



Maintaining the Daily Wage Standard for Outfitters and Guides

House Proposed Legislation to amend the Fair Labor Standards Act of 1938 to exempt certain employees engaged in outdoor recreational outfitting or guiding services from maximum hours requirements.

Selectively enforced, the Department of Labor can require overtime for guides working over 40 hours on backcountry trips. As guides typically are paid a daily rate, and work several days in a row, structuring pay for guides and outdoor educators around a 40-hour work week model is a poor fit for the industry. Outfitters are at a competitive disadvantage, too, as many other industries in the sector are specifically provided an overtime exception, such as ski areas and seasonal amusement or recreation operations based from facilities inside Park and Forest boundaries.

These circumstances raise the price of backcountry trips, especially the overnight and multiday trips, and make them less affordable for families and underserved communities. In addition to their seasonal wage, guides and instructors are often provided with room and board, free of charge. Bipartisan legislation supporting an exemption for outfitting and guiding can help ensure that outfitters and guides use a system of pay that works better for the unique profile of facilitated recreation providers.

HR 6280, co-sponsored by U.S. Representatives Tom O'Halleran (D,AZ-1), Chris Stewart (R,UT-2) and Blake Moore (R,UT-1), which applies to the hours provision of the FLSA:

To amend the Fair Labor Standards Act of 1938 to exempt certain employees engaged in outdoor recreational outfitting or guiding services from minimum wage and maximum hours requirements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION WITH RESPECT TO CERTAIN EMPLOYEES ENGAGED IN OUTDOOR RECREATIONAL OUTFITTING OR GUIDING SERVICES.

Section 13(b) of the Fair Labor Standards Act (29 U.S.C. 213(b)) is amended by inserting after paragraph (3) the following:

“(4) any employee principally engaged in outdoor recreational outfitting or guiding services and employed by an employer principally engaged in the business of providing such outfitting or guiding services that—

“(A) does not operate for more than seven months in any calendar year; or

“(B) had average receipts for any six months of the preceding calendar year that were not more than 33 1/3 per centum of its average receipts for the other six months of such year; or”.

America Outdoors is seeking additional supporters who understand the regulatory challenges facing outfitters and can demonstrate broad support for the industry by co-sponsoring the bill.