

108TH CONGRESS
1ST SESSION

H. R. 1996

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, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2003

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

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, and for other purposes.

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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