



# ILLINOIS PARALEGAL ASSOCIATION

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Letter to the Editor:

The Illinois Paralegal Association would like to address comments regarding the *New Overtime Regulations Affect Paralegals* article which was printed in the October/November issue of the *Paralegal Reporter*.

Let us all remember that while some paralegals have been affected by the new regulations of the *Fair Pay Act* it is only because employers were suddenly reminded again that paralegals are and have always been classified as “non-exempt”. While many paralegals had been treated as “exempt” by their employers, they did not actually qualify as “exempt” under the Department of Labor rules and regulations.

For several years the IPA has been monitoring the issue of exempt vs. non-exempt. The article bewails the fact that state associations did not submit comments to the Department of Labor for or against the changes to the rules and therefore, other associations, whoever they are, also did not submit comments. The article suggests that comments were not received from a “majority of paralegals”. The IPA brought this topic before its members through articles in its publications and outside publications as well, surveys and various speakers. Over all the years the IPA membership has remained fairly evenly split regarding the issue. Non-exempt paralegals were happy with the professional treatment, benefits and salary they received. Exempt paralegals were happy with the professional treatment, benefits and salary they received. As in any area there were exceptions but by and large, both sides were happy with the treatment they received. Some who had been considered exempt and were now working in non-exempt positions were happy with the respect and benefits they received. The IPA is a member driven association. Therefore, with its membership evenly divided on the exempt issue, no comments were submitted to the Department of Labor. However, the IPA’s membership was informed about the *Fair Labor Standards Act*. At the NFPA meeting in Nashville in April of this year the discussion again turned to the exempt/non-exempt issue. Once again, those attending were reminded that nationwide, as well as in Illinois, the membership is fairly evenly divided on the

issue of whether to be considered exempt. Those who are non-exempt did not wish to become exempt. Those who were considered exempt were never, under the DOL rules, actually exempt.

The IPA strives to inform its members to the best of its abilities, remembering that its board and chairpersons are volunteers and as busy as its members. At some point, it becomes the responsibility of each individual member, busy as we all are, to make an effort to review the materials available. And, if necessary, we paralegals must ask questions, request comments be submitted on pending legislation or rule changes, and be proactive.

Respectfully Submitted,

Board of Directors of the  
Illinois Paralegal Association