



U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

FLSA2008-10NA

June 9, 2008

Dear **Name***:

This is in response to your request for an opinion regarding whether service coordinators employed by your organization qualify for the learned professional exemption under section 13(a)(1) of the Fair Labor Standards Act (FLSA).^{*} It is our opinion that service coordinators do not qualify for the learned professional exemption under the FLSA.

Service coordinators assist program participants (participants) with gaining access to medical, social, educational, and other community services. They interview, assess, and identify participants' strengths, needs, and desired outcomes before developing individual service plans that identify proper services needed and authorized. Service coordinators provide planning, coordination, linkage/referral, and follow-up/monitoring to facilitate participants' independence in the community. They also provide 24-hour case management services, and advocate for program participants by intervening if their rights are denied. They document all contact with participants in case notes and reports, and assess the participants' health and safety every month.

Your service coordinators must have an associate's degree in a health or human services field, or be a registered nurse, and have one year of relevant experience. However, the ideal candidate has a bachelor's degree and several years of experience. Service coordinators must complete the Medicaid Service Coordination Core Training within three months of employment, as well as annual training to enhance their skills.

Section 13(a)(1) of the FLSA provides a minimum wage and overtime exemption for "any employee employed in a bona fide . . . professional capacity," as defined in 29 C.F.R. Part 541. An employee may qualify for exemption if the duties and salary tests are met. The term "employee employed in a bona fide professional capacity" means "any employee":

- (1) Compensated on a salary or fee basis at a rate of not less than \$455 per week;
- and

^{*} Unless otherwise noted, any statutes, regulations, opinion letters, or other interpretive material cited in this letter can be found at www.wagehour.dol.gov.

- (2) Whose primary duty is the performance of work . . . [r]equiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction.

[29 C.F.R. § 541.300\(a\).](#)

This primary duty test for the learned professional exemption includes:

- (1) The employee must perform work requiring advanced knowledge;
- (2) The advanced knowledge must be in a field of science or learning; and
- (3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

[29 C.F.R. § 541.301\(a\).](#)

“The phrase ‘customarily acquired by a prolonged course of specialized intellectual instruction’ restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree.” 29 C.F.R. § 541.301(d). On the other hand,

the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction.

Id.

Occupations requiring only a bachelor’s degree in any field, an associate’s degree, or completion of a short course of specialized training as a standard prerequisite for entrance into a particular field, do not qualify for the learned professional exemption. *See* 69 Fed. Reg. 22,122, 22,150 (Apr. 23, 2004); *see also* Wage and Hour Opinion Letter [FLSA2007-5](#) (Feb. 5, 2007); Wage and Hour Opinion Letter [FLSA2006-26](#) (July 24, 2006).

Because the academic requirements for service coordinators may be met with an associate’s degree, the position lacks the requirement of “knowledge of an advanced type . . . customarily acquired by a prolonged course of specialized intellectual instruction.” 29 C.F.R. § 541.300(a)(2); *see* Wage and Hour Opinion Letter [FLSA2006-26](#) (July 24, 2006). Therefore, it is our opinion that service coordinators do not qualify for the learned professional exemption.

This opinion is based exclusively on the facts and circumstances described in your request and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. You have represented that this opinion is not sought by a party to pending private litigation concerning the issues addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust that this letter is responsive to your inquiry.

Sincerely,

Monty Navarro
Fair Labor Standards Team
Office of Enforcement Policy

*** Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. § 552(b)(7).**