-75 | FLSA | 29 CFR Part 778.603 section 13(b)(8)(a); 7(a) | Request that section 778.603 of 29 CFR Part 778, be amended to provide that an employee who has failed to meet the conditions under which a partial overtime pay exemption may become applicable, be permitted to satisfy the conditions for applying the exemption retroactively. section 13(b)(8);7(a) |
| WH-338 | 6-4-75 | FLSA | section 553.1(b) of 29 CFR Part 553; 7(k) | Request for comments as to the legality of an overtime policy for a Police Department. section 553.1(b) of 29 CFR Part 553; 7(k) |
| WH-339 | 6-6-75 | FLSA | section 14 | Request for review of denial of application for the employment of full-time students under section 14, because establishment did not meet the definition of a retail or service establishment |
| WH-340 | 6-16-75 | FLSA | | How overtime should be computed for an employee whose state law provides a different basis for valuating board, lodging or other facilities provided employees by the employer. |

| WH-Number | Date | Law | Citation | Issue Involved |
|-----------|---------|--------------|---|---|
| WH-341 | 6-23-75 | ADEA | | |
| NH-342 | 4-18-75 | FLSA | section 7(k) | Whether the work period rather than the workweek may be used to measure compliance with the minimum wage for employees whose overtime is appropriately paid under section 7(k). |
| WH-343 | 5-1-75 | FLSA | section 13(a)(20); 13(a)(2);13(b)(18) | The application of the overtime provisions to employees of restaurants and food service employees of other ratila or service establishments. section 13(a)(20); 13(a)(2); 13(b)(18). |
| WH-344 | 7-3-75 | FLSA | section 553.19 of 29 CFR Part 553; Sec- tion 7(k) | Whether the payment due a law enforcement emolyee for both the minimum wage and overtime compensation due an employee must be made at the regular pay day for the period in which the work was performed. section 553.19 of 29 CFR Part 553; section 7(k). |
| WH-345 | 7-3-75 | FLSA | section 778.320 of 29 CFR Part 778 | Whether employees, who do not use a given six minute period at the end of an eight hour workday to clean up should receive payment for the time not worked and if this time should increase their regular rates of pay for overtime pay purposes. section 778.320 of 29 CFR Part 778. |
| WH-346 | 7-10-75 | FLSA | | Whether an inmate of a state penitentiary would be covered by the Act while working at an outside university. |
| WH-347 | 7-11-75 | FLSA/ EPA | | |
| WH-348 | 7-21-75 | FLSA | section 13(a)(1) | Request for advisory opinion on the "executive" and/or "administrative" status of post masters under section 13(a)(1). |
| WH-349 | 7-23-75 | FLSA | section 13(g); 3(s) | Application of FLSA to employees of a retail establishment which is part of a \$10 million conglomerate. section 13(g);3(s). |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|---------|-------|---|---|
| WH-350 | 7-21-75 | FLSA | Sections 6(f) and 3(s) (1) | Whether registered nurses who are members of a nurse registry would be regarded as employees of the registry and subject to the FLSA when they nurse for individuals (1) in the individuals' home, or (2) in hospitals or nursing homes, Sections 6(f) and 3(s)(1). |
| WH-351 | 8-11-75 | SCA | | |
| WH-352 | 8-12-75 | FLSA | Section 3(m) | Concerns the burden of proof with respect to tips received by employees under the tip credit provisions of section 3(m), |
| WH-353 | 8-7-75 | FLCRA | Sections 5(b)(6) & 5(b)(10) of Public Law 93-518 | Revocation of Certification of Registration based upon sections 5(b)(6) and 5(b)(10) of Public Law 93-518, |
| WH-354 | 8-13-75 | FLCRA | Sections 5(b)(6) and 5(b)(10) of Public Law 93-518 | Denial of issuance of Farm Labor Contractor Certificate of Registration based upon sections 5(b)(6) and 5(b)(10) of Public Law 93-518, |
| WH-355 | 9-11-75 | FLCRA | | Whether the Administrator (WH) would consider to refuse to issue a certificate whenever a farm labor contractor is investigated (and violations are found) and the same contractor has an application pending, |
| WH-356 | 9-11-75 | FLSA | Publication 1297 and sections 553.11 of 29 CFR Part 553 | Concerning the status of volunteer services donated to your city, Publication 1297 and sections 553.11 of 29 CFR Part 553, |
| WH-357 | 9-2-75 | FLSA | | Special exception for certain flight personnel who have been deemed to be within the exemption of "employees employed in a bona fide executive, administrative, or professional capacity, |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|-----------|----------|--------------|--|--|
| WH-358 | 11-7-75 | SCA | | |
| WH-359 | 8-7-75 | FLSA/ EPA | | |
| WH-360 | 8-19-75 | ADEA | | |
| WH-361 | 10-1-75 | FLSA | <u>Medrick v. Albert Enterprises</u> 508 f. 2d 297 | Additional information to assist in determining whether craftspeople should be treated as employees of a firm or as independent contractors. <u>Medrick v. Albert Enterprises</u> , 508 f. 2d 297). |
| WH-362 | 10-28-75 | FLSA | Section 3(e)(2)(c) | Concerns the application of section 3(e)(2)(c) to the "personal staffs" of certain elected officials. |
| WH-363 | 11-10-75 | FLSA | Section 541.02 of 29 CFR Part 541 Section 13(a)(1) | The recognition of dental hygiene as a "learned profession" as contemplated by section 541.02 29 CFR Part 541, section 13(a)(1). |
| WH-364 | 11-11-75 | FLSA | Section 13(a)(3) | Requesting the status of employees under section 13(a)(3) of a membership organization which contracts with a city to put on a band tournament. |
| WH-365 | 11-12-75 | FLSA | | Concerns the application of the FLSA to patient workers at a state hospital. Specifically concerning severely retarded individuals with no understanding of the value of money or adequate judgement to handle it appropriately. |
| WH-366 | 11-12-75 | FLSA | Section 3(s)(5), 7(k) and 3(d) | Whether fire fighters in an unincorporated town who are hired by the property owners, are considered private or public employees. Section 3(s)(5), 7(k) and 3(d). |
| WH-367 | 11-19-75 | FLSA | Section 7(e)(3)(b) and 29 CFR Part 549 Section 13(a)(1) Section 549.1(e) | Request for approval of a proposed profit sharing plan under section 7(e)(3)(b) and 29 CFR Part 549 for managers of gasoline service stations, some of whom are exempt from overtime and minimum wage under section 13(a)(1) and section 549.1(e). |

