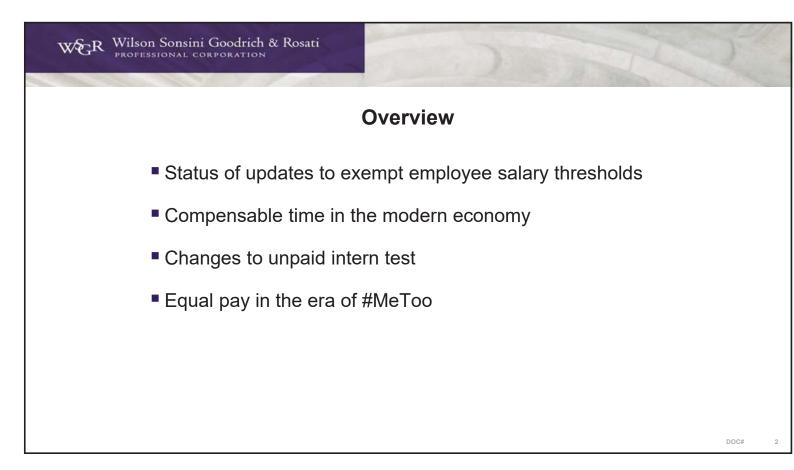
WAGE AND HOUR UPDATE:

EXAMINING DEVELOPING TRENDS UNDER THE FLSA AND RELATED WAGE AND HOUR REGULATIONS

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EVOLVING FLSA COMPENSATION TESTS FOR EXEMPT EMPLOYEES



Exempt Employees: A History

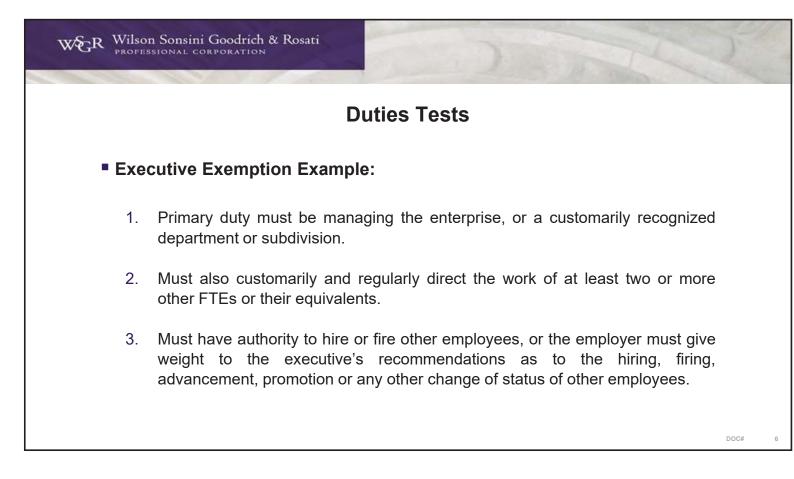
- Fair Labor Standards Act (FLSA) enacted in 1938 as key piece of New Deal legislation
- Regulates minimum wage and overtime
- Certain classes of employees exempt from overtime:
 - Executive, Administrative, Professional employees
 - Outside salespeople
 - Others added in ensuing years, including for Computer Professionals
- Most common exemptions often referred to as "EAP exemptions" (Executive, Administrative, Professional)

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Tests for EAP Exemptions

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- FLSA does not directly define the scope of the EAP exemptions
- Department of Labor (DOL) regulations define the bounds of the exemptions
- Many iterations of the regulations since 1938
- Key features of the exemption tests:
 - Duties
 - Minimum compensation
 - Basis of compensation (salary, fee, etc.)



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