To amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2011

Mrs. HAGAN (for herself, Mr. ISAKSON, Mr. ENZI, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Computer Professionals Update Act” or the “CPU Act”.

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SEC. 2. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

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

“(17) any employee working in a computer or information technology occupation (including, but not limited to, work related to computers, information systems, components, networks, software, hardware, databases, security, internet, intranet, or websites) as an analyst, programmer, engineer, designer, developer, administrator, or other similarly skilled worker, whose primary duty is—

“(A) the application of systems, network or database analysis techniques and procedures, including consulting with users, to determine or modify hardware, software, network, database, or system functional specifications;

“(B) the design, development, documentation, analysis, creation, testing, securing, configuration, integration, debugging, modification of computer or information technology, or enabling continuity of systems and applications;

“(C) directing the work of individuals performing duties described in subparagraph (A)
or (B), including training such individuals or
leading teams performing such duties; or

“(D) a combination of duties described in
subparagraphs (A), (B), and (C), the perform-
ance of which requires the same level of skill;
who is compensated at an hourly rate of not less
than $27.63 an hour or who is paid on a salary
basis at a salary level as set forth by the Depart-
ment of Labor in part 541 of title 29, Code of Fed-
eral Regulations. An employee described in this
paragraph shall be considered an employee in a pro-
fessional capacity pursuant to paragraph (1).”.