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November 2, 2020

Mike Coley
President
ASE Education Foundation
1503 Edwards Ferry Road, NE
Suite 401
Leesburg, VA 20176

Re: ASE Education Foundation

Dear Mike:

I understand that as part of the discussions with certain dealers and manufacturers with regard to the ASE Education Foundation and the placement of student interns in the service departments of these facilities that the organizations are indicating an inability to take on these interns because of legal restrictions.

The Fair Labor Standards Act (FLSA) prohibits minors under age 18 years old to work in any occupation that it deems to be hazardous. Interns under these programs may not be subject to FLSA since it is quite possible that they meet the test of an "intern" rather than an employee and, therefore, not subject to FLSA regulations. In addition, the list of those occupations which are deemed "hazardous" is very narrow and is limited to those occupations such as excavation, manufacturing explosives, mining, and operating many types of power driven equipment. The limited list of hazardous occupations can be found in Title 29 of the Code of Federal Regulations and does not include automotive dealerships or service bays (see 29 CFR §570.50 – §570-68).

If you should have any questions, please do not hesitate to contact me.

Sincerely,

/s/
Steven P. Benson