



## Are Pharmaceutical Sales Representatives Exempt from the FLSA Overtime Pay Requirements?

07.19.2010

07.19.2010

### Second Circuit Says "NO," Creates Circuit Split

On July 6, the Second Circuit Court of Appeals issued a decision in the Novartis wage and hour litigation.<sup>1</sup> The Second Circuit Court of Appeals reversed a judgment from the United States District Court for the Southern District of New York, which found that Novartis sales representatives ("sales reps") were exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA").<sup>2</sup> The Second Circuit opinion on whether pharmaceutical sales representatives are exempt under either, or both, the administrative and outside sales exemptions is the most decisive appeals court ruling to date. This opinion, however, differs from those of several district courts as well as the Third Circuit Court of Appeals and creates some confusion for major drug companies.

**Click the following link to read the full article in PDF format.**

An update to this article was published on July 30, 2010. [Click here for more information.](#)

Image not found  
file:///var/www/html/FCWSite/Img/icon\_downloadfile.gif

[Are Pharmaceutical Sales Representatives Exempt from the FLSA Overtime Pay Requirements?](#)

### Related People

### Related Services

- Appellate Practice