

15-415 ENCINO MOTORCARS, LLC V. NAVARRO

DECISION BELOW: 780 F.3d 1267

LOWER COURT CASE NUMBER: 13-55323

QUESTION PRESENTED:

Respondents are "service advisors" at a car dealership whose primary job responsibilities involve identifying service needs and selling service solutions to the dealership's customers. Respondents brought suit against the dealership under the Fair Labor Standards Act (FLSA), 29 U.S.C. §§201-219, seeking time-and-a-half overtime pay for working more than 40 hours per week.

The FLSA exempts from its overtime requirements "any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles." *Id.* §213(b)(10)(A). Relying on an unbroken line of authority from other jurisdictions, the district court dismissed Respondents' claims, concluding that a service advisor is a "salesman . . . engaged in . . . servicing automobiles" and is thus exempt from the FLSA's overtime requirements. The Ninth Circuit reversed, deferring to a Department of Labor interpretive regulation stating that service advisors are not exempt under §213(b)(10)(A) because they do not *personally* service automobiles. The Ninth Circuit readily acknowledged that its holding "conflicts with decisions of the Fourth and Fifth Circuits, several district courts, and the Supreme Court of Montana," all of which hold that service advisors are exempt employees. Pet.App.11.

The question presented is whether "service advisors" at car dealerships are exempt under 29 U.S.C. §213(b)(10)(A) from the FLSA's overtime-pay requirements.

CERT. GRANTED 1/15/2016