

UNITED STATES DEPARTMENT OF LABOR

Office of the Solicitor

January 7, 1943

Surplus

LEGAL FIELD LETTER NO. 84

SUBJECT: APPLICABILITY OF WAGE ORDERS TO SERVICE
AND MAINTENANCE EMPLOYEES OF BUILDINGS
WHOSE TENANTS ARE SUBJECT TO SUCH WAGE
ORDERS

Following the decisions of the United States Supreme Court in the Arsenal and Kirschbaum cases upholding the Administrator's position that service and maintenance employees of buildings whose tenants are engaged in the production of goods for commerce are subject to the Fair Labor Standards Act, we have received a number of inquiries concerning coverage of such employees by the various wage orders heretofore issued under the Act. We have consistently taken the position that maintenance and service employees in buildings in which goods are produced for interstate commerce, while subject to the Act, are not deemed to be covered by a wage order of the Administrator unless they are employed by a concern engaged in operations which fall directly within the industry definition contained in such order.