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## FLSA and Computer Technicians

There is no general exemption for employees who "work with computers." Many employees in the computer industry, or who work with computers in their jobs, will not be exempt employees. The following types of work are not likely to be exempt: Keeping tape libraries, inputting data, preparing flow charts or diagrams showing the order in which a computer must perform operations, preparing operator instructions, running computers, fixing computers (including "debugging"), staffing "help desks" (or "help lines").

Computer workers may be exempt under any of the "white collar exemptions," as bona fide executive or administrative employees. (See, FLSA Coverage.) For example, a "network administrator" may be performing administratively exempt job duties. There are, in addition, some special rules which apply to employees who work with computers and permit them to be classified as exempt even if they don't meet the usual requirements for exempt executives or administrators. However, there are special provisions which exempt some computer employees who might not otherwise qualify as "professionally" exempt. These include systems analysts, programmers (who "write code"), or software engineers. More specifically, the special computer employee exemption applies to workers who apply systems analysis techniques and procedures to determine hardware, software, or system functional specifications, or who design, develop, test or modify computer systems or programs based on user or design specifications.

The special computer employees exemption does not include workers whose primary duties are manufacturing or repair of computer hardware, nor employees who are not primarily engaged in systems analysis, programming or software engineering even if their jobs are highly dependent on using computers. (An example might be drafters who use computer-aided design software.)

Workers who meet the standards of the special computer employee regulations need not be paid on a salary basis to be exempt. The salary tests as applied to computer workers permit them to be paid either at least \$22,600 per year (\$455 per week) on a salary basis, or on an hourly basis at a rate not less than \$27.63 per hour.