

UNITED STATES DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
WASHINGTON, D. C.

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO  
PART 541 OF REGULATIONS WITH RESPECT TO THE  
DEFINITION OF THE TERMS "EXECUTIVE, ADMIN-  
ISTRATIVE, PROFESSIONAL...OUTSIDE SALESMAN"  
AS THEY AFFECT EMPLOYEES IN THE WHOLESALE  
DISTRIBUTIVE TRADES

WHEREAS, Section 13(a)(1) of the Fair Labor Standards Act provides that the provisions of Section 6 and Section 7 of the Act shall not apply to any employee "employed in a bona fide executive, administrative, professional...capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Administrator);" and

WHEREAS, the Administrator of the Wage and Hour Division, on October 20, 1938, issued Title 29, Chapter V, Part 541, entitled Regulations Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide executive, Administrative, Professional, or Local Retailing Capacity, or in the Capacity of Outside Salesman" Pursuant to Section 13(a)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060); and

WHEREAS, applications have been filed pursuant to Section 541.5 of the said regulations for amendment of Sections 541.1, 541.2, and 541.4 of the said regulations defining and delimiting the terms "executive, administrative, professional,...and...outside salesman," by the Council of National Wholesale Associations and sundry other parties, with respect to the wholesale distributive trades;

NOW, THEREFORE, notice is hereby given of a public hearing to be held pursuant to Section 541.5 of the said regulations on April 10, 1940, at 10:00 A.M. at the Hall of Nations Room, Washington Hotel, 15th and Pennsylvania Avenue, N. W., Washington, D. C., before Harold Stein, the presiding officer hereby designated, at which interested parties will be heard on the following question:

What, if any, amendments should be made to Section 541.1, 541.2 and 541.4 of regulations issued under Section 13(a)(1) of the Fair Labor Standards Act of 1938 defining and delimiting the terms "executive, administrative, professional,...and...outside salesman," with respect to the wholesale distributive trades.

Any person interested in proposing or opposing any amendment to the regulations and wishing to be heard shall file not later than April 3, 1940, a notice of intention to appear, which shall contain the following

information:


1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.
3. The branch of the wholesale distributive trades in which he is interested.
4. Whether such person proposes to appear in support of or in opposition to any amendment of the regulations.
5. If he proposes to appear in support of an amendment, the terms of the suggested amendment.
6. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C. All notices including terms of proposed amendments will be placed on file upon receipt in Room 313, 959 D Street, N. W., Washington, D. C., where they may be examined by any interested person.

Written statements may be filed in lieu of personal appearances, if filed not later than April 3, 1940.

As used in this Notice of Hearing the term "wholesale distributive trades" shall include: wholesale merchants, including limited function as well as full service wholesalers, jobbers, voluntary group wholesalers, exporters, importers, industrial distributors, cash and carry and mail order wholesalers, retail-cooperative warehouses, manufacturers' sales branches and offices, with and without stocks, chain store warehouses and buying offices, commission merchants, brokers, export and import agents, sales and purchasing agents, and manufacturers' agents; and other related types of wholesalers.

Signed at Washington, D. C., this 15 day of March, 1940



Philip B. Fleming  
Colonel, Corps of Engineers  
Administrator  
Wage and Hour Division  
Department of Labor

Published in Federal Register, March 19, 1940

(3724)