

Ninth Circuit: Social Workers are not “Learned Professionals” Under FLSA and are Therefore not Exempt From Overtime Requirements

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On September 9, 2011, the Ninth Circuit Court of Appeals held that social workers in the state of Washington are not “learned professionals” under the Fair Labor Standards Act and therefore, are not exempt from overtime compensation.

By way of background, under both the Fair Labor Standards Act and various state laws, employers are excused from paying overtime compensation to employees who are classified as “exempt.” In order to determine whether an employee is exempt or not, the FLSA and state laws set forth various exemptions, which typically have a host of requirements that must be met before an employee can be categorized as exempt from overtime compensation.

This group of Washington state social workers filed suit, arguing that they were not paid for overtime worked. The State, on the other hand, claimed that they did not have to pay the workers overtime because they were exempt and fell under the “learned professional” exemption of the FLSA. Though the State prevailed on its summary judgment motion at the district court level, on appeal, the Court of Appeals held that the State failed to meet its burden of showing that social workers meet the regulatory requirements of being categorized as a “learned professional.” Specifically, the Court held that the employer had not demonstrated that being a social worker required advanced knowledge customarily acquired by a prolonged course of specialized intellectual instruction, largely because the State had relatively loose eligibility requirements in order to become a social worker. The position only required a degree in one of various academic disciplines or coursework in those disciplines, which the Court held, was not enough to fall under the umbrella of a “learned professional.” Noting that exemptions under the FLSA are typically construed against the employer, and because of its factual findings relating to this particular position, the Court of Appeals reversed the summary judgment ruling in favor of the State, and the case was remanded to the district court for further consideration.

You can read more about the Court’s decision in *Solis v. State of Washington* [here](#). Navigating the murky waters of classifying employees can be tricky, especially where there are both state and federal rules at issue.

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Topics

FLSA, Overtime, Exemption