| WH-Number | Date | Law | Citation | Issue Involved |
|-----------|----------|------|--|---|
| WH-368 | 11-25-75 | FLSA | section 13(a) (15) | Whether the exemption provided by section 13(a) (15), as amended in 1974, would apply to "houseparents" employed by the county to oversee and reside with 6 or more mentally retarded persons in residential county homes. |
| WH-369 | 12-3-75 | FLSA | | Status of employee "volunteers" in a non-profit Public Broadcasting station. |
| WH-370 | 2-4-76 | FLSA | section 3(g) | Status of high-school students engaged in activities in connection with a school publication which appears in the local newspaper, section 3(g) |
| WH-371 | 2-11-76 | FLSA | | If hours spent by employees driving commuter vans owned by their employer under the "van-pooling program," would be compensable hours of work. |
| WH-372 | 3-10-76 | CCPA | section 303(b) (1) section 303(a) | Whether earnings withheld pursuant to a child support order or lien issued by the state secretary of the Department of Social and Health Services pursuant to state law would come within the section 303(b) (1) exemption of "any order of any court for the support of any person" from the garnishment restrictions of section 303(a). |
| WH-373 | 2-20-76 | FLSA | section 13(a) (1) | The exempt status under section 13(a) (1) of resident managers who are responsible for the overall operation and maintenance of an apartment complex. |
| WH-374 | 2-24-76 | FLSA | section 13(b) (24) | The application of section 13(b) (24) to houseparents employed by an organization to care for children placed in a home by the court of Department of Welfare. |
| WH-375 | 3-1-76 | FLSA | | Application of FLSA to various work activities performed by patients at state hospitals. |
| WH-376 | 3-5-76 | FLSA | section 541.3(a) (1) of 29 CFR Part 541 | Request that a two-year course of professional study required for registration as a dental hygienist be recognized as meeting the test in section 541.3(a) (1) of 29 CFR Part 541. |

| WH-Number | Date | Law | Citation | Issue Involved |
|-----------|---------|------|------------------------------|---|
| WH-377 | 3-10-76 | FLSA | | <p>Interpretation of coverage on two situations involving the employment of temporary telephone operators by an eleemosynary organization which sell no goods or services.</p> <p>(1) telephone operators making calls <u>within the state to solicit volunteers.</u></p> <p>(2) telephone operators who place calls <u>within the state to solicit volunteers and contributions.</u></p> |
| WH-378 | 3-10-76 | FLSA | section 13(b)(20) | If exemption from overtime pay requirements provided in section 13(b)(20) would apply to a campus policeman employed by a publically operated two-year junior college. |
| WH-379 | 3-26-76 | FLSA | sections 7(i)(1) and 7(i)(2) | If proposed method of payment, under which waiters and waitresses employed by a hotel, motel or restaurant will be paid a salary plus a commission, would satisfy the requirements of sections 7(i)(1) and 7(i)(2). |
| WH-380 | 3-26-76 | FLSA | | Application of FLSA to tipped employees. |
| WH-381 | 4-5-76 | FLSA | | Guidance with respect to the employment status under the FLSA of patients engaged in work activities as a result of their being "compulsive workers". |
| WH-382 | 6-16-76 | FLSA | section 13(b)(24) | Opinion on the application of section 13(b)(24) to houseparents of state homes operated by the youth council. |
| WH-383 | 6-21-76 | FLSA | section 13(a)(1) | Request for "administrative" status of Area Representatives under section 13(a)(1). |
| WH-384 | 7-9-76 | FLSA | section 13(b)(8) | Application of section 13(b)(8) to hotel and motel employees who perform custodial services. |

