

01/19/05



JAN -7 2005

Frank R. Trinity
General Counsel
Corporation for National and Community Service
1201 New York Avenue, NW
Washington, DC 20525

Dear Mr. Trinity,

This is in response to your letter inquiring as to whether the recent changes to the Fair Labor Standards Act (FLSA) regulations had any impact on a previous opinion letter dated November 18, 1998 (copy attached) addressing the applicability of the FLSA to AmeriCorps participants. That letter relied on a statutory provision in the National and Community Service Act. That provision has not been changed and nothing in the updated overtime security regulation relates to that Act. Accordingly, the prior opinion letter continues to reflect our position.

This opinion is based exclusively on the facts and circumstances described in your request and is given on the basis of your representation, explicit or implied, that you have provided a full and fair description of all the facts and circumstances which would be pertinent to our consideration of the questions presented. Existence of any other factual or historical background not contained in your request might require a different conclusion than the one expressed herein. You have represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust that the above is responsive to your inquiry.

Sincerely,

A handwritten signature in blue ink that reads "Alfred B. Robinson, Jr.".

Alfred B. Robinson, Jr.
Acting Administrator