

Dr. David Bromwell (1923-2004)

Dr. David Bromwell, 80, of Springfield, IL passed away in his home on Tuesday June 1, 2004. He worked as chief veterinarian for the state Department of Agriculture and Animal Welfare. He wrote the laws for humane treatment of animals in 1973.

Dr. Bromwell was a member and head of the Veterinarian Examination Board and a long-time member of the Illinois State Veterinary Medical Association. He was very active in ISVMA and was a tremendous ally in the legislature. He was also a U.S. Army veteran of WWII, serving as a sergeant in Europe and Africa and receiving two battle stars and a Bronze Star. He is survived by his wife Norma Jean; his son Quentin of Springfield; and a grandson.

2004 Graduates are Free!

Many practices have recently hired a 2004 veterinary school graduate. These new doctors receive complimentary membership in the ISVMA during their first year of practice after graduation. Please remember to contact ISVMA for a membership application or have your new doctor fill out an [on-line application form](#).

ISVMA is actively seeking ways to get new graduates involved in organized veterinary medicine. It is very important that experienced veterinarians encourage the participation of the young doctors in their state association. The benefits of membership are many and the cost of complacency is too high.

For more information on ISVMA membership, please contact the ISVMA office at (217) 523-8387.

Labor Department Issues New Overtime Pay Rules

On April 23, the Department of Labor issued final regulations under the Fair Labor Standards Act that are the first meaningful changes in the rules governing white-collar exemptions in almost 50 years.

However, under the regulations—known as the FairPay rules—workers receiving less than \$23,660 per year or \$455 per week are guaranteed overtime pay. Those amounts represent considerable increases over levels established decades ago.

The FLSA provides an exemption from those overtime pay rules for bona fide executive, administrative, professional (learned professional or creative professional), and outside sales employees and certain computer employees. To be exempt, they must be paid on a salary basis at not less than \$455 per week, and they must meet certain tests regarding their job duties. Job titles do not determine exempt status.

The department estimates that the FairPay rules will impact the pay of an estimated 6.7 million U.S. workers when they go into effect Aug. 23, 2004.

The modifications were determined to be necessary to address the profound changes in the structure of the American workplace over the past half century. In addition, the current regulations have been criticized for being a source of confusion for both employers and employees. That has led to an escalation in litigation for alleged violations. The number of class action lawsuits under the FLSA has more than doubled since 1997. Responding to those lawsuits takes valuable time and resources away from businesses.

Although the intent of the revisions is to provide clarity in determining exemptions from overtime, there will likely be cases where interpretation may be difficult.

A hearing of the House Subcommittee on Workforce, Empowerment and Government Programs was held May 20 to solicit testimony on the impact of the FairPay rules on small businesses. While some trade associations representing specific sectors of the small business community gave testimony favoring the new regulations, other parties expressed concern that there is still considerable ambiguity in how exemptions are determined.

Some highlights obtainable from the Department of Labor's FairPay Web site fact sheets are as follows:

- Employed veterinarians would qualify for the "learned professional" employee exemption from guaranteed overtime pay if the following qualifications were met:

- • The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate of not less than \$455 per week.
- • The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment.
- • The advanced knowledge must be in a field of science or learning.
- • The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.
- Office administrators and managers could qualify for the "administrative" employee exemption from guaranteed overtime pay if the following qualifications were met:
 - • The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate of not less than \$455 per week.
 - • The employee's primary duty must be the performance of office or nonmanual work directly related to the management or general business operations of the employer or the employer's customers.
 - • The employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance.

Licensed and/or certified veterinary technicians, assistants, and receptionists do not qualify for the exemption, and therefore, must be paid at least the federal minimum wage for all hours worked and overtime pay at time and a half for all hours worked over 40 in a workweek.

Employers and employees should familiarize themselves with the new exemption classification tests to determine whether they are in compliance. Salaried employees and their employers would be well-advised to keep time cards, just as hourly workers are required to do. Questions should be directed to an attorney skilled in labor law. Information can be obtained by visiting the Department of Labor's Web site for FairPay:www.dol.gov/esa/regs/compliance/whd/fairpay/main.htm.

Illinois Department of Professional Regulation License Processing

Are you or one of the doctors in your practice waiting to get an endorsement or license approval from the Illinois Department of Professional Regulation (IDPR). This is a very busy time of year for veterinary license processing. According to the IDPR, they are only a few days behind keying in the application information submitted. Within a few days, they hope to be completely caught up with the data entry. After the information is entered into their system, it is expected that license applications will be reviewed and, if complete and within standards, approved in approximately four weeks. Endorsements are processed more quickly.

What does this mean? If you sent in your application materials two weeks ago, the IDPR has probably keyed in your information and your new license is approximately four weeks from being approved. If your application materials were sent within the last few days, you have to wait a few days before the information is entered into their system and then the four week clock begins.

Swiffer Wet Jet Safe for Pets

Procter & Gamble recently issued a letter disputing an urban legend regarding the safety of Swiffer Wet Jet or Weffer Wet for use around pets. Rumors circulating in the pet community and on the Internet allege that Swiffer products may be harmful to pets by having antifreeze as an ingredient.

Procter & Gamble's letter strongly denies the allegations and cite considerable research, evaluations and testing that contradict the rumors. The ASPCA's Animal Poison Control Center attested to the safety of the products: "ASPCA

Animal Poison Control Center Responds to Swiffer Wet Jet Rumor, Friday May 7, 2004. Veterinary Toxicologists regard allegations of liver failure and death from household cleaner as unfounded." Responding directly to the rumor that Swiffer Wet Jet contains "antifreeze" ingredients like ethylene glycol, the Center states that, "Propylene glycol n-propyl ether and propylene glycol n-butyl ether are very safe ingredients at levels used in cleaning products and do not cause kidney or liver failure."

The full statement from ASPCA can be read at [ASPCA: ASPCA Animal Poison Control Center Responds to Swiffer Wet Jet Rumor](#).