**Fair Labor Standards Act– Camp Counselors**

Section 13(a)(3) of the Fair Labor Standards Act provides an exemption from the minimum wage and overtime provisions of the FLSA for "any employee employed by an establishment which is an amusement or recreational establishment, if (A) it does not operate for more than seven months in any calendar year, or (B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33-1/3 per centum of its average receipts for the other six months of such year."

In order to be exempt under Section 13(a)(3), the position in the camp must be the only UW-Madison employment the employee has during the camp’s operation. If a current UW-Madison employee wishes to work at the camp, they must take a leave from their current position in order for the exemption to apply.

The State Department of Workforce Development provides additional guidance in [DWD 272.07(3) & DWD 272.07(5)](https://docs.legis.wisconsin.gov/code/admin_code/dwd/270_279/272/07) prescribing minimum wage amounts for counselors:

**“(3)** Counselors. This subsection is effective on July 24, 2009. The minimum wage of counselors employed in seasonal recreational or educational camps and day camps may be computed on a weekly basis as follows:

[DWD 272.07(3)(a)](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(3)(a)) **(a)** Adult counselors 18 years of age and over:

PER WEEK

[DWD 272.07(3)(a)1.](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(3)(a)1.) **1.** If board and lodging are not furnished$350.00

[DWD 272.07(3)(a)2.](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(3)(a)2.) **2.** If board only is furnished$265.00

[DWD 272.07(3)(a)3.](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(3)(a)3.) 3. If board and lodging are furnished$210.00

[DWD 272.07(3)(b)](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(3)(b)) **(b)** Counselors 17 years of age and under:

PER WEEK

[DWD 272.07(3)(b)1.](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(3)(b)1.) **1.** If board and lodging are not furnished$350.00

[DWD 272.07(3)(b)2.](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(3)(b)2.) **2.** If board only is furnished$265.00

[DWD 272.07(3)(b)3.](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(3)(b)3.) 3. If board and lodging are furnished$210.00

**(5)** Definitions. For the purpose of this section:

[DWD 272.07(5)(a)](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(5)(a)) (a) A "recreational or educational camp" means a camp operated under trained leadership for the purpose of providing group experience for and contributing to the physical, mental, spiritual and social growth of campers who are less than 18 years of age and who make such camp their residence during the camping period.

[DWD 272.07(5)(b)](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(5)(b))(**b)** A "recreational or educational day camp" means a camp operated under trained leadership for the purpose of providing group experience and contributing to the physical, mental, spiritual and social growth of campers who participate in such camping program during daytime periods, but not overnight.[DWD 272.07(5)(c)](http://docs.legis.wisconsin.gov/document/administrativecode/DWD%20272.07(5)(c))

**(c)** A "camp counselor" means a person employed by a "recreational or educational camp" or "recreational or educational day camp" who leads, directs and instructs campers in such camps in their camping program and activities and shares responsibility for the total care and well-being of campers.”

References:

[U.S. Department or Labor Fact Sheet #18](https://www.dol.gov/whd/regs/compliance/whdfs18.pdf)

[Department of Workforce Development Chapter 272.07](https://docs.legis.wisconsin.gov/code/admin_code/dwd/270_279/272/07)