| WH-Number | Date | Law | Citation | Issue Involved |
|-----------|---------|------|---|--|
| WH-385 | 7-9-76 | FLSA | section 7(n); 778.320 of 29CFR, Part 778 | Application to employees engaged in local passenger transit activities and who also engage in charter activities. Section 7(n); 778.320 of 29 CFR, Part 778. |
| WH-386 | 7-12-76 | FLSA | section 3(t) | Five problems involving computation of pay due to employees who, in accordance with section 3 (t), are "tipped employees." |
| WH-387 | 7-22-76 | FLSA | sections 7(a); 7(k) 4(f) and section 553.16 of 29 CFR Part 553 | The application of FLSA to Federal Fire Fighters Sections 7(a); 7(k); 4(f) and section 553.16 of 29 CFR Part 553. |
| WH-388 | 8-1-76 | FLSA | sections 13(a)(3); 13(a)(2) | Concerning resort operations on land leased from the Tennessee Valley Authority. Sections 13(a)(3); 13(a)(2). |
| WH-389 | 6-25-76 | ADEA | | |
| WH-390 | 8-10-76 | FLSA | | Interpretation of the law concerning the employment of minors 16 and 17 years of age as ambulance attendants which requires riding in the ambulance and assisting an injured or ailing person. |
| WH-391 | 8-20-76 | FLSA | section 13(a)(1) section 541.207 of 29 CFR Part 541 | Request for Labor Dept. views on the "administrative" status under Section 13(a)(1) of the positions of PAR Counselor, Lead and PAR Counselor. Section 541.207 of 29 CFR Part 541. |
| WH-392 | 8-20-76 | FLSA | | Treatment of the concept that the employee must receive prompt reimbursement for the cost of any required uniforms which would cut into the statutory minimum wage or overtime compensation. |
| WH-393 | 8-23-76 | FLSA | | Forwarding of correspondence to office of Regional Solicitor concerning the application of FLSA. |

| WH-Number | Date | Law | Citation | Issue Involved |
|-----------|----------|------|--|--|
| WH-394 | 8-23-84 | FLSA | sections 13(b)(8) 13(b)(18) | Application of sections 13(b)(8) and 13(b)(18) exemptions to food service activities at a hospital. |
| WH-395 | 8-26-84 | FLSA | 29 CFR Part 541. Section 13(a)(1) | Requesting amendment to 29 CFR Part 541, to provide an overtime exemption only for management trainees in retail or service establishments, section 13(a)(1). |
| WH-396 | 8-26-76 | FLSA | section 13(b)(8) | The application of the overtime provisions to employees of restaurants and other food service establishments as applicable under section 13(b)(8). |
| WH-397 | 11-11-74 | PCA | | |
| WH-398 | 11-26-76 | FLSA | 5b.5c. sec. 552(a) (3) Exemption 7(a) Departmental Regs. 29 CFR Part 70.27; section 3(m); sections 531.3, 531. 4, and 531.5 of 29 CFR Part 531 | Request, pursuant to 5 U.S.C. sec. 552(a)(3), all correspondence between the Dept. of Labor or its employees and the representatives of the company in question, pertaining to hearings, to determine the reasonable cost or fair value of facilities furnished to employees by the company and its labor contractors. Exemption 7(a) and Departmental Regulations 29 CFR Part 70.27; section 3(m); sections 531.3, 531.4 and 531.5 of 29 CFR Part 531 |
| WH-399 | 12-6-76 | FLSA | section 18(a) | Concerns the application of section 18(a) wherein state law establishes a minimum wage and tip credit less than that of the federal law. |

