

107TH CONGRESS  
1ST SESSION

# H. R. 1545

To amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain computer professionals.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2001

Mr. ANDREWS (for himself and Mr. GRAHAM) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain computer professionals.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. EXEMPTION FOR COMPUTER PROFESSIONALS.**

4       Paragraph (17) of section 13(a) of the Fair Labor  
5       Standards Act of 1938 (29 U.S.C. 213(a)(17)) is amended  
6       to read as follows:

7               “(17)(A) any employee who is a computer sys-  
8       tems, network, or database analyst, designer, devel-

1 oper, programmer, software engineer, or other simi-  
2 larly skilled worker—

3 “(i) whose primary duty is—

4 “(I) the application of systems or net-  
5 work or database analysis techniques and  
6 procedures, including consulting with  
7 users, to determine hardware, software,  
8 systems, network, or database specifica-  
9 tions (including functional specifications);

10 “(II) the design, configuration, devel-  
11 opment, integration, documentation, anal-  
12 ysis, creation, testing, securing, or modi-  
13 fication of, or problem resolution for, com-  
14 puter systems, networks, databases, or pro-  
15 grams, including prototypes, based on and  
16 related to user, system, network, or data-  
17 base specifications, including design speci-  
18 fications and machine operating systems;

19 “(III) the management or training of  
20 employees performing duties described in  
21 subclause (I) or (II); or

22 “(IV) a combination of duties de-  
23 scribed in subclauses (I), (II), or (III) the  
24 performance of which requires the same  
25 level of skills; and

1           “(ii) who, in the case of an employee who  
2           is compensated on an hourly basis, is com-  
3           pensated at a rate of not less than \$27.63 an  
4           hour.

5           “(B) In this paragraph, the term ‘network’ in-  
6           cludes the Internet and Intranet networks and the  
7           world wide web.

8           “(C) For the purposes of this Act, an employee  
9           who meets the exemption provided by this paragraph  
10          shall be considered an employee in a professional ca-  
11          pacity under paragraph (1).”.

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