

# Union Calendar No. 115

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

# H. R. 1225

[Report No. 104-219]

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1995

Mr. FAWELL (for himself, Mr. BARRETT of Nebraska, Mr. ANDREWS, Mr. HOEKSTRA, and Mr. CHRISTENSEN) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

AUGUST 1, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

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 “The Court Reporter  
3 Fair Labor Amendments of 1995”.

4 **SEC. 2. LIMITATION ON COMPENSATORY TIME FOR COURT**  
5 **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) A public agency may not be considered to be  
13 in violation of subsection (a) with respect to an employee  
14 who performs court reporting transcript preparation du-  
15 ties if such public agency and such employee have an un-  
16 derstanding that the time spent performing such duties  
17 outside of normal working hours or regular working days  
18 is not considered as hours worked for the purposes of sub-  
19 section (a).”.

20 **SEC. 3. EFFECTIVE DATE OF AMENDMENTS.**

21 The amendments made by section 2 shall take effect  
22 as if included in the provisions of the Fair Labor Stand-  
23 ards Act of 1938 to which such amendments relate, except  
24 that such amendments shall not apply to an action—

25 (1) that was brought in a court involving the  
26 application of section 7(a) of such Act to an em-

1        ployee who performed court reporting transcript  
2        preparation duties; and

3            ~~(2) in which a final judgment has been entered~~  
4        on or before the date of enactment of this Act.

5        **SECTION 1. SHORT TITLE.**

6            *This Act may be cited as the “Court Reporter Fair*  
7        *Labor Amendments of 1995”.*

8        **SEC. 2. LIMITATION ON OVERTIME COMPENSATION FOR**  
9            **COURT REPORTERS.**

10        *Section 7(o) of the Fair Labor Standards Act of 1938*  
11        *(29 U.S.C. 207(o)) is amended—*

12            *(1) by redesignating paragraph (6) as para-*  
13        *graph (7); and*

14            *(2) by inserting after paragraph (5) the follow-*  
15        *ing new paragraph:*

16        *“(6) The hours an employee of a public agency per-*  
17        *forms court reporting transcript preparation duties shall*  
18        *not be considered as hours worked for the purposes of sub-*  
19        *section (a) if—*

20            *“(A) such employee is paid at a per-page rate*  
21        *which is not less than—*

22            *“(i) the maximum rate established by State*  
23        *law or local ordinance for the jurisdiction of*  
24        *such public agency,*

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

4           “(iii) the rate freely negotiated between the  
5           employee and the party requesting the tran-  
6           script, other than the judge who presided over the  
7           proceedings being transcribed, and

8           “(B) the hours spent performing such duties are  
9           outside of the hours such employee performs other  
10          work (including hours for which the agency requires  
11          the employee’s attendance) pursuant to the employ-  
12          ment relationship with such public agency.

13          For purposes of this section, the amount paid such employee  
14          in accordance with subparagraph (A) for the performance  
15          of court reporting transcript preparation duties, shall not  
16          be considered in the calculation of the regular rate at which  
17          such employee is employed.”.

18          **SEC. 3. EFFECTIVE DATE.**

19          The amendments made by section 2 shall apply after  
20          the date of the enactment of this Act and with respect to  
21          actions brought in a court after the date of the enactment  
22          of this Act.



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