

John Gregg
S.L.C.

PENDING

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

AMENDMENT No. 3111

To amend with ETI tion plify Stat
By Gregg
To: S. 1637
4

Page(s)

GPO: 2002 83-247(Mac)

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . PROTECTION OF OVERTIME PAY.**
- 3 Section 13 of the Fair Labor Standards Act of 1938
- 4 (29 U.S.C. 213) is amended by adding at the end the fol-
- 5 lowing:
- 6 “(k)(1) The Secretary shall not promulgate any rule
- 7 under subsection (a)(1) that exempts from the overtime

1 pay provisions of section 7 any employee who earns less
2 than \$23,660 per year.

3 “(2) The Secretary shall not promulgate any rule
4 under subsection (a)(1) concerning the right to overtime
5 pay that is not as protective, or more protective, of the
6 overtime pay rights of employees in the occupations or job
7 classifications described in paragraph (3) as the protec-
8 tions provided for such employees under the regulations
9 in effect under such subsection on March 31, 2003.

10 “(3) The occupations or job classifications described
11 in this paragraph are as follows:

12 “(A) Any worker paid on an hourly basis.

13 “(B) Blue collar workers.

14 “(C) Any worker provided overtime under a col-
15 lective bargaining agreement.

16 “(D) Team leaders.

17 “(E) Computer programmers.

18 “(F) Registered nurses.

19 “(G) Licensed practical nurses.

20 “(H) Nurse midwives.

21 “(I) Nursery school teachers.

22 “(J) Oil and gas pipeline workers.

23 “(K) Oil and gas field workers.

24 “(L) Oil and gas platform workers.

25 “(M) Refinery workers.

- 1 “(N) Steel workers.
- 2 “(O) Shipyard and ship scrapping workers.
- 3 “(P) Teachers.
- 4 “(Q) Technicians.
- 5 “(R) Journalists.
- 6 “(S) Chefs.
- 7 “(T) Cooks.
- 8 “(U) Police officers.
- 9 “(V) Firefighters.
- 10 “(W) Fire sergeants.
- 11 “(X) Police sergeants.
- 12 “(Y) Emergency medical technicians.
- 13 “(Z) Paramedics.
- 14 “(AA) Waste disposal workers.
- 15 “(BB) Day care workers.
- 16 “(CC) Maintenance employees.
- 17 “(DD) Production line employees.
- 18 “(EE) Construction employees.
- 19 “(FF) Carpenters.
- 20 “(GG) Mechanics.
- 21 “(HH) Plumbers.
- 22 “(II) Iron workers.
- 23 “(JJ) Craftsmen.
- 24 “(KK) Operating engineers.
- 25 “(LL) Laborers.

- 1 “(MM) Painters.
- 2 “(NN) Cement masons.
- 3 “(OO) Stone and brick masons.
- 4 “(PP) Sheet metal workers.
- 5 “(QQ) Utility workers.
- 6 “(RR) Longshoremen.
- 7 “(SS) Stationary engineers.
- 8 “(TT) Welders.
- 9 “(UU) Boilermakers.
- 10 “(VV) Funeral directors.
- 11 “(WW) Athletic trainers.
- 12 “(XX) Outside sales employees.
- 13 “(YY) Inside sales employees.
- 14 “(ZZ) Grocery store managers.
- 15 “(AAA) Financial services industry workers.
- 16 “(BBB) Route drivers.
- 17 “(CCC) Assistant retail managers.
- 18 “(4) Any portion of a rule promulgated under sub-
- 19 section (a)(1) after March 31, 2003, that modifies the
- 20 overtime pay provisions of section 7 in a manner that is
- 21 inconsistent with paragraphs (2) and (3) shall have no
- 22 force or effect as it relates to the occupation or job classi-
- 23 fication involved.”.