

8/17/79

This is in reply to your letter of June 18, 1979, concerning the exemption status of "paralegals" under section 13(a)(1) of the Fair Labor Standards Act.

Section 13(a)(1) provides an exemption from the minimum wage and overtime pay requirements of the Act for "any employee employed in a bona fide...professional capacity". The term "professional", as used in Regulations, Part 541, has reference to those professions which have a recognized status and which are based on the acquirement of professional knowledge through prolonged study. It is our general position that although "paralegals" may have special training in their field, their duties do not require "knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized instruction and study..." within the meaning of section 541.302 of the regulations. A review of the duties of the paralegals submitted with your letter does not change our opinion on this matter.

In addition, it is our position that "paralegals" generally are not involved in the performance of duties requiring the exercise of discretion and independent judgment of the type required by the regulations for exemption. They are in our view, involved in the use of skills rather than discretion and independent judgment. Such employees generally are found to be highly trained and highly skilled specialists who, as such, would not qualify for exemption as "administrative" or "professional" employees under section 13(a)(1) of the Act.

We trust that the above is of assistance to you in this matter.

Sincerely,

Herbert J. Cohen
Assistant Administrator