

Paralegals and legal assistants generally do not qualify as exempt learned professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution.

Moreover, in numerous opinion letters, the Wage and Hour Division of the U.S. Department of Labor, has taken the position of the that paralegal employees are not exempt employees. Wage & Hour Op., FLSA2006-27, p. 4; see also Wage & Hour Op., FLSA2005-9 (Jan. 7, 2005), Wage & Hour Op., FLSA2006-27 (July 24, 2006), Wage & Hour Op., FLSA 2005-54 (December 16, 2005).

Therefore, if paralegals are not exempt employees under the Fair Labor Standards Act, they are entitled to be paid overtime.