

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1225

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IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JULY 10), 1995

Received

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## AN ACT

To amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Court Reporter Fair  
3 Labor Amendments of 1995”.

4 **SEC. 2. LIMITATION ON OVERTIME COMPENSATION FOR**  
5 **COURT REPORTERS.**

6 Section 7(o) of the Fair Labor Standards Act of 1938  
7 (29 U.S.C. 207(o)) is amended—

8 (1) by redesignating paragraph (6) as para-  
9 graph (7); and

10 (2) by inserting after paragraph (5) the follow-  
11 ing new paragraph:

12 “(6) The hours an employee of a public agency per-  
13 forms court reporting transcript preparation duties shall  
14 not be considered as hours worked for the purposes of sub-  
15 section (a) if—

16 “(A) such employee is paid at a per-page rate  
17 which is not less than—

18 “(i) the maximum rate established by  
19 State law or local ordinance for the jurisdiction  
20 of such public agency,

21 “(ii) the maximum rate otherwise estab-  
22 lished by a judicial or administrative officer and  
23 in effect on July 1, 1995, or

24 “(iii) the rate freely negotiated between the  
25 employee and the party requesting the tran-

1           script, other than the judge who presided over  
2           the proceedings being transcribed, and

3           “(B) the hours spent performing such duties  
4           are outside of the hours such employee performs  
5           other work (including hours for which the agency re-  
6           quires the employee’s attendance) pursuant to the  
7           employment relationship with such public agency.

8 For purposes of this section, the amount paid such em-  
9 ployee in accordance with subparagraph (A) for the per-  
10 formance of court reporting transcript preparation duties,  
11 shall not be considered in the calculation of the regular  
12 rate at which such employee is employed.”.

13 **SEC. 3. EFFECTIVE DATE.**

14        The amendments made by section 2 shall apply after  
15 the date of the enactment of this Act and with respect  
16 to actions brought in a court after the date of the enact-  
17 ment of this Act.

          Passed the House of Representatives August 1,  
1995.

Attest:

ROBIN H. CARLE,

*Clerk.*