

Public Law 104-26
104th Congress

An Act

Sept. 6, 1995
[H.R. 1225]

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Court Reporter
Fair Labor
Amendments of
1995.
29 USC 201 note.

SECTION 1. SHORT TITLE.

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

SEC. 2. LIMITATION ON OVERTIME COMPENSATION FOR COURT REPORTERS.

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

- (1) by redesignating paragraph (6) as paragraph (7); and
- (2) by inserting after paragraph (5) the following new paragraph:

“(6) The hours an employee of a public agency performs court reporting transcript preparation duties shall not be considered as hours worked for the purposes of subsection (a) if—

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

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

“(ii) the maximum rate otherwise established by a judicial or administrative officer and in effect on July 1, 1995, or

“(iii) the rate freely negotiated between the employee and the party requesting the transcript, other than the judge who presided over the proceedings being transcribed, and

“(B) the hours spent performing such duties are outside of the hours such employee performs other work (including hours for which the agency requires the employee’s attendance) pursuant to the employment relationship with such public agency.

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

SEC. 3. EFFECTIVE DATE.

29 USC 207 note.

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

Approved September 6, 1995.

LEGISLATIVE HISTORY—H.R. 1225:

HOUSE REPORTS: No. 104-219 (Comm. on Economic and Educational Opportunities).

CONGRESSIONAL RECORD, Vol. 141 (1995):

Aug. 1, considered and passed House.

Aug. 5, considered and passed Senate.