

To: Andrew Reed

Date: July 25, 2000

Subject: Individual Coverage Interrogatories

In order for our client, Hettia Pauling,

to qualify under the FLSA for "individual

coverage", she must be engaged in commerce

or in the production of goods for commerce. Zorich

Ms. Pauling can be covered individually even

if Bel-Rey does not qualify as a covered

enterprise. The standards set out by the FLSA

are: 1) the individual is engaged in trade, commerce

transportation or communication of goods

among several states or between any state

of any place outside the of & other activities must have been regular and recurring.

Interrogatory No 1. : State the names and addresses of all timber suppliers Del-Rey Wood Products Co. has placed orders with during the past three years.

Reason for proposing : One of the definitions of covered work by the FLSA is an employee who receives or handles goods that were transported or mined from another state.

While Ms. Pauling believes the specialty woods were from a local lumber company, she is unsure where the timber came from. If the

Timber came from an out of state supplier, Ms.

Pauling's work may be "covered" work.

Interrogatory No 2. State the addresses of

each out of state shipment made by

Wel-Rey Wood Products Co. for the past

three years.

Reason for proposing : one of tests for determining

if work is "covered work" is if the employee

distributes goods that pass through interstate

commerce. Ms. Pauling, remembers one such

shipment out of state, but she acknowledges

there may be more. If Ms. Pauling filled orders

or loaded boxes or boxed parts for out of state

Shipments, her work would be covered and

She would qualify for individual coverage.

Interrogatory No. 3: With regard to the

answer to the preceding interrogatory, ~~please~~

state the dates of all prior out of state

shipments by Del Rey Wood Products Co.

Reason for proposing: We need to know the

frequency of the out of state shipments. A few

Answer: The
The FSLA
test for
"Individual
Coverage."

isolated shipments will not be considered

"Covered." The shipments must be regular

and recurring to qualify. FSLA § 776.3

In interrogatory No. 4: State the name and address of all saw blade suppliers.

Reason for proposing: Ms. Pauling recalls regularly receiving ~~o~~ shipments of saw blades.

Such regular shipments may qualify if the supplier was out-of-state. This would have required Ms. Pauling to regularly handle goods in Commerce, FSLA § 776.3, § 776.10

Interrogatory No. 5

Describe the process by which

records of incoming and outgoing shipments are received and maintained for out of state shipments.

Reason for proposing: Employees who directly

aid production are covered under the FLSA.

One such example is an employee who maintains records of goods transported in out of state

Commerce. If Ms. Paueing's job description

requires her to maintain all records, for such

~~both in and out~~ out of state shipments, she

would qualify for individual coverage.

FLSA § 776.17

Interrogatory No 6. Provide the names and

addresses of all trucking companies utilized

by Klal-Reg Wood Co. in the past three years.

Reason for proposing: If Klal-Reg is using

out of state trucking lines who regularly

engage in commerce, Ms. Paulings acts in

loading boxes or processing orders for trucking

companies who regularly engage in commerce, she

may qualify for individual coverage pursuant to

FLSA & Title 10 One of the tests for covered

work is an employee who use instrumentalities

and channels of interstate commerce regularly.

An out of state trucking company may qualify

as such a channel.