| NUMBER | DATE | LAW | CITATION | ISSUE SUBJECT |
|--------|---------|-------|--|--|
| WH-400 | 12-9-76 | FLSA | section 779.305 CFR Part 779 | circumstances under which a food service facility truck stop may be regarded as a separate establishment as determined in section 779.305 of 29 CFR Part 779. |
| WH-401 | 1-14-77 | FLSA | section 13(a)(3) | Application of the exemption in section 13(a)(3) to the employees of a firm engaged in offering "sailing vacations" and rentals to the |
| WH-402 | 1-21-77 | FLSA | section 3(r) | Whether a retail hardware store and a funeral home located several miles apart, both of which are owned by one individual, constitute "related activities" within the meaning of section 3(r). |
| WH-403 | 1-24-77 | FLSA | section 13(b)(1) | Application of section 13(b)(1) to truck drivers whose employer is engaged in temporary warehousing and distribution of merchandise. |
| WH-404 | 8-26-76 | ADEA | | |
| WH-405 | 2-28-77 | FLSA | WH Pub. #1326 and Supreme Court case <u>National League of Cities v. Usery</u> | Request for information concerning the application of FLSA to employees of nursing homes, some of which are non-profit, others are proprietorship and some may be owned and operated by municipal governments. WH Publication #1326 and Supreme Court case <u>National League of Cities v. Usery</u> . |
| WH-406 | 3-2-77 | ADEA | | |
| WH-407 | 3-9-77 | FLCRA | sections 3(b)(2) and 3(b)(3) | Confirmation of advice given as to the Dept. of Labor's position on how FLCRA applies in four situations. 1) cash buyers; 2) cooperatives; 3) commission-consignment handler; and 4) handlers of their own items. Sections 3(b)(2) and 3(b)(3). |

| NUMBER | DATE | LAW | CITATION | ISSUE SUBJECT |
|--------|---------|---------|---|--|
| WH-408 | 3-14-77 | FLSA | sections 13(a)(2) and 13(a)(8) | Request for opinion on the application of sections 13(a)(2) and 13(a)(8) to employees of a corporation which publishes a small weekly newspaper. |
| WH-409 | 3-17-77 | FLSA | 29 CFR Part 541.3 and section 13(a)(1) | The status of preschool teachers under 29 CFR Part 541.3, defining a bona fide professional employee under section 13(a)(1). |
| WH-410 | 3-28-77 | FLSA | | Opinion about the method of paying tips when charged on a credit card. |
| WH-411 | 4-13-77 | FLCRA | section 3(b) | Application of the FLCRA, as amended, to the Agricultural Labor Sponsoring Committee, Inc. section 3(b). |
| WH-412 | 1-6-77 | FLSA | section 13(b)(1) | If "over the road" truck drivers, who are engaged in interstate commerce are required by section 13(b)(1) to be paid a premium overtime wage after 40 hours of work in a workweek. |
| WH-413 | 3-28-77 | ADEA | | |
| WH-414 | 3-13-77 | FLSA/CL | sections 3(r)(1) and 3(s)(4) | The status of a nonprofit educational corporation operating a fine arts camp school during the summer months. Sections 3(r)(1) and 3(s)(4). |
| WH-415 | 5-10-77 | FLSA | | Same as WH-414 |
| WH-416 | 5-17-77 | FLSA | section 13(a)(1) | Requests the Wage and Hour Division to recognize translators as "professional" employees under section 13(a)(1). |
| WH-417 | 5-31-77 | FLSA | sections 13(a)(1) and 13(b)(1) | Application of sections 13(a)(1) and 13(b)(1) to route salesmen. |
| WH-418 | 6-13-77 | FLSA | | Wage and Hour Division investigation of a corporation compensating its non-exempt employees with payment of a fixed salary for workweeks of varying hours in excess of 40. |
| WH-419 | 7-1-77 | ADEA | | |
| WH-420 | 6-9-77 | FLSA | section 13(a)(1) section 541.1 of 29 CFR Part 541 | Exempt status under section 13(a)(1) of employee managers who operate and manage outlying gasoline service stations. Section 541.1 of 29 CFR Part 541. |

| NUMBER | DATE | LAW | MATTERS | ISSUE |
|--------|----------|-------|--|---|
| WH-421 | 6-30-77 | FLSA | sections 3(r) and 3(s) | Regarding the coverage and exempt status of a combination indoor and outdoor museum featuring displays, boat rides, ice cream parlor, arcade and carousel. Possible exemption as a covered enterprise under sections 3(r) and 3(s). |
| WH-422 | 7-1-77 | FLSA | sections 7(e)(2) and 7(a) | Application of FLSA to employees of a retail establishment dealing in food service products, who are required to wear and maintain uniforms, and who are "tipped employees". Section 7(e)(2) and 7(a). |
| WH-423 | 7-7-77 | FLSA | | Status of college pharmacy school students engaged in "clinical clerkship and externship" courses offered as part of their curriculum. |
| WH-424 | 8-5-77 | ADEA | | |
| WH-425 | 7-22-77 | FLSA | Section 785.32(a) of 29 CFR Part 785 | Clarification of the term "substantially meets" as stated in section 785.32(a) of 29 CFR Part 785. |
| WH-426 | 8-17-77 | FLSA | section 3(s)(4) | Application of FLSA to institute's cafeteria training program for mentally handicapped individuals. Section 3(s)(4). |
| WH-427 | 9-16-77 | OFCCP | | |
| WH-428 | 9-14-77 | FLCRA | section 6(b)(7), 7 U.S.C. 2045(b)(7) of FLCRA as amended | Clarification of section 6(b)(7) and 7 U.S.C. 2045(b)(7) of FLCRA, as amended. |
| WH-430 | 9-30-77 | ADEA | | |
| WH-431 | 8-26-77 | FLCRA | | Response to several questions raised concerning portions of the FLCRA. |
| WH-432 | 9-28-77 | FLCRA | section 40.14, paragraph (b) | Denial of submitted insurance plan pursuant to section 40.14, paragraph (b). |
| WH-433 | 10-3-77 | FLCRA | section 3(b)(2) and section 3(b)(3) | Interpretation of the exemption from registration for farmers under section 3(b)(2) and for the farmers' full-time or regular employees under section 3(b)(3). |
| WH-434 | 10-17-77 | FLCRA | sections 3(b)(4) and 3(b)(4)(A) | Application of section 3(b)(4) of FLCRA to intrastate farm labor contractors. Section 3(b)(4)(A). |

| NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
|--------|----------|-------|--|---|
| WH-435 | 10-20-77 | FLSA | section 7(e)(3)(b) 29 CFR Part 549 | Consideration of submitted "profit sharing plan" contained in section 7(e)(3)(b). 29 CFR Part 549. |
| WH-436 | 11-2-77 | FLSA | | Clarification of reply concerning a tip pool, and when Dept. of Labor opinion on subject became effective. |
| WH-437 | 11-7-77 | CCPA | Public Law 95-30 Title 3 for State of Kentucky | Concerns the amendment of the CCPA by Public Law 95-30, the Tax Reduction and Simplification Act of 1977, and the retaining of exemption from Title 3 for State of Kentucky. |
| WH-438 | 8-12-77 | FLCRA | section 3(q) section 3(d) | Requests opinion pertaining to application of amended FLCRA to situations involving a processing plant. Specifically a definition of "migrant worker" used in section 3(q), and whether employees who recruited workers for the plant are subject to the registration requirements. Section 3(d). |
| WH-439 | 12-8-77 | FLCRA | section 3(b)(2) | Concern over Dept. of Labor's interpretation of section 3(b)(2) of FLCRA, as amended. |
| WH-440 | 4-18-77 | FLCRA | Wage and Hour form 418 farm labor civil money penalty report | Whether it is permissible, for company newsletter to publish a copy of Wage and Hour Form 418, Farm Labor Civil Money Penalty Report. |
| WH-441 | 12-7-77 | FLSA | section 785.9 of 29 CFR Part 785 | If transportation of tools, by an employee to the job site is considered as hours worked. Section 785.9 of 29 CFR Part 785. |
| WH-442 | 12-16-77 | FLSA | | Application of FLSA to employees of a public library. |
| WH-443 | 1-11-78 | FLCRA | sections 5(b)(6), 6(f), and 9(c) | Application of FLCRA, as amended, (specifically sections 5(b)(6), 6(f) and 9(c)) to farm labor contractors who recruit, employ or utilize the services of Mexican Nationalist and/or other aliens. |
| WH-444 | 1-6-78 | FLCRA | sections 3(b); 3(a) and regulation 40.2(m) | Regards the application of FLCRA to seed producers/processors. Sections 3(b); 3(a) and regulation 40.2(m). |
| WH-445 | 10-14-77 | FLCRA | sections 40.2(b)(1) and (3); 3(b) | Concerns registration status of school teachers who recruit students to work in an out-of-state labor camp. Sections 40.2(b)(1) and (3); 3(b). |

| | Date | Law | Citation | Issue Involved |
|------------------|-------------------|------------------|--|---|
| WH-446 | 6-27-77 | FLCRA | | Legislation to broaden the existing farmer's exemption, to include farmer's and their employees who provide migrant labor to other farmers whose farms are located within 25 miles and who receive no monetary consideration for the provision of such labor. |
| WH-447 | 1-24-78 | CCPA | Title III sections 303 (a) and 303 (b) | If certain proposed amendments to the Code of Virginia, to limit garnishment as a means of enforcing an order for support would satisfy the requirements of Title III. Sections 303 (a) and 303 (b). |
| WH-448 | 1-16-78 | OWCP | | Forwarding of letter to Wage and Hour from OWCP. |
| WH-449 | 1-26-78 | FLSA | section 13 (a) (3) | Application of FLSA to person, who holds a special use permit issued by the Secretary of Agriculture, to use an area in a national forest as a public ski and recreation area. Specifically section 13 (a) (3). |
| WH-450 | 1-13-78 | FLSA | 29 CFR Part 779 | Request for opinion as to whether a franchise is part of a franchisor's enterprise within section 29 CFR Part 779. |
| WH-451 WH-452 | 1-31-78 2-6-78 | ADEA FLSA/EPA | | |
| WH-453 WH-454 | 2-9-78 2-9-78 | ADEA FLSA | 29 CFR Part 785 | What constitutes compensable worktime for farmworkers residing in a labor camp. 29 CFR Part 785 |
| WH-455 | 3-13-78 | FLCRA | | Registration of hybrid seed corn companies and their employees under FLCRA. Specifically the status of youth who return the following season to perform supervisory functions. |

