



WHD-OL-1967-0140

August 9, 1967

Name*

This is in further reference to your letter of March 3, 1967, concerning the application of the Fair Labor Standards Act, as amended – 1966 to your client's business consisting of four golf courses, including attached pro-shops, restaurants and bar facilities, which are operated at different locations.

From the facts presented in your letter it would appear that each golf course, including its attached facilities, constitutes a single establishment. Employees of some golf course establishments were not subject to the monetary requirements of the act prior to February 1, 1967, due to a specific exemption provided for certain amusement or recreational establishments operated on a seasonal basis.

The 1966 amendments modified this exemption by providing in section 13(a)(3) of the act the specific conditions for exemption from the minimum wage and overtime pay requirements of the law for any employee employed by an amusement or recreational establishment. On the basis of the information furnished in your letter it appears that each of your golf course establishments would qualify for exemption from the monetary provisions of the law under section 13(a)(3)(B) of the act as amended.

However, employees employed in a central office or warehouse rather than by a particular establishments, performing central functions serving all four golf course establishments would not exempt from the minimum wage and overtime pay provisions of the act under section 13(a)(3). The four golf course establishments constitute a single enterprise, as defined in section 3(r), which is covered both under the act prior to the amendments (see page 3 of the enclosed Handy Reference Guide), and under section 3(s)(1) of the act as amended – 1966. Therefore, employees engaged in central functions of the enterprise must be paid in accordance with the basic wage and hour standards for previously covered employment provided in sections 6(a) and 7(a)(1) of the act, and listed on page 1 of the guide, if not otherwise exempt.

If you have any further questions concerning the application of the act you may wish to consult the WHPC Divisions' Regional Office at United States Courthouse and Federal Office Building, 7th Floor, 219 South Dearborn Street, Chicago, Illinois 60604 where all possible advice and assistance will be available.

Sincerely yours,

Frederick J. Glasgow
Administrator

*Note: The actual name(s) was removed to protect privacy in accordance with 5 U.S.C. § 552(b)(7).