

OCT 31 1997

MEMORANDUM FOR RUTH BAUMAN
DISTRICT DIRECTOR
SALT LAKE CITY, UTAH DISTRICT OFFICE

FROM: DANIEL F. SWEENEY
FAIR LABOR STANDARDS TEAM LEADER
OFFICE OF ENFORCEMENT POLICY

SUBJECT: DAY CARE

This is in response to your inquiry regarding opinion letters on day care for children older than pre-school age. There are facilities in your area which offer day care services to school age children from after school until their parents pick them up after work. There are other facilities in your area which offer day care services to older citizens (I assume geriatric care) while the primary care giver takes a break.

We have researched our opinion letter files and those of the SOL and find nothing on these specific topics. Our focus on child care has been for children younger than school age or living in a residential care facility.

It is our opinion that coverage would have to be established either through individual coverage or through 3(s)(1)(A) of the FLSA. An establishment offering such services would not be a named enterprise under Section 3(s)(1)(B) of the FLSA.