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29 C.F.R. § 780.705

Meaning of “establishment.”

The word “establishment” has long been interpreted by the Department of Labor and the courts to mean a distinct physical place of business and not to include all the places of business which may be operated by an organization (*Phillips* v. *Walling,* 334 U.S. 490; *Mitchell* v. *Bekins Van and Storage Co.,* 352 U.S. 1027). Thus, in the case of a business organization which operates a number of country elevators (see *Tobin* v. *Flour Mills,* 185 F. 2d 596), each individual elevator or other place of business would constitute an establishment, within the meaning of the Act. Country elevators are usually one-unit places of business with, in some cases, an adjoining flat warehouse. No problem exists of determining what is the establishment in such cases. However, where separate facilities are used by a country elevator, a determination must be made, based on their proximity to the elevator and their relationship to its operations, on whether the facilities and the elevator are one or more than one establishment. If there are more than one, it must be determined by which establishment the employee is employed and whether that establishment meets the requirements of section 13(b)(14) before the application of the exemption to the employee can be ascertained (compare *Mitchell* v. *Cammill,* 245 F. 2d 207; *Remington* v. *Shaw* (W.D. Mich.), 2 WH Cases 262).

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