

112TH CONGRESS
1ST SESSION

S. 1747

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.

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. SHORT TITLE.**

4 This Act may be cited as the “Computer Profes-
5 sionals Update Act” or the “CPU Act”.

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

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

6 “(17) any employee working in a computer or
7 information technology occupation (including, but
8 not limited to, work related to computers, informa-
9 tion systems, components, networks, software, hard-
10 ware, databases, security, internet, intranet, or
11 websites) as an analyst, programmer, engineer, de-
12 signer, developer, administrator, or other similarly
13 skilled worker, whose primary duty is—

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

19 “(B) the design, development, documenta-
20 tion, analysis, creation, testing, securing, con-
21 figuration, integration, debugging, modification
22 of computer or information technology, or ena-
23 bling continuity of systems and applications;

24 “(C) directing the work of individuals per-
25 forming duties described in subparagraph (A)

1 or (B), including training such individuals or
2 leading teams performing such duties; or

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

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