

113TH CONGRESS
1ST SESSION

H. R. 1001

To amend the Fair Labor Standards Act of 1938 to provide a specific limited exemption from the overtime pay requirements of such Act for work related to disaster or catastrophe claims adjustment after a major disaster.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2013

Mr. BONNER (for himself, Mr. HASTINGS of Florida, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to provide a specific limited exemption from the overtime pay requirements of such Act for work related to disaster or catastrophe claims adjustment after a major disaster.

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

3 **SECTION 1. LIMITED EXEMPTION FOR DISASTER OR CA-**
4 **TASTROPHE CLAIMS ADJUSTERS.**

5 Section 7 of the Fair Labor Standards Act of 1938
6 (29 U.S.C. 207) is amended by adding at the end the fol-
7 lowing:

1 “(s)(1) The provisions of this section shall not apply
2 for a period of 2 years after the occurrence of a major
3 disaster to any employee—

4 “(A) employed to adjust or evaluate claims
5 resulting from or relating to such major dis-
6 aster, by an employer not engaged, directly or
7 through an affiliate, in underwriting, selling, or
8 marketing property, casualty, or liability insur-
9 ance policies or contracts;

10 “(B) who receives from such employer on
11 average weekly compensation of not less than
12 \$591.00 per week or any minimum weekly
13 amount established by the Secretary, whichever
14 is greater, for the number of weeks such em-
15 ployee is engaged in any of the activities de-
16 scribed in subparagraph (C); and

17 “(C) whose duties include any of the fol-
18 lowing:

19 “(i) interviewing insured individuals,
20 individuals who suffered injuries or other
21 damages or losses arising from or relating
22 to a disaster, witnesses, or physicians;

23 “(ii) inspecting property damage or
24 reviewing factual information to prepare
25 damage estimates;

1 “(iii) evaluating and making rec-
2 ommendations regarding coverage or com-
3 pensability of claims or determining liabil-
4 ity or value aspects of claims;

5 “(iv) negotiating settlements; or

6 “(v) making recommendations regard-
7 ing litigation.

8 “(2) Notwithstanding any other provision of
9 section 18, in the event of a major disaster, this Act
10 exclusively shall govern all such employers in lieu of
11 any State or other Federal law or regulation or local
12 law or regulation, with respect to the employees de-
13 scribed in paragraph (1).

14 “(3) The exemption in this subsection shall not
15 affect the exemption provided by section 13(a)(1).

16 “(4) For purposes of this subsection—

17 “(A) the term ‘major disaster’ means any
18 natural catastrophe, including any hurricane,
19 tornado, storm, high water, wind driven water,
20 tidal wave, tsunami, earthquake, volcanic erup-
21 tion, landslide, mudslide, snowstorm, or
22 drought, or, regardless of cause, any other ca-
23 tastrophe, including fire, flood, explosion, land
24 collapse, avalanche, or pollutant or chemical re-
25 lease;

1 “(B) the term ‘employee employed to ad-
2 just or evaluate claims resulting from or relat-
3 ing to such major disaster’ means an individual
4 who timely secured or secures a license required
5 by applicable law to engage in and perform the
6 activities described in clauses (i) through (v) of
7 paragraph (1)(C) relating to a major disaster,
8 and is employed by an employer that maintains
9 worker compensation insurance coverage or pro-
10 tection for its employees, if required by applica-
11 ble law, and withholds applicable Federal,
12 State, and local income and payroll taxes from
13 the wages, salaries and any benefits of such em-
14 ployees; and

15 “(C) the term ‘affiliate’ means a company
16 that, by reason of ownership or control of twen-
17 ty-five percent (25%) or more of the out-
18 standing shares of any class of voting securities
19 of one or more companies, directly or indirectly,
20 controls, is controlled by, or is under common
21 control with, another company.”.

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