



Attorney Warns of Tech Duties Test in SHRM Interview

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In its final rule on overtime pay, the US Department of Labor raised the salary threshold for highly compensated employees. In an interview with *SHRM*, Kathleen Caminiti, co-chair of the firm's Wage and Hour practice, explained that a duties test remains for high-compensated employees, though it's not as exacting as the test for executive, administrative and professional exemptions. Specifically, she said: "If someone is in a tech role, take a close look," she added. "That person might be highly compensated but not perform one of the duties of an executive, administrative or professional employee and therefore not qualify for the executive, administrative or professional exemption. A tech employee doesn't necessarily fit in the computer employee exemption either. That exemption applies to analysts and software engineers, not someone who is troubleshooting. If an employer is wrong about the classification of a highly compensated employee that is a big overtime bill."

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Kathleen McLeod Caminiti

Partner

908.516.1062

Email

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