

OFFICIAL OPINION NO. 69-27, School and hospital employees covered by Fair Labor Standards Act

STATE OF SOUTH DAKOTA
OFFICE OF
THE ATTORNEY GENERAL

March 18, 1969

Dennis Batteen
State's Attorney, Faulk County
Faulkton, South Dakota 57438

OFFICIAL OPINION NO. 69-27

School and hospital employees covered by Fair Labor Standards Act

Dear Mr. Batteen:

You have asked whether the Federal Fair Labor Standards Act applies to the employees of a county hospital.

You have referred to my opinion dated February 27, 1969 to the Honorable Ira Elwood, in which I stated county road employees did not have to be paid time and one-half for overtime. That opinion was limited only to those employees specifically named.

Hospitals, schools, and institutions primarily engaged in the care of sick, aged, mentally ill or defectives, whether public or private, or operated for profit or non-profit, are specifically defined as employers under the Federal Fair Labor Standards Act, 29 USCA 201-219. As such, they are required to respect the minimum wage and maximum hour provisions of that act.

To answer your question specifically, county hospital employees would have to be paid time and one-half for overtime.

Again, this opinion should be limited only to those employees specifically named herein.

Respectfully submitted,

Gordon Mydland
Attorney General