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CrS Report for Congress: Computer Services Personnel: Overtime Pay Under the Fair Labor Standards ACT

By William G. Whittaker

BiblioGov. Paperback. Book Condition: New. This item is printed on demand. Paperback. 20 pages. Dimensions: 9.7in. x 7.4in. x 0.0in. The Fair Labor Standards Act of 1938 (FLSA), as amended, is the primary federal statute in the area of minimum wages and overtime pay. Section 13(a)(1) provides, inter alia, that the Acts wage and hour (overtime pay) requirements will not apply to any employee employed in a bona fide executive, administrative, or professional capacity . . . Through administrative rulemaking, the Secretary of Labor has established two tests through which to define eligibility under the Section 13(a)(1) exemption: a duties test and an earnings test. The Department of Labor (DOL) has defined a professional as one who has undergone a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship. After a review of then-current practice in the field, the Department (in a series of decisions beginning in the 1960s) decided that it was not able to determine that computer services workers were professional for Section 13(a)(1) purposes. Thus, such workers remained under the protection of the minimum wage and overtime pay provisions of the Act. In 1990, Congress adopted free-standing...



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