

Nurses Who Have Been Misclassified As Exempt From Overtime Pay - Wage & Hour Investigation - Kehoe Law Firm, P.C.

Nurses: You May Be Entitled To Overtime Pay - Important Information About Overtime Pay, The Fair Labor Standards Act & The Learned Professional Exemption

PHILADELPHIA, PA, USA, January 19, 2022 /EINPresswire.com/ -- Kehoe Law Firm, P.C. is making [nurses](#) aware that the Fair Labor Standards Act ("FLSA") requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and [overtime pay](#) at not less than time and one-half the regular rate of pay for all hours worked over 40 in a workweek.



Nurses & The Learned Professional Exemption

Section 13(a)(1) of the FLSA, however, provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. To qualify for exemption, employees, including nurses, must meet certain tests regarding their job duties and be paid on a salary basis of not less than \$684 per week.

To qualify for the learned professional employee exemption, all the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$684 per week;
- The employee's primary duty must be the performance of work requiring advanced knowledge,

defined as work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment;

-The advanced knowledge must be in a field of science or learning; and

-The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

Registered nurses who are paid on an hourly basis should receive overtime pay. Registered nurses, however, who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption and, if paid on a salary basis of at least \$684 per week, may be classified as exempt.

Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals, regardless of work experience and training, and are entitled to overtime pay, because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations.

Source: U.S. Department of Labor & U.S. DOL, FS17N - Nurses and the Part 541 Exemptions Under the FLSA, Revised Sept. 2019.

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Merely because a nurse with "advanced knowledge" or a "specialized advanced academic degree" is paid a salary does not automatically mean that a nurse can be classified as exempt from overtime pay, particularly if a nurse who is deemed classified as exempt performs duties inconsistent with the learned professional employee exemption.

NURSES WHO BELIEVE THEY HAVE BEEN MISCLASSIFIED AS EXEMPT FROM OVERTIME PAY ARE ENCOURAGED TO CONTACT KEHOE LAW FIRM, P.C., MICHAEL YARNOFF, ESQ., (215) 792-6676, EXT. 804, MYARNOFF@KEHOELAWFIRM.COM, INFO@KEHOELAWFIRM.COM, FOR A FREE, NO-OBLIGATION EVALUATION OF POTENTIAL LEGAL CLAIMS.

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