

## **Owsley v. San Antonio Indep. Sch. Dist.**

187 F.3d 521 (5th Cir. 1999)

Authored by Mia Fiedler

Plaintiffs, a group of athletic trainers, sought summary judgment against the defendant, the San Antonio Independent School District ("SAISD"), in the District Court for the Western District of Texas, seeking overtime benefits pursuant to the Fair Labor Standards Act ("FLSA"). Plaintiffs are a group of eight athletic trainers employed at SAISD, who worked approximately 60 hours a week. This suit was brought to obtain overtime benefits as permitted under the FLSA. The district court partially granted the motion for summary judgment, stating that the trainers were not exempted professionals under the FLSA. However, it chose not to award liquidated damages to the plaintiffs stating that SAISD had a reasonable and good faith belief that the exemption applied to the trainers. The SAISD appealed the summary judgment to the Fifth Circuit Court of Appeals and the trainers cross-appealed.

Under the FLSA, employees are eligible to receive overtime benefits for hours worked in excess of 40 hours in a given work week. However, professional, administrative, or executive employees are exempt from such benefits. To determine the status and eligibility of employees to receive such benefits, the "short test" is applied. The "short test" set forth in 29 C.F.R. § 541.3 articulates the applicable test to determine an employee's qualification as a professional and, thus, exemption under the FLSA for overtime. The test requires advanced knowledge in a science or other field customarily acquired through higher education and that the work requires the exercise of discretion and judgment during job performance. In order to qualify as a professional, both prongs must be met.

The court of appeals held the trainers were professionals exempt from the overtime benefits of the FLSA, thus reversing the lower court's decision and rendering summary judgment in favor of SAISD. The courts agreed that the first prong of the short test had been met because trainers in Texas were required to obtain a state license. The license required some form of higher education with specific specialization requirements.

The lower court determined that the second prong of the short test had not been fulfilled. The appellate court, however, disagreed and held that despite the wording of the SAISD's job description, the trainers exercised a substantial amount of discretion in the performance of their duties.

The appellate court reversed and rendered summary judgment for SAISD, finding that the district court had erred in determining the trainers did not exercise discretion and independent judgment. The court held that SAISD had sufficiently demonstrated that the trainers were professionals under the "short test" and were exempt from the benefits afforded by the FLSA.