

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington

PART 541 - PROPOSED AMENDMENT TO 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

The following amendment to Regulations, Part 541, (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) is hereby proposed. This amendment would amend section 541.2, defining the term "employee employed in a bona fide * * * administrative * * * capacity," as used in section 13(a)(1) of the Fair Labor Standards Act. The Administrator will afford interested parties an opportunity to present their views either in support of or in opposition to the proposed amendment for a period of ten days after the date this proposed amendment appears in the Federal Register. Unless cause is shown why such amendment should not be promulgated, the Administrator will then make it effective.

SECTION 541.2 -- Administrative.

The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13(a)(1) of the act shall mean any employee--

- (A) who is compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities), and
- (B) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or
- (2) who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

- (3) whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment, or
- (4) who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

Signed at Washington, D. C. this 3d day of January, 1942.

Thomas Holland

Thomas Holland
Acting Administrator
Wage and Hour Division
U. S. Department of Labor

Published in Federal Register, January 6, 1942