

FLSA-986

August 23, 1982

This is in reply to your letter of August 11, 1982, concerning overtime compensation. You indicate that you are employed by *** Hospital at a salary of \$16,600 and hold the position of Catholic chaplain.

Enclosed is a Handy Reference Guide which explains the major provisions of the Fair Labor Standards Act (FLSA). Covered employees must be paid in accordance with its minimum wage and overtime pay provisions, unless specifically exempt. You will note on page 4 of the Guide that the FLSA contains a number of exemptions from its minimum wage and overtime provisions, one of which is applicable to your employment.

Section 13(a)(1) of the FLSA provides a complete minimum wage and overtime pay exemption for executive, administrative, professional, and outside salespersons as defined and delimited in regulations issued pursuant to the Act. A copy of Regulations, 29 CFR Part 541 is enclosed. As indicated in section 541.301, the term "professional" includes the traditional profession of theology. Since you are employed as Catholic chaplain, you would be deemed to meet all the tests of exemption as a professional employee under section 541.3 of 29 CFR Part 541. While your employer would not be required to pay you overtime compensation under the FLSA, this does not preclude you from negotiating a private agreement with your employer for such compensation.

We hope that the above information will be of assistance to you.

Sincerely,

Stephanie R. Glyder, Chief
Branch of Coverage and Exemption

Enclosures