

MISC-CT, WAGES-HOURS 43-48 CCH-WH ¶33,093, **Applicability of exemption for administrative employees to medical detailists.**, (May 19, 1945)
Applicability of exemption for administrative employees to medical detailists.

Letter ruling of Chief, Wage-Hour Section., May 19, 1945

Back reference.--¶25,526.

This will reply to memorandum inquiring as to the status of certain employees of subject firm known as medical detailists. Letters from subject firm enclosed with memorandum indicate that the employees in question are engaged principally in work apparently aimed at increasing the use of subject's product in hospitals and through physicians' recommendations. Such work appears to require a high degree of technical knowledge in the nutritional field in which these men are said to be experts. They train personnel, make special surveys and reports, and in general maintain this company's relations with the medical and associated professions. They are consulted with respect to individual nutritional problems encountered by hospitals and physicians, such as determining whether the use of subject's product in a hospital was related to the occurrence of an epidemic. When necessary, they arrange for added deliveries of subject's product to take care of emergencies. They instruct the firm's salesmen in such technical matters as disease prevention, the chemical components of their product and nutritional research. They work virtually without supervision and are paid salaries in excess of \$200 per month.

On the basis of the statements submitted and assuming that the foregoing description is a complete description of the activities of the employees under consideration, it seems that the employees in question are engaged in a form of promotional or missionary work having for its object not the making of specific transactions but concerning itself with matters directly related to general business operations. They perform special assignments requiring the use of their discretion and independent judgment and, furthermore, frequently calling for the employment by them of skills or knowledge acquired through special training or experience. Accordingly, it is my opinion that these employees meet the requirements of the administrative employee definition contained in Section 541.2 [¶31,301.02] of the regulations. It should be emphasized, however, that this opinion is rendered wholly on the basis of the employer's statement of facts and without an independent investigation.