

AMENDMENT TO H.R. 1381
OFFERED BY MR. BALLENGER

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Rewarding Perform-
3 ance in Compensation Act”.

4 SEC. 2. REGULAR RATE FOR OVERTIME PURPOSES.

5 Section 7(e) of the Fair Labor Standards Act of 1938
6 is amended—

7 (1) by inserting before the semicolon at the end
8 of paragraph (3) the following: “; or (d) the pay-
9 ments are made to reward an employee or group of
10 employees for meeting or exceeding the productivity,
11 quality, efficiency, or sales goals as specified in a
12 gainsharing, incentive bonus, commission, or per-
13 formance contingent bonus plan”; and

14 (2) by inserting after and below paragraph (7)
15 the following:

16 “A plan described in paragraph (3)(d) shall be in writing
17 and made available to employees, provide that the amount
18 of the payments to be made under the plan be based upon
19 a formula that is stated in the plan, and be established
20 and maintained in good faith for the purpose of distribut-

1 ing to employees additional remuneration over and above
2 the wages and salaries that are not dependent upon the
3 existence of such plan or payments made pursuant to such
4 plan.”.