

**FLSA-529**

July 31, 1973

This is in further reply to your letter of June 27, 1973, concerning the application of the Fair Labor Standards Act's outside salesmen exemption to employees engaged in selling lots (developed camp sites) to recreation vehicle owners.

From the information you provide it is our understanding that the salesmen operate out of the condominium camp ground's administration office. They contact persons who have rented the camp ground's facilities and are already residing at the camp ground. The salesmen contact only renters at your client's site of operations.

You refer to our position set out in section 22e06 of our Field Operations Handbook concerning real estate salesmen who are considered exempt as outside salesmen under section 13(a)(1) of the Act. This section expresses our position as to the exempt status of salesmen who work in a subdivision where a number of houses have been built and which is away from the real estate firm's established place of business.

In the case of your client, however, the condominium camp ground is his place of business. All of the sales work is performed at the site of the condominium and the salesmen are not customarily and regularly engaged in pursuing their sales efforts away from their employer's place of business as contemplated by Regulations, Part 541. Therefore, such salesmen would not be considered "outside salesmen" for purposes of this exemption.

Sincerely,

Ben P. Robertson  
Acting Administration  
Wage and Hour Division