

105TH CONGRESS  
1ST SESSION

# H. R. 2710

To amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating overtime compensation will not be affected by certain additional payments.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 1997

Mr. BALLENGER (for himself and Mr. GOODLING) 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 provide that an employee's "regular rate" for purposes of calculating overtime compensation will not be affected by certain additional payments.

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 "Rewarding Perform-  
5       ance in Compensation Act".

6       **SEC. 2. REGULAR RATE.**

7       Section 7(e)(3) of the Fair Labor Standards Act of  
8       1938 (29 U.S.C. 207(e)(3)) is amended by inserting be-

1 fore the semicolon at the end the following: “; or (d) the  
2 payments are made to reward an employee or group of  
3 employees for meeting or exceeding the productivity, qual-  
4 ity, efficiency, or sales goals as specified in a gainsharing,  
5 incentive bonus, commission, or performance contingent  
6 bonus plan”.

