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# are highly compensated executives still entitled to overtime pay under the flsa?

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## **Yes, if the employer is not careful when structuring the pay arrangements.**

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Employers under the Fair Labor Standards Act ("FLSA") need to be aware of how to structure "salary" compensation arrangements with persons they are employing in an "executive" capacity to manage all or part of the employer's business; otherwise, employers may find themselves subject to claims that such "executive" employees – even if paid well in excess of six figures – are still owed overtime pay for their work.

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## **practice areas**

labor & employment