



WHD-OL-1971-0014

*** FLSA-387 ***

May 25, 1971

This is in reference to the special exception for certain flight personnel whom the Wage and Hour Division has deemed to be within the spirit of the provision in the Fair Labor Standards Act exempting "employees employed in a bona fide executive, administrative, or professional capacity" provided certain conditions are met. One of these conditions is a salary of not less than \$175 a week.

Changes in salary tests under Regulations, Part 541, since 1965 indicate that a revision of the enforcement position is necessary in that a higher salary test is needed to distinguish those who properly come within such an enforcement position and those who do not. Accordingly, the Wage and Hour Division will take no enforcement action with respect to pilots or copilots of airplanes and rotorcraft who hold an FAA Airline Transport Certificate or a Commercial Certificate and who are engaged as "business" or "company" pilots, in aerial mineral exploration, mapping and photography, or aerial forest fire protection, in meteorological research, or as test pilots, including test flights of such aircraft in connection with engineering, production, or sale, provided that such pilots and copilots receive compensation on a salary or fee basis at a rate of at least \$225 a week.

No enforcement action will be taken, also, with respect to flight engineers engaged primarily in flight testing airplanes or rotorcraft who have formal training equivalent to at least 2 years of college engineering education, 500 hours flight time as a flight engineer or pilot, and who are compensated on a salary or fee basis of at least \$225 per week.

The increased salary requirement shall be effective immediately, but will be inapplicable in any period prior to the date of this letter.

Sincerely,

Horace E. Menasco
Administrator