| NUMBER | DATE | LAW | LITIGATION | ISSUE INVOLVED |
|--------|---------|-------|--|---|
| WH-456 | 3-8-78 | FLSA | section 3(s)(3) | Application of section 3(s) to employees of a cabinet maker who sells to contractors with or without installation, and also to the general public. Grosses \$400,000 annually. |
| WH-457 | 3-15-78 | FLCRA | sections 3(q); 3(b) | Question of interpretation as they apply to hybrid seed corn producers and to the youth whom they employ as corn detasslers and rogues. Sections 3(q); 3(b). |
| WH-458 | 4-5-78 | FLSA | section 13(a)(6) section 13(b)(12); 3(f) | Application of section 13(a)(6) to the raising of poultry and the production and processing of eggs. Section 13(b)(12); 3(f). |
| WH-459 | 5-17-78 | DB | | |
| WH-460 | 6-1-78 | FLCRA | section 3(b)(2) | Concerns the FLCRA and the exemption afforded by section 3(b)(2), as amended in 1874. |
| WH-461 | 6-6-78 | ADEA | | |
| WH-462 | 8-18-78 | FLCRA | section 5(a)(2) | Whether vehicle used in transporting workers should be registered with the Department. Section 5(a)(2). |
| WH-463 | 8-21-78 | FLSA | section 541.105(a) 29 CFR Part 541 | Whether employees constitute full-time employees of the equivalent within the meaning of section 541.105(a) of 29 CFR Part 541. |
| WH-464 | 8-21-78 | FLSA | section 13(a)(3) section 13(b)(29) | Requesting views on application of amended sections 13(a)(3) and new section 13(b)(29) to four situations cited in the letter. |
| WH-465 | 8-21-78 | FLSA | section 531.29 of 29 CFR Part 531; section 3(m) | Requesting opinion regarding the payment of \$150 per employee from a supplemental benefit fund in lieu of certain lost fringe benefits. Section 531.29 of 29 CFR Part 531; section 3(m). |
| WH-466 | 7-28-78 | FLSA | | Request an opinion on uniform procurement and maintenance. |
| WH-467 | 7-28-78 | FLSA | section 13(b)(10) | Application of section 13(b)(10) to certain service employees of automobile dealerships. |
| WH-468 | 9-5-78 | FLSA | | Request opinion on the tie pooling practices. |

| | Date | Law | Citation | Issue Involved |
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| WH-469 | 9-12-78 | FLSA | section 13 (a) (3) | Whether all employees at a summer resort are exempt under section 13 (a) (3). |
| WH-470 | 9-26-78 | FLSA | section 13 (a) (1) | Opinion concerning the application of section 13 (a) (1) to proposed compensatory time off policy for exempt salaried employees. |
| WH-471 | 8-10-78 | FLSA | sections 785.22 785.39, and 785.41 of 29 CFR Part 785 | Compensability of time spent in certain traveling activities. 785.22, 785.39 and 785.41 of CFR Part 785. |
| WH 472 | 10-11-78 | FLSA | section 13 (a) (3) | Whether business operating a professional basketball team is exempt from the minimum wage and overtime pay requirements under section 13 (a) (3). |
| Wh-473 | 10-12-78 | FLSA | 29 CFR Part 519 | Whether offering free room and board during the summer months in addition to subminimum wage for students employed under a full-time student certificate would constitute a higher wage under 29 CFR Part 519. |
| WH-474 | 10-16-78 | FLSA | Section 3 (r) | Whether or not two business operations constitute a single enterprise for the purpose of complying with the minimum wage and overtime pay provisions. Section 3 (r). |
| WH-475 | 10-18-78 | FLSA | 13 (b) (8) | Status as a restaurant of an establishment offering a variety of fried chicken meals for consumption both at and away from the establishment. 13 (b) (8). |
| WH-476 | 10-19-78 | FLSA | | Opinion on a possible independent contractor situation with an association of waiters contracting their services. |
| WH-477 | 1-22-79 | FLSA | sections 3 (s) (2); 13 (b) (8) and 3(s) | Proper overtime standard after January 1, 1979 for employees of a hotel, motel, or restaurant which was covered prior to July 1, 1978 but which has been removed from coverage because of the increase in the statutory annual dollar volume test in section 3(s)(2) section 13 (b) (8) and section 3 (s). |

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| WH-478 | 3-1-79 | FLCRA | section 3 (b) (7) section 40.2 (s) of 29 CFR Part 40 | Requesting administrative interpretation of section 3 (b) (7) as it pertains to common carrier. Section 40.2 (s) of 29 CFR Part 40. |
| WH-479 | 3-16-79 | FLCRA | section 3 (b) (10) | Request for interpretation of section 3 (b) (10) of FLCRA, as amended. |
| WH-480 | 3-19-79 | FLCRA | | Return of application for a farm labor contractor certificate of registration. |
| WH-481 | 3-19-79 | FLCRA | 29 CFR Part 40.51(b) and 29 CFR Part 40.161 section 5 (d) | How the department interprets the "address updating" provision of 29 CFR Part 40.51(b) and 29 CFR Part 40.161. Section 5(d). |
| WH-482 | 10-30-78 | ADEA | | |
| WH-483 | 2-22-79 | FLSA | section 778.115 of 29 CFR Part 778 | Request opinion on proposed method of paying overtime compensation using weighted average. Section 778.115 of 29 CFR Part 778. |
| WH-484 | 5-4-79 | ADEA | | |
| WH-485 | 5-4-79 | ADEA | | |
| WH-486 | 5-4-79 | ADEA | | |
| WH-487 | 5-18-79 | FLCRA | sections 3 (a) and 3 (b) | Interpretation of certain exemptions from the registration requirement of the FLCRA as they apply to cotton gins. Sections 3 (a) and 3 (b). |
| WH-488 | 5-22-79 | FLSA | section 6 (c) | Responding to questions on the condition of employment and where such information is required to be posted as provided by section 6 (c). The transportation of workers from the camp to the field. |
| WH-489 | 11-22-78 | PORTAL ACT | 29 U.S.C. section 259 | Request an opinion pursuant to section 10 of the Portal to Portal Act of 1947. (29 U.S.C. section 259). |

| | Date | Law | Citation | Issue Involved |
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| WH-490 | 1-30-79 | FLSA | | Withdrawal of Policy relative to the compensable hours of work of team drivers who are on duty for more than 24 hours while performing on Postal Service mail haul contracts, pending re-examination. |
| WH-491 | 2-1-79 | FLSA | <u>National League of Cities v. Usery</u> | Request: Department's interpretation of Supreme Court decision in the case of <u>National League of Cities v. Usery</u> as it relates to public transit employees. |
| WH-492 | 2-1-79 | FLSA | | Whether hospital for the retarded, which is engaged in performing a traditional governmental activity, is subject to FLSA's minimum wage and overtime requirements. |
| WH-493 | 6-19-79 | FLCRA | section 3 (f) | Whether certain seedsmen are subject to the FLCRA under section 3 (f). |
| WH-494 | 6-26-79 | FLCRA | section 4 (c) | Manner in which an employer using a farm labor contractor may confirm the validity of that contractor's certificate of registration Section 4 (c). |
| WH-495 | 7-10-79 | FLCRA | sections 5 (b) (6) and 6 (f). | Application of sections 5 (b) (6) and 6 (f) to a grower who utilizes the services of a registered farm labor contractor. |
| WH-496 | 7-27-79 | FLCRA | sections 4 (c), 4 (a), 5 (a) (2), 5 (a) (4), 5 (b) (5), 3 (b), 29 CFR Part 40.19, 29 CFR Part 40.14. | Transportation of migrant workers under the FLCRA. Sections 4 (c), 4 (a), 5 (a)(2), 5 (a)(4), 5(b)(5), 3(b), 29 CFR Part 40.14. |
| WH-497 | 8-20-79 | FLSA | <u>National League of Cities v. Usery</u> | Whether or not employees of the Municipal Liquor store are subject to the FLSA in view of the decision in <u>National League of Cities v. Usery</u> . |
| WH-498 | 8-20-79 | FLSA | <u>National League of Cities v. Usery</u> | If employees of a regional off-track betting corporation of New York are subject to the FLSA in view of the decision in <u>National League of Cities v. Usery</u> . |
| WH-499 | 9-17-79 | FLSA | <u>National League of Cities v. Usery</u> | Whether publicly operated local mass transit systems are constitutionally immune to the Tenth Amendment as defined by the Supreme Court in <u>National League of Cities v. Usery</u> . |

| | Date | Law | Citation | Issue Involved |
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| WH-500 | 11-26-79 | FLCRA | | Targeting enforcement of the Act on repeat and serious violations which jeopardize labor standards and agricultural workers. |
| WH-501 | 12-4-79 | FLCRA | sections 3 (b) and 3 (a) | Answer to questions regarding the application of the FLCRA. Specifically definitions of the term "migrant worker". Sections 3 (b) and 3 (a). |
| WH-502 | 3-28-80 | FLSA | section 531.56(a) of 29 CFR Part 531 | If certain duties performed by tipped employees in a restaurant after closing hours are considered to be tipped employees duties under section 531.56 (a) of 29 CFR Part 531. |
| WH-503 | 8-21-80 | CCPA | | Regards the application of Title III to pension payments. |
| WH-504 | 10-23-80 | FLSA | 7 MCAR 1.604 A. 2. | Application of FLSA to time spent by ambulance service paramedics in a state mandated training program. 7 MCAR 1.604 A.2. |
| WH-505 | 2-3-81 | FLSA | 29 CFR Part 785 (785.22) (785.21) | Deals with circumstances under which an employer can deduct from hours worked the time spent by houseparents sleeping at privately-operated community residences for the mentally retarded. 29 CFR Part 785 (785.22) (785.21). |
| WH-506 | 3-3-81 | FLSA | section 13 (b) (10) | If methods used by a firm to compensate his or her employees, automobile mechanics, complies with the monetary requirements of the FLSA. Employees are exempt from the overtime compensation requirements pursuant to section 13(b)(10). |
| WH-507 | 12-31-80 | FLSA | (WH-274-WH-318) | Requesting evaluation of the actual time spent by his or her employees in maintaining what is in essence a partial easy care uniform. (WH-274-WH-318). |
| WH-508 | 5-7-81 | FLSA | section 3 (m) and section 531.40 (c) of 29 CFR Part 531 | Whether amounts paid by the employer in the employee's behalf for reimbursement of medical expenses under a cafeteria plan, are considered wages under section 3 (m) and section 531.40 (c). |
| WH-509 | 1-19-81 | FLCRA | section 3 (b) (1) | Request that the Secretary of Labor review the decision of the Dept. of Labor concerning the application of the FLCRA to the United Farm Workers of America, AFL-CIO. Section 3 (b) (1). |

| | Date | Law | Citation | Issue Involved |
|--------|----------|------|---|--|
| WH-510 | 6-29-81 | FLSA | section 13 (f) | Regards compensable hours of work of employees who in any given workweek, may work part of the time in the United States, and in the same week may work on United States Naval Vessels in foreign areas or at sea. Section 13 (f). |
| WH-511 | 7-31-81 | FLSA | | Concerns policies adopted pursuant to the FLSA by the Cabinet-level Task Force on Regulatory Relief. |
| WH-512 | 12-21-78 | FLSA | | Regards acceptable documentation as evidence of age for purposes of the FLSA. |
| WH-513 | 2-24-82 | FLSA | section 3 (m) 531.30 of Interpretative Bulletin 29 CFR 531.30 | Regards meal credit under section 3 (m). 531.30 of Interpretative Bulletin, 29 CFR Part 531.30. |
| WH-514 | 4-15-82 | FLSA | section 13 (a) (1) and section 541.313 of 29 CFR Part 541 | Application of FLSA exemption in section 13 (a) (1) to a registered nurse, Section 511.313 of 29 CFR Part 541. |
| WH-515 | 7-13-82 | FLSA | section 7 (i) | Whether proposed compensation plan meets the requirements for exemption under section 7 (i). |
| WH-516 | 8-30-82 | FLSA | | If a company may schedule two uncompensated 30-minute meal periods during a 8 hour work shift. |
| WH-517 | 1-31-83 | FLSA | section 3 (m), 29 CFR Part 531.38 | Request for an opinion under FLSA concerning vocational rehabilitation programs in which sheltered workshops including work activities centers may be approached by state or local government funding sources to participate, and in which the government agency would require partial reimbursement of service fees from clients who do not meet federal eligibility requirements for various assistance programs. Section 3 (m), 29 CFR Part 531.38. |
| WH-518 | 2-23-83 | FLSA | section 3 (t) 3 (m) | If an employer may recover credit card tips which were advanced to employees either by payroll deduction or directly from tipped employees, because a credit card charge was uncollectable Section 3 (t) 3 (m). |

| WH-NUMBER | DATE | LAW | CITATION | ISSUE INVOLVED |
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| WH-519 | 11-3-83 | MSPA | 29 CFR Part 500.75(f) | Concerning two items which appear on Fact Sheet No. ESA-15: The display of a poster setting forth the rights and protections of migrant workers in a conspicuous place at the job site; and MSPA standards for housing migrant workers. |
| WH-520 | 1-5-84 | MSPA | Section 103(a) | Request that the Dept. of Labor impose sanctions against a named farm labor contractor because the contractor has failed to satisfy a Default Judgment. |
| WH-521 | 1-3-84 | MSPA | Section 203(b)(1) 29 CFR Part 500.135 | Request for clarification as to what "substantive" housing safety and health standards must be met for the issuance of a preoccupancy inspection certificate under MSPA. Also requests a definition of joint employer relationship under MSPA. |
| WH-522 | 4-23-84 | MSPA | Section 3(10) 29 CFR Part 500.20(r) | Raises interpretative questions relating to the definition of the term "seasonal agricultural worker"; and to the status of packing sheds and "farm management" or "grove caretaker" operations under MSPA. |
| WH-523 | 5-3-84 | MSPA | | Return of an application for a farm labor contractor certificate of registration for documented proof that the applicant is an "emancipated minor." |
| WH-524 | 5-9-84 | MSPA | 29 CFR Part 500 | Request for clarification of certain issues pertaining recordkeeping or to disclosure of information to agricultural